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SENATE—*Wednesday, July 25, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we thank You for this day and for the freedoms and liberties of this Nation. Bless our leaders with wisdom and compassion so that they may serve You with faithfulness.

Guide our Senators so that they will honor one another and serve the common good. Help them to remember that they live and govern only through Your grace. Lord, pour Your love into their hearts so that their words and actions may be seasoned with Your fragrance.

Also, Lord, extend Your loving-kindness to those in our world who do not experience the blessings of freedom. Use our lawmakers to bring deliverance to captives and to help the oppressed go free. We desire to pray according to Your will. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 25, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning we will be in a period of morning business for 1 hour. The first half will be controlled by the Republicans. Once morning business is closed, the Senate will resume consideration of the Homeland Security appropriations bill.

I understand there are a number of amendments that are being talked about to be offered on this legislation today. I hope Members come and do that as quickly as possible.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. REID. Mr. President, I yesterday asked by unanimous consent that we adopt the Wounded Warrior legislation that was brought to the Senate during the Defense authorization bill in a form of a bipartisan amendment. A number of Senators worked very hard. Senator MURRAY is on the floor. She worked very hard, and a number of Senators have worked very hard on this legislation. It came about as a result of what we learned at Walter Reed about how our returning troops from Iraq and Afghanistan were being basically neglected. They had been wounded, and they were receiving unacceptable and poor treatment when they came home. That failure was learned about—not only about the veterans care system, which had many bureaucratic failures, but also the physical facilities that were there failed to meet a minimum level of acceptability. The American people were outraged by the facts that came to light, and the Senate took prompt action.

The Wounded Warrior amendment, now in legislation that is before the Senate, would address the substandard facilities we have talked about and we have seen. It would address the lack of seamless transition and develop one when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which oftentimes in the past has led to diminished care. It addresses the inadequacy of severance pay. It addresses the need for improved sharing of medical records between the Department of Defense and the Veterans' Administration. We are told now that there are as many as 600,000 pending claims of returning veterans. It addresses the inadequate care and treatment of traumatic brain injury and post-traumatic stress disorder, and a number of other very important items.

So I again renew my request. Yesterday we were told that the Republicans were looking at this. Mr. President, I am going to renew this request. There are all kinds of reasons, I guess, for objecting to something such as this. Now I am told the reason for objecting is the pay raise isn't included. The Wounded Warrior legislation becomes effective upon passage and approval. The pay raise for the troops doesn't become effective until October 1 or January 1—I don't know how the legislation reads, but it is not now. So that would not be a good reason in my estimation, and I think in the estimation of these wounded warriors, for objecting.

The pay raise does not become effective until the beginning of the fiscal year. In fact, I think it is January 1 of next year. It is different than a number of things we pass. But it does not become effective now. So if that is a reason for objecting, it is a poor reason, because they are two different issues. One is the pay raise does not become effective now; this does become effective.

So I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1538, and the Senate proceed to its immediate consideration; that the substitute amendment at the desk, which is the text of the Wounded Warriors provision in H.R. 1585, be considered and agreed to; the bill, as amended, be

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

read a third time, passed, and the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I would hope to get the majority leader to amend his unanimous consent request. I notified him through floor staff that it would be my hope we could modify the unanimous consent request and not only pass the Wounded Warrior provision, which was regretfully taken down along with the Defense authorization bill last week, but modify that to include the language of section 601 of the Defense authorization bill, which would provide for an increase in military basic pay of all of our uniformed military personnel. So if the majority leader would modify his consent agreement as I have suggested, the bill, in effect, that we would be passing would be Wounded Warrior, plus the military pay raise. That would be my suggestion to the majority leader.

I am not going to object to his unanimous-consent agreement. I agree with him that the Wounded Warrior provisions are extremely important. I was disappointed it was taken down along with the Defense authorization bill last week, but I would respectfully suggest that it be modified to include the pay raise as well.

Mr. REID. I accept the modification.

The ACTING PRESIDENT pro tempore. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. REID. Mr. President, could we also send this matter to conference?

Mr. MCCONNELL. Mr. President, let me suggest, I do need to consult with the ranking member. I am sure that won't be a problem, but to do it on the spur of the moment without consulting with the ranking member, it would probably not be acceptable to my side. But I can't imagine this would be a problem, and we will get back to the majority leader shortly.

Mr. REID. I understand that, Mr. President. I appreciate the cooperation. This is a good step forward.

The amendment (No. 2402) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 1538), as amended, was read the third time and passed.

Mr. LEVIN. Mr. President, I have offered the Dignified Treatment of Wounded Warriors Act as a stand-alone bill that incorporates the provisions of the Dignified Treatment of Wounded Warriors Act as marked up by the Armed Services Committee and as amended when offered as an amendment to the Department of Defense Authorization Act and passed by a vote of 94 to 0.

Our wounded warriors cannot wait, and should not have to wait, for us to finish the Department of Defense Authorization Act to get the relief contained in this bill. The bill incorporates the ideas of many Senators and the consideration of both the Armed Services Committee and the Committee on Veterans' Affairs. A total of 51 Senators have cosponsored this legislation. It is truly a bipartisan effort to address shortfalls in the care of our wounded warriors. I am delighted the Senate is passing this bill today so that we can move forward to conference with the House of Representatives to reach agreement on a bill that both the House and Senate can pass and send to the President.

This bill addresses the issue of inconsistent disability ratings by requiring that the military departments use VA standards for rating disabilities unless the Department of Defense rating is higher. The bill adopts a more favorable statutory presumption for determining whether a disability is incident to military service by adopting the more favorable VA presumption. The bill requires two pilot programs to test the viability of involving the Veterans' Administration in the assignment of disability ratings for the Department of Defense. The bill also establishes an independent board to review and, where appropriate, correct unjustifiably low Department of Defense disability ratings awarded since 2001.

This bill also addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of injured servicemembers who will transition from the Department of Defense to the VA. The bill establishes a Department of Defense and a Department of Veterans Affairs interagency program office to develop and implement a joint electronic health record.

This bill authorizes $50 million for improved diagnosis, treatment and rehabilitation of military members with traumatic brain injury, TBI, and posttraumatic stress disorder, PTSD. The bill requires the establishment of centers of excellence for both TBI and PTSD to conduct research and train health care professionals. The bill requires that the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, report to Congress with comprehensive plans to prevent, diagnose, mitigate and treat TBI and PTSD.

This bill increases the minimum severance pay to 1 year's basic pay for those separated with disabilities incurred in a combat zone or combat-related activity and 6 months basic pay for all others. This is quadrupling or doubling, depending on the circumstance, the current arrangement. The bill also eliminates the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

This bill also addresses the problem that exists because medically retired servicemembers who are eligible for Tricare as retirees do not have access to some of the cutting-edge treatments that are available to members still on active duty. The bill does that by authorizing medically retired servicemembers to receive the active duty medical benefit for 3 years after the member leaves active duty. This can be extended to 5 years where medically required. The bill authorizes military and VA health care providers to provide medical care and counseling to family members who leave their homes and often leave their jobs to help provide care to their wounded warriors. The Dignified Treatment of Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for military medical treatment facilities, specialty medical care facilities, and military housing for outpatients that will be uniform and consistent and high level throughout the Department of Defense.

This bill also includes measures proposed by the Committee on Veterans' Affairs under the leadership of Senator AKAKA that address shortfalls in the VA system for care of our wounded warriors after their transition to the VA.

So in summary, the Dignified Treatment of Wounded Warriors Act is a comprehensive approach that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care of our wounded warriors while they remain in military service, during the transition from the military to the VA, and after this transition, while in the care of the VA.

Our wounded warriors deserve the best care and support that we can muster. The American people rightly insist on no less. This wide-ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well.

• Mr. MCCAIN. Mr. President, today the Senate adopted, by unanimous consent, legislation that will make a significant difference in the lives of America's wounded warriors and veterans. I applaud the passage of the Dignified Treatment of Wounded Warriors Act and the 3.5 percent across-the-board pay raise for the men and women of the U.S. military.

This legislation bridges the gap in health care coverage for the severely wounded, and ensures their access to the broadest possible range of health care services. It authorizes additional care and support for families who are caring for the wounded. The bill increases traumatic brain injury care for veterans, and access to mental health evaluations. It requires the Secretaries of Defense and Veterans Affairs to develop and implement new policy to better manage the care and transition of our wounded soldiers. It also empowers a special board to review disability ratings of 20 percent or less, and to restore to wounded soldiers, if appropriate, a higher disability rating or retired status. And, it authorizes additional funding for traumatic brain injury and post-traumatic stress disorder.

The disability evaluation systems of the Departments of Defense and Veterans Affairs are out of date and in need of reform. This legislation advances that reform by requiring the immediate initiation of pilot projects to fundamentally change and streamline those antiquated systems. The bill also improves benefits related to administrative separation from the military due to injury, increasing severance pay and eliminating the requirement that severance pay be deducted from VA disability compensation for injuries incurred in a combat zone.

The legislation requires the Secretary of Defense to inspect and improve medical treatment and residential facilities, and to study the accelerated construction of new facilities at the National Military Medical Center at Bethesda, MD.

This legislation is an important step toward restoring trust for America's wounded soldiers and veterans. The Senate can be proud that it has put the needs of wounded warriors and our selfless service men and women ahead of partisanship, jurisdictional boundaries and disagreements over policy. We are now ready to move foward to conference with the House of Representatives and make overdue improvements for our soldiers, their families, and our veterans.

While I am pleased we have been able to take this action today, very critical improvements to defense policy and programs remain in the unfinished work on the National Defense Authorization Act for 2008, which the Democratic Senate leadership pulled from the Senate floor last week because of policy disagreements on Iraq.

Failure to pass the Defense authorization bill will curtail many needed initiatives to support our military personnel and their families and to continue the fight on the global war on terror. Our military forces deployed throughout the world, including Iraq and Afghanistan, need the resources, training, and equipment that this bill would provide. Examples of the important authorities that are being held hostage to the contentious debate on policy in Iraq include: increasing in end-strength for the Army and Marine Corps; providing combat-related special compensation to serve members who are; medically retired because of a combat-related disability; paying over 25 special pays and bonuses designed to improve military recruiting and retention; improving military equipment needed to protect deploying forces, including $4.0 billion for mine-resistant vehicles known as MRAPs; updating Army combat systems and additional funding for armor and aviation survivability equipment; building five warships and funding for Virginia class submarines; increasing the number of Department of Defense and Department of Energy programs to help reduce the threat of nuclear materials from the former Soviet Union falling into the hands of terrorists; encouraging more focused competition for the billions of dollars that the Department of Defense spends on contract services; and providing critical authorities to combatant commanders to address security priorities and support allies, coalition partners, and others in the war on terror.

I call on the Senate leadership to resume consideration of the Defense authorization bill at the earliest possible time, so that these and many other critical pieces of the legislation will become law for the benefit of our troops. Swift passage of the National Defense Authorization Act for 2008, coupled with support for our wounded warriors and hard-working troops together represent the full measure of support for our military forces that they need, and that they unquestionably deserve.•

Mr. WARNER. Mr. President, Senator LEVIN, along with Senator MCCAIN, have forged a comprehensive, bipartisan legislative package to ensure that wounded and injured members of the Armed Forces receive the finest care and benefits, which they richly deserve.

I thank Senators on both sides who participated in this legislation, on the basis of their own legislative initiatives and their amendments—10 of which were agreed to when the bill was considered by the full Senate on July 12, 2007.

I want to underscore that this bill is—in no way—a reflection of concern about the quality of acute medical care that our soldiers, sailors, airmen, and marines receive when they sustain wounds or illness in the field of battle.

Our men and women in uniform receive the best treatment anywhere in the world, and that fact has been sustained by every outside panel studying the problems arising from the disclosures at Walter Reed last February.

In fact, just today, the President's Commission on Care for America's Wounded Warriors, the Dole-Shalala Commission, found that the survival rate of those seriously injured has markedly increased compared to the rate in Vietnam and previous wars.

The report of a commission appointed by Secretary Gates, and led by two distinguished former Secretaries of the Army, Togo West and John Marsh confirms this by stating: Through advances in battlefield medicine, evacuation care, the Department has achieved the lowest mortality rates of wounded in history.

Let us never doubt the bravery and skill of our medical personnel.

This bill, approved by the Senate this morning, addresses the failure of systems—again, quoting from the Department of Defense Commission report—failures which included the: product of bureaucratic behavior, inability to reconcile institutional disparities, and leaving the wounded warrior and family to untangle that which government agencies cannot.

It is with great humility that I recall that I was the first Member of the Senate to visit Walter Reed—on February 23, 2007. It happened to be the same day that Secretary Gates visited Walter Reed to conduct his own inspection.

In the intervening months, many encouraging developments have taken place. I applaud the leadership of Secretary Gates in promptly taking action to correct deficiencies at Walter Reed, and insisting on accountability for failures in leadership that contributed to unacceptable conditions for our soldiers.

Our committee has also have received assurances from the Secretary of the Army Pete Geren, Deputy Secretary of Defense Gordon England and the Deputy Secretary of Veterans' Affairs Gordon Mansfield, that each will work tirelessly to improve the consistency and effectiveness of their management of all soldiers and veterans.

The bill which has now been passed by unanimous consent is comprehensive and deserving of our support. It incorporates many of the findings of completed studies and reviews, as well as the constructive ideas of Members of the Senate.

This legislation will ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

It will improve physical and mental health benefits for the severely wounded, to ensure that they have the broadest possible options for care from military, veterans and private sector health care resources.

It includes significant initiatives in the areas of traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, for soldiers and veterans. This addresses the Dole-Shalala findings that over 52,000 Iraq and Afghanistan returning veterans have been treated for PTSD symptoms by the VA.

This legislation also creates a special review board to reexamine disability determinations which fall below the 20 percent threshold if a former member of the armed services feels that he or she received an unfair rating.

Additionally, the bill requires the Departments of Defense and Veterans Affairs to rapidly move to fundamentally change and improve the disability evaluation systems within the two departments.

I am pleased that the legislation will ensure that as policies and programs are developed to improve care and management of wounded soldiers and veterans, that such policies and improvements will apply equally to members of the Active and Reserve components.

The bill also requires that military personnel continue to receive the best possible care at Walter Reed Army Medical Center until equivalent medical facilities are constructed at the National Naval Medical Center, Bethesda, MD, and the Fort Belvoir, VA, Army Community Hospital—and requires the Department of Defense to study the feasibility of accelerating the relocation of medical capabilities in the National Capital Region required by the Base Realignment and Closure Act of 2005.

The Senate can be proud that it has put the needs of our wounded warriors first and set forth bipartisan jurisdictional boundaries.

I want to thank my colleagues—especially Senator AKAKA, chairman of the Senate Committee on Veterans Affairs, and Senator CRAIG, the ranking member, for their cooperation, and for the work of both our committee staffs—working together—in the preparation of this legislation.

It is my hope that we will proceed expeditiously to conference with the other body on wounded warrior legislation and promptly resume consideration of the National Defense Authorization Act for 2008 when Congress reconvenes in September.

We owe this to our men and women in uniform and their families stationed throughout the world. They deserve nothing less than our full support.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, and with the Republicans controlling the first half and the majority controlling the second.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I wish to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JASON LEE BISHOP

Mr. McCONNELL. Mr. President, most of the men and women who wear our country's uniform would not call themselves heroes, but I am afraid I would have to disagree with that. Those who fight abroad for our freedom here at home are, indeed, heroes. I rise to honor one special Kentuckian among them who was lost to us in the line of duty.

SFC Jason Lee Bishop of Covington, KY, was killed by a car bomb while on patrol operations in Siniya, Iraq, on New Year's Day of 2006. A member of the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, KY, he was 31 years old.

For his outstanding service as a soldier in the U.S. Army, SFC Bishop was awarded the Bronze Star Medal and the Purple Heart, as well as many other medals and honors of distinction.

Jason was the first of four children born to his parents Frank and Brenda Bishop in the northern Kentucky town of Covington. His mother remembers Jason as a young child standing on the seat in the family car and singing along with the radio, especially to Kenny Rogers.

Riding in the car with his father was a different experience. Frank taught young Jason how to drive by putting him in the driver's seat at the top of a hill, disengaging the parking brake, and issuing one command: "Drive." On a stick shift, no less.

Jason and his dad enjoyed deer hunting and fishing together, something they did whenever the opportunity arose. Playing cards was another way the two enjoyed each other's company. His family says Jason learned to count using playing cards.

Jason graduated from Covington Holmes High School in 1993 with 4 years of junior ROTC experience. He entered the Army immediately upon graduation.

After basic training and assignment at Fort Knox, also in my State of Kentucky, Jason was sent to the Republic of Korea. He also was deployed to Bosnia for a 10-month tour. Later assigned to Fort Campbell back in Kentucky, Jason was promoted to sergeant first class.

Completing Drill Sergeant School was one of SFC Bishop's proudest accomplishments. Earning that drill sergeant badge was physically and mentally grueling, perhaps the toughest of all of his assignments.

Jason became a darn good drill sergeant. A fellow drill sergeant who served with him at Fort Knox, SFC Daniel Webster, says he is not aware of any combat deaths among the 1,000 men Jason trained at Fort Knox—a remarkable record. "There is no doubt in my mind soldiers are coming back from Iraq and Afghanistan alive because Jason was so committed to their training," SFC Webster added.

In July of 1999, while stationed at Fort Knox, Jason met the woman he would marry, Katrina Bishop. They took their vows in 2002. "He and I were soulmates," Katrina says.

They had a son, Matthew Franklin Bishop. Only 1½ years old when Jason deployed for the last time, he idolized his father. Matt "quickly became his shadow," Katrina says. "Wherever Daddy was, Matt had to be too."

In September 2005, Jason and his unit deployed to Iraq. They would come home without him in September of 2006.

Jason is loved and remembered by his parents Frank and Brenda Bishop; his sisters Jamie, Lacey, and Julia Bishop; his wife Katrina Bishop; his son Matthew Bishop; his daughter Morgan Bishop, as well as many other beloved family members.

A wall that stands at Fort Knox to honor all of the fallen heroes in Iraq and Afghanistan has been named for the soldier who once served there. It is called "Bishop's Wall of Remembrance."

There is also a Sergeant First Class Jason Bishop Memorial Park at Covington that sits directly across from the house in which Jason grew up.

But the tribute to Sergeant First Class Bishop I can speak to most is this medal.

This medal, this coin was sent to me by Katrina Bishop. The Bishop family had it made in honor of their son. On one side it lists Jason's dates of birth and death, his assignment in the 101st Airborne Division, and his service in Operation Iraqi Freedom.

On the other side of the coin it reads: "Sergeant First Class Jason Lee Bishop" and has a picture of his sergeant's stripes. It also lists seven attributes that the Bishop family chose to remember their son, husband, and father by: loyalty, honor, duty, integrity, respect, selfless service, personal courage.

Mr. President, this medal is the Bishop family's reminder of Jason's life, which was tragically ended, and of their love for him, which will never end.

I thank Katrina Bishop for this gift, and I will be honored to keep it in my office. It will serve as a reminder to me, as well, of how much we owe the men and women of our Armed Forces whose highest calling is to fight for the freedom of others.

I ask the Senate to pause for a moment today and hold the family and friends of SFC Jason Lee Bishop in their prayers. They certainly will be in mine.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, first, I want to compliment the distinguished minority leader for not just recalling the sacrifices of the family and members of the U.S. military today, but for his efforts to do that for a long time now on the Senate floor. He focuses on Kentuckians who have a long history of service to their country, and rightly so. I know he would add to that the service of those members of our military and their families from all over this country and add them to our prayers and thoughts as well. We spend time in Washington debating policies that affect them, and they are living it every day, every minute of every day. I appreciate the words he brought to the Senate floor not just on this occasion but on previous occasions as well.

Mr. President, I will talk about the action taken earlier by the majority and minority leaders. We have now, by unanimous consent, approved two key provisions of the Defense authorization bill by unanimous consent in a period of 3 or 4 minutes. Yet it took the last 2 weeks to debate the Defense authorization bill, only to have it pulled from the floor so that we could not vote on it. It was used by the majority leader as a surrogate for the debate on Iraq policy. We have had something like seven or eight different resolutions—perhaps more, I have forgotten the count this year—on policy relating to Iraq. There is no more important national security issue facing our country than the war against terrorists, and certainly the central battle field in that war is the Iraq war.

Republicans do not shy away from the debate about what to do. It is an extraordinarily important debate. On the other hand, I would have two arguments with the way this has been done. First, the time of the debate right now is misplaced because after the Senate unanimously confirmed General Petraeus, after the President had changed his course and consulted with General Petraeus and others about a new strategy, and that strategy was developed, we sent General Petraeus to Iraq to begin executing that strategy. We put together five brigades to represent a surge in troop strength to accomplish the mission, the last of which went into the theater about a month ago.

When we did that, we made a commitment to the soldiers, marines, airmen, and all the Navy personnel to back them in what we sent them to do, not to immediately begin questioning whether they could succeed in their mission. We heard a lot of calls from the other side of the aisle that were very defeatist in nature, saying it was already lost and there was no way they could win. That is, obviously, not a good sendoff for the young men and women you are putting in harm's way to accomplish a mission that is important to the American people.

So the timing of the debate was off. General Petraeus and Ambassador Crocker will report back here in September. It is an interim report on this new strategy. But we have an idea that it will tell us a lot about the future course of action we should pursue. I think most Americans believe, even though all of us would like to have the troops come home and have our engagement there ended as much as it can, the reality is that Americans don't want to lose, don't want to be defeated. They certainly don't want to see the consequences of that defeat, with al-Qaida having a base of operations in Iraq, perhaps millions of Iraqis slaughtered in the ensuing chaos, and U.S. policy in the war against terror undercut dramatically in that very important region of the world. So the timing was off.

Secondly, using the Defense authorization bill as the surrogate for that debate was wrong. This is a little bit of an inside-the-beltway discussion, but the American people need to know why this is wrong. Each year, for 45 years, the Senate has passed a Defense authorization bill setting the policy for our national security for the following year and establishing the authorization for troop strength, military weapons acquisitions, policy related to missile defense, and you name it. The President has signed the Defense authorization bill. That then enables the Congress to appropriate the money to pay for the things that we believe are necessary for the military.

But this year, instead of having the debate and amending that bill and passing it, it was simply used as a vehicle to debate Iraq. Then when the last Iraq resolution was defeated, the bill was not passed. It was pulled from the floor. That left extraordinarily important policy hanging—policy on which our military troops rely.

This is not the first time the Democratic majority has had second thoughts about action it has taken on the Senate floor. I am glad it is having second thoughts about this bill. But by the action that has been taken, we are still not going to be adopting good policy in the right way. There are consequences to this piecemeal approach.

Let me illustrate my point. What we have just done this morning is to do two very important parts of that bill: To adopt a 3.5-percent, across-the-board pay raise for uniform military service personnel, and to adopt the language from the Dignified Treatment of Wounded Warriors Act, both of which were critical components.

Senator JOHN McCAIN, my colleague from Arizona, spoke eloquently regarding both matters on this floor on numerous occasions. I know were he here now, he would be pleased at the action the Senate has taken.

Let me cite a few of the things that have been left on the cutting room floor as a result of not passing the Defense authorization bill, but rather simply taking a couple of provisions that are obviously popular with our constituents and leaving the remainder behind. Here are a few of the things we are not adopting as a result of this piecemeal approach: Senator JOE BIDEN noted that the MRAP, or Mine Resistant Ambush Protected vehicles, "are the best available vehicle for force protection" for our troops. He is right. There was $4.1 billion in the act to authorize payment for this equipment. Not adopted.

It authorizes the new hiring and bonus authorities to assist the Defense Department in recruiting and retaining needed, quality health and mental care professionals in the military. Not adopted.

It authorized $50 million in supplemental educational aid to local school districts affected by the assignment and location of military families. That is something all military families know about. Not adopted.

It authorized payment of combat-related special compensation to servicemembers who are medically retired due to combat-related disability. Not adopted.

It included provisions to examine and strengthen security forces at defense sites storing weapons-grade nuclear materials. That is a very important provision relating to nuclear deterrent. Not adopted.

It would have satisfied the Army Chief of Staff's unfunded requirements list by authorizing an additional $2.7 billion for items such as reactive armor, aviation survivability equipment, combat training centers, and machine guns—a variety of things the Pentagon said were necessary to support the missions of our men and women in the military. Not adopted.

My point here is that when you use the Defense authorization bill for the purpose simply of having a debate on Iraq, there are a lot of bad consequences to not passing that bill. You cannot cure them by simply picking a couple of the more politically popular items, such as we have done today, and getting those adopted by unanimous consent. I am delighted that we have done it, but that is not the end of the story if we are really going to support the mission of our troops.

Mr. President, let me conclude on this thought. To some extent, this debate we had in the last 2 weeks just on the Iraq war is a manifestation of what has gone on in the Congress for the last 200 days. It is hard to believe that 200 days is gone. What does this Congress have to show for its actions and being in session for these 200 days? I cannot say nothing because the reality is, we have approved and named 20 post offices. That is a post office every 10 days. It is not exactly heavy lifting, but it is something. As a matter of fact, it is the main thing this Senate can point to in terms of accomplishment. The only other thing of substance was the minimum wage increase, which, unfortunately, did not include the benefits to small businesses that have to pay the minimum wage in terms of tax relief, which Republicans tried to have included. Of course, we had to pass the supplemental appropriations bill to fund the war effort. That is it.

I apologized yesterday for calling this a "do-nothing Congress." After all, we have named 20 post offices. Let's call it the "post office Congress." Perhaps in the remaining time this year we will pick up the action. Perhaps we will find ways to accomplish things that the American people really want us to do.

One of the big problems we can see is because we have not done the appropriations bills to fund everything from the military to the Departments of Justice and Commerce, all of the other departments of Government that serve the American people are going to be facing a trillion-dollar-plus Omnibus appropriations bill this winter. That is the worst of legislating. It is kind of the opposite of what we are doing with the Defense authorization bill where we don't pass the bill, but we pick two or three items that are politically popular and do them by unanimous consent.

In this case, you don't do anything to fund the Government until the last few days, and then you ball it up into one giant bill, thinking nobody can vote against it because, after all, it is either all or nothing.

That is very bad legislating and something I think we are going to resist because it represents not just an increase in spending but will undoubtedly represent bad policy as well.

Mr. President, my hope is that this "post office Congress" can get on to some other business. I am delighted we have been able to select two items from the Defense authorization bill to adopt by unanimous consent today. But that will not correct the deficiencies. I hope my colleagues, in the remaining time before the August work period, and in the months of September and October, will roll up their sleeves and work on the problems the American people sent us here to resolve.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains on this side in morning business?

The ACTING PRESIDENT pro tempore. There remains 17½ minutes.

RECENT SENATE ACTIONS

Mr. CORNYN. I thank the Chair.

Mr. President, last week was not a great week in the U.S. Senate. We had an overnight session that was designed to highlight the efforts by the majority to pass a timetable for withdrawal in Iraq, regardless of the consequences of that timeline and that withdrawal.

We then had another episode where I think both sides of the aisle were sort of forced to look in the abyss and to pull back because, as I am sure the Chair and other colleagues will recall, there was an amendment clearly offered to embarrass the President and this side of the aisle based upon the commutation of the sentence of Scooter Libby. There was an amendment offered highlighting the dozens of pardons issued by President Clinton. As you will recall, Mr. President, people paused at where we had gotten to in this debate—the acrimony and incriminations—and decided to figuratively lay our guns on the table and walk away.

That vote on the Scooter Libby commutation was actually vitiated, something I have never seen happen before, but I guess anything can happen by unanimous consent in the Senate, and it did. And there was no vote on the amendment to deal with the Clinton pardons.

I mention those because I think, unfortunately, the Senate has gotten to a bad place, not only in the eyes of the American people, where 16 percent, according to the most recent poll I have seen, believe the Senate is doing a good job, but we have gotten to a bad place in terms of the hyperpartisan atmosphere and the point-scoring that seems to take precedence over all other matters. That is not the kind of Senate I ran to serve in, and I know that a number of colleagues feel exactly the same way.

On Tuesday mornings, thanks to Senator LAMAR ALEXANDER of Tennessee and Senator JOE LIEBERMAN of Connecticut, we have instituted a new breakfast meeting each week. It is a bipartisan meeting. This was the subject of some conversation—the amendments, the hyperpartisan atmosphere, and really the episodes I just mentioned that occurred last week.

Again this morning, on Wednesday morning, one of the highlights of my week, I attended the Senate Prayer Breakfast. It is also bipartisan, obviously. This was brought up again, although I am not going to go into any detail since both of those meetings occur without any policy statements and, obviously, press is not invited; it is a private meeting where Senators can come together on a bipartisan basis, both at the Wednesday breakfast and the Tuesday breakfast, and talk about issues we care about, trying to do things for the American people, in the case of a prayer breakfast to share stories and get to know each other a little bit better.

I will say that there is some recognition that the Senate has too many team meetings—and by that I mean with Republicans meeting with other Republicans trying to figure out how we can win or score points against Democrats and Democrats meeting with Democrats thinking about ways they can score points against Republicans—and not enough meetings where we get together on a bipartisan basis to try to figure out what we can do to get business done for the benefit of the American people.

Senator KYL mentioned the woeful record of accomplishments so far this year. I note that beyond the unanimous consent requests that were proffered this morning that passed the Wounded Warrior legislation and the pay raise for our men and women in uniform, the minimum wage increase is the only substantive legislation that has passed so far this year, notwithstanding that being part of the "6 for '06" part of the campaign our friends on the other side of the aisle made part of their agenda.

I note, as Senator KYL has pointed out, that since taking power more than 200 days ago, the new majority has renamed 20 post offices. But my point is that it has opened more than 300 investigations and held more than 600 oversight hearings. Unfortunately, this has resulted in an effort to try to score political points by looking backward, conducting investigations about matters that have happened in the past or, I fear, too often partisan purposes and at the loss of our ability to look forward and figure out how do we work together to solve problems.

I guess one of the most recent manifestations of this hyperpartisan atmosphere and the kind of point-scoring we see going on, to the detriment of passing good bipartisan legislation, the Senator from Wisconsin, Mr. FEINGOLD, announced recently his intention to submit two resolutions to censure the President, one for his handling of the war in Iraq and the other for antiterrorism policies the administration has established. Of course, if he does follow through with his stated intention to submit these censure resolutions, that would prompt debate on what I believe would be meaningless political gestures and would further delay substantive legislation we should be considering.

Senator KYL mentioned the most direct example of the kind of game-playing we have seen recently with the Defense authorization bill. Of course, that served as the platform for the debate on the withdrawal resolutions and the sense-of-the-Senate resolution offered by Senator LEVIN and Senator REED, but when that did not pass, of course, that legislation was pulled from the Senate's agenda. Of course, as Senator KYL pointed out, there are a lot of important parts of that bill which will not be enacted because it was pulled down.

I am glad to see that the Wounded Warrior legislation, which I have worked on as part of the Senate Armed Services Committee, has now passed, as well as the 3-percent across-the-board pay raise. But other important parts of that legislation have not been passed, including a $4.1 billion authorization to procure Mine Resistant Ambush Protected vehicles. These, of course, are a new design of vehicles that are designed to defeat improvised explosive devices, which have been one of the most deadly weapons used against our troops in Iraq. Unfortunately, many of these weapons have been shipped, especially explosive foreign penetrators, from Iran to Iraq.

There are other important parts of this legislation: For example, adding $2.7 billion for items on the Army Chief of Staff's unfunded requirements list, including money for reactive armor and Stryker requirements; $207 million for aviation survivability equipment; $102 million for combat training centers, and funding for explosive ordnance equipment, night-vision devices, and the like.

There is also $50 million in supplemental educational aid to local school districts affected by the assignment or location of military families, so-called impact aid, which affects my State. A lot of school districts depend on that money which is provided to local school districts because, of course, Federal property cannot be taxed for purposes of local education, and when you have a Federal military installation there with a lot of children going to those schools, the only way they can pay the bills is to get this impact aid.

I could go on and on. Unfortunately, because of what we have seen in this hyperpartisan atmosphere, those important provisions of the Defense authorization bill have not been passed, although I am glad that the Wounded Warrior legislation and the 3-percent pay raise did pass this morning by unanimous agreement.

Then, of course, we see another casualty of the hyperpartisan atmosphere where it took more than 100 days for the new majority to allow the passage of an emergency war funding bill for our troops in combat. This delay caused a lot of dislocation and hardship for our men and women in uniform and their families, the very people we ought to be trying to lighten the burden for rather than burden them further with the political theater and the political wars in the Senate.

Then there is the issue of judicial nominees. The last 2 years of President Clinton's term of office, with a Republican-controlled Congress, there were, if memory serves me correctly, 15 to 17 circuit court nominees confirmed. So far, we have only had a handful confirmed by this Congress, and we have judges stuck in this slow walk of a process—for example, judges such as Leslie Southwick, a nominee for the Fifth Circuit Court of Appeals.

Judge Southwick's qualifications and credentials are outstanding. The American Bar Association has given him its highest rating. He was approved unanimously by the Senate Judiciary Committee for a life-tenured position as a U.S. district judge during the 109th Congress. Although he is from Mississippi now and serves on the State courts in Mississippi, he graduated from the University of Texas in 1975. After completing law school, he clerked for the presiding judge of the Texas Court of Criminal Appeals and then for Judge Charles Clark on the Fifth Circuit Court of Appeals. After a few years in private practice, Judge Southwick reentered Government service in 1989 when he became a deputy assistant attorney general for the U.S. Department of Justice. In 1994, Judge Southwick was elected 1 of the first 10 judges on the Mississippi Court of Appeals. He remained on the bench, except for a military leave of absence from 2004 until 2006. During that time, he served as a staff judge advocate for the 155th Brigade combat team in Iraq.

Despite his stellar qualifications and strong support from his two home State senators, so far it has been the demonstrated intent of our colleagues on the other side of the aisle to block his ability to get a vote in the Senate Judiciary Committee and to prevent him from getting an up-or-down vote on the floor of the Senate.

I should correct that. In fairness, the chairman of the Judiciary Committee has offered to give Judge Southwick a vote in the committee, but we know committee Democrats are poised not only to tarnish the good record of this judge but then to perhaps send him here with a negative vote in committee. I know there are talks that are ongoing.

Unfortunately, I think this is a demonstration again of the hyperpartisan atmosphere that unfortunately poisons relations, not only between colleagues in the Senate but turns off so many people across the country. It is regrettable.

My hope is, as we did last Thursday night, that we can walk away from this hyperpartisan atmosphere, seeing that basically no one wins when congressional approval hovers at 16 percent. It is hard to imagine that it could go much lower. Unless we turn away from the kinds of practices we have seen for the first 200 days under this new majority and unless we try harder to work together, have less team meetings and have more bipartisan meetings where we talk about what we can do to pass legislation for the benefit of the American people, I fear Congress will continue to be held in low esteem by the American people.

It is important that we wake to what should be a wake-up call that is provided by these low poll numbers and the recognition that this serves no one's best interests, certainly not the best interests of the American people.

My hope is that rather than just naming more post offices, rather than passing one or two bills, such as the minimum wage bill and now these bills by unanimous consent this morning, we will seize this opportunity to try to do what is in the best interest of the American people. That is why most of us came to the Senate. Unfortunately, we have been captivated by the partisanship that is insisted upon too often by narrow special interest groups that seem to spend a lot of time at the Capitol and have way too much influence, in my view.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mrs. MURRAY. Mr. President, earlier this morning, the majority leader, Senator REID, asked unanimous consent for the Senate to pass a significant piece of legislation, the Dignified Treatment of Wounded Warriors Act. That was agreed to, and the Senate has now accomplished a major step that I wish to take a few minutes to highlight this morning.

All of us were astounded earlier this year when the Washington Post ran a series of articles about the treatment of our soldiers, our men and women, at the Walter Reed facility. They outlined the horrific conditions that some of our soldiers were living in as they received treatment for their wounds from a war far away. After that, we talked to and heard about many soldiers who were in medical hold units not only at Walter Reed but across the country who were waiting not a few weeks, not a few months, but months on end—and even almost 2 years—to get their disability ratings so that they could be discharged from the military and continue on with their lives once they had been wounded.

I went up to Walter Reed with our majority leader and members of our leadership team to talk to some of the soldiers who were in medical hold at Walter Reed. They expressed complete frustration at what they found themselves in. It was not just the physical part of their living conditions, but it was the fact that they had other wounded soldiers who were their advocates trying to help them work through a disability system that made no sense to them, their advocate or to any of us who were listening.

They talked about their family members who were literally left on hold not knowing when they would be able to come home, get a job, go back to work, and resume being a part of their family again. They talked about long lines. They talked about paperwork that had gotten lost. They talked about not knowing they had traumatic brain injury even a year and a half after they had been wounded and came home.

No one had taken the time to ask them if they had been near an explosive device and perhaps they had some kind of brain injury. Yet they knew that they couldn't find their keys that they had set down, they couldn't remember the dates of their kids' birth, they couldn't remember what they had done a few years ago, much less today. They knew something was wrong, but no one had taken the time to ask them what they had seen on the ground in Iraq or what they had been involved with that might have caused a brain injury.

I went home to the State of Washington and talked to some of our soldiers who were in medical hold at one of our facilities in Washington State. I invited anyone who would like to come. I expected maybe a dozen, two dozen men and women to come over and talk to me. Over 200 showed up, expressing anger, frustration, and telling story after story after story of long delays in getting their disability ratings, in being unable to get their lives put back together, in not being diagnosed correctly.

Well, I am proud the Senate, in a few short months, has stood up and said: Not on our watch. Not anymore. This morning, in passing the Dignified Treatment of Wounded Warriors Act, we are moving forward in an aggressive way to make sure the men and women who have served our country so honorably are treated well when they come home. We are making sure those men and women who were asked to fight a war for this country, no matter how we felt about that war personally, those who went to the war and fought for our country don't have to come home and fight their own country to get the health care they so deserve and should get without having to fight someone for it.

This Senate acted in an aggressive way. Two of our committees, the Veterans' Affairs Committee, headed by Senator AKAKA, and the Armed Services Committee, headed by Senator LEVIN, in a bipartisan way, put together, for the first time, a historic joint committee to bring in experts to talk to us about what the needs were and what we needed to do. From those excellent recommendations from that joint hearing, we worked together in a bipartisan way to craft legislation that would require the Secretary of Defense and the Secretary of Veterans Affairs to develop a comprehensive policy by January 1 of next year on the care, management, and transition of our servicemembers from the military to the VA, or to civilian life, so our brave men and women don't fall into that transitional trap between the DOD and the VA anymore and feel like they have come home and been lost.

This is critically important. It is an aggressive action that, for the first time, will require the Department of the Defense and the Department of the VA to work together. Soldiers, men and women, too often feel like when they are in the service—in the Army, in the Navy, in the Armed Forces—there is a completely different system that doesn't even talk to our VA, which has a totally different disability system. Their paperwork doesn't go back and forth between each regarding how they are rated as disabled. The Army is completely different than how they are rated by the Veterans Affairs Department. That means their care is not adequate, it means they are frustrated, it means they are angry, and we say: No more. We are requiring now the Secretary of Defense and the Secretary of Veterans Affairs to jointly come back to us with a policy that makes sense for this country's men and women who have fought for all of us.

In this legislation, we also dealt with enhanced health care for our men and women who have served us. Too often they find their health care cut off long before they are able to get back and get a job. We authorize disability ratings of 50 percent or higher to receive health care benefits for 3 years. For some of the family members of a spouse—husband or wife—who have been injured, they lose their own health care. So we make sure we aggressively move forward and not allow our families to be left without health care while their servicemember is being cared for at one of our medical facilities.

We also focus dramatically on TBI, traumatic brain injury, and post-traumatic stress syndrome, two significant wounds of this war. We establish new centers of excellence within the Department of Defense, one for TBI and one for post-traumatic stress syndrome. We require the Department of Defense to analyze soldiers so they do not go home and end up like the young man who told me he had been discharged from the Army and for 18 months was at home. No one asked him when he was discharged whether he had been around any kind of IED explosion in Iraq. No one asked him how he was doing. For 18 months, he sat at home in a rural community in my State and wondered why he could no longer talk to his friends; wondered why he couldn't remember what he learned in school a few years ago; wondered why, as a young man of 22, he felt his life had changed dramatically and he didn't know who he was anymore. Eventually, he tried to take his own life. That should not happen to a service man or woman who has served us honorably.

What happened to him has happened to many other soldiers who have served us in Iraq. He had been around not 1, not 5, not 20, but more than 100 explosions while he was on the ground in Iraq. As a result, he had severe traumatic brain injury that was not diagnosed when he left. No one asked him when he was discharged whether he was having any problems. No one followed up when he got home, to see if he was adjusting okay.

We say, no more. We say the Department of Defense looks at every soldier when they come in and when they leave, asks them what kind of action they have seen on the ground in Iraq, and follows up with them and gives them the care so they can perform and come back to normal life as quickly as possible. This is the least we can do.

It has taken the Senate just a few months to aggressively go after this, to pass a bill through committee, to bring it here to the floor of the Senate and, very importantly, the full Senate this morning supporting that legislation and passing it to the House, hopefully quickly to conference and to the desk of the President of the United States. That is what our soldiers deserve. I am sorry it happened 4½ years after this war started. It should have happened before this war started with the preplanning that I will not go into this morning that obviously we did not have. But I will say as a Senator who did not vote to go to war in Iraq, I have said consistently—no matter how we felt about that war then or how we feel about it today—that we have an obligation, as leaders of this country, to make sure the men and women who fight for us get the care they deserve. The passage of this bill today is part of that commitment, and I am very proud of the Senate.

Later this morning, the commission the President has put in place, the Dole-Shalala commission, will also come forward with their recommendations. I look forward to seeing what they have to say, but this Senate is not going to sit around and wait for a report from anybody. We are moving, and moving aggressively. I hope whatever recommendations come out in the Dole-Shalala commission report that we see today do not end up on a dusty shelf in the White House, as the 9/11 Commission recommendations did or as the Iraq study commission recommendations did. I hope the White House works aggressively to make sure these recommendations—both from Congress and from their commission—are put into effect because whatever laws we pass will only be managed efficiently and effectively and work if the White House joins us in a partnership to make this happen.

I wanted all of our colleagues in the Senate to know, and for the country to know, we are moving aggressively forward to make sure the men and women who serve us are served as well by this country, and I am proud of the action of the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

HOMELAND SECURITY APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am pleased to rise today to talk about a bill that I am proud of, and of which all Americans should be proud.

I first want to commend the esteemed chairman of the Appropriations Committee, Senator BYRD for his commitment to drafting a bill that is in our Nation's best interest. I also would like to convey my respect for Senator BYRD and the ranking member, Senator COCHRAN, for the exemplary bipartisan they have shown in negotiating this bill and bringing it to the floor.

The Homeland Security Appropriations bill that will be before us later today is a clear indication that our priorities have changed. After years of neglecting key homeland security initiatives, this bill ends a trend that has been straining our first responders, forcing our States to come up with more, and leaving us more vulnerable than we should be 6 years after September 11.

This bill is part of a framework that we have created this year to restructure our priorities—and it is clear that homeland security is at the top of the list. I am proud of the levels we set in the budget resolution we passed earlier this year. As a member of the Budget Committee, one of my top requests to Chairman CONRAD was that we provide enough to the Appropriations Committee so that it could not just reject the President's cuts to key homeland security funding, but go above and beyond what has been funded in recent years. I thank Chairman CONRAD, for his commitment to homeland security funding in the budget resolution and for understanding what those funds mean to a State like New Jersey.

This year we have set the tone. The message is clear—when it comes to homeland security, the status quo just won't cut it. This bill says that loud and clear. By increasing overall funding by 8 percent over last year, we recognize that those on our front lines need our support. In this bill, they will get it.

For New Jersey, the funds in this bill mean the difference between having what we need to protect our high-risk areas and leaving our infrastructure vulnerable. The grants this bill provides means millions more for our ports to increase site security and implement key initiatives.

The increases for next year mean our fire departments will have the resources they need to hire new firefighters, to upgrade their equipment, and to reduce the long shifts far too many of them are working. The focus on first responder funding means our law enforcement will continue to have support to carry out key terrorism prevention efforts in our cities.

Perhaps most importantly, this bill does not take the approach that we can do what is minimally required and pretend that is enough. For all of the President's talks about how critical security at home is, for all the administration continues to warn us about how at risk we are for an attack, I am just dumbfounded because no matter where I look, I cannot find where he makes supporting our first responders a priority. No matter how hard I try, I cannot see how he expects our ports to be as secure as they should be 6 years after September 11. For all the reminders this administration likes to give the American people that we are at war, that we are vulnerable, that we must be vigilant, I do not see where we are matching that rhetoric with dollars.

This bill is about more than rhetoric. It is about providing what is needed.

I am proud that this bill rejects the President's cuts to first responders, and actually increases funding by $644 million. Nearly 6 years after September 11, would seem unfathomable that we would actually cut funding for first responders, but that is exactly what the President's budget called for.

In this bill, we provide more than $400 million than the President for firefighters. We increase funding for FIRE grants by $25 million more than last year so that fire departments can purchase new equipment. When nearly a third of firefighters are not equipped with a self-contained breathing apparatus or portable radios, I think there is no question that these funds are sorely needed. One of the grant programs I hear about the most, as I am sure do many members, is the SAFER grants. I have listened to firefighters from my State far too many times plead for the SAFER grants not to be cut. And yet, every year, this is a fight we have had to have with the administration. I truly hope this is the last year. These grants help departments increase their staff, often so they can cover more 24-hour shifts. Our bill increases funding by $13 million over last year.

I am also extremely proud of the direction this bill takes us for improving key grant funding to States and our most at-risk areas. This bill restores the two major grant programs, the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program, and increases funding for urban area security grants. For reasons I cannot explain, the President sought to cut State homeland grants in half, and practically eliminate the law enforcement grants.

For States like New Jersey, these funds are not just an added bonus—they are essential. These grants allow States to purchase equipment, train first responders, put in place response plans, and a whole host of other critical activities. By restoring cuts to these programs, officials in New Jersey will have the confidence that we are working to provide them every last dollar, and that we understand how critical this funding is.

Our bill also provides an increase for the Urban Area Security Initiative, the only fully-risked based funding of its kind, designed to help the most high-threat urban areas. I have spoken on this floor before about the unique threats that our UASI—Urban Area Security Initiative—region in northern New Jersey faces. As one of the most densely populated areas in the Nation, we face the complexity of populous neighborhoods nestled among high-profile infrastructure, including the largest port on the east coast, a major international airport, and a string of chemical plants—which makes up what is known as the "2 most dangerous miles" in America. When people back home hear that, they ask me what we are doing to protect that area, because those 2 miles are not isolated—thousands drive by it every day, and many live close enough to call it their backyard. When we pass this bill, I can tell them that yes, we are working to make more funding available, yes, we are addressing those areas most at risk.

Our bill also seeks to end the trend of pouring our resources into aviation security and spending pennies in comparison on rail, mass transit, port, and chemical security. This bill more than doubles funding for rail and transit security, and far exceeds what our past funding bills have done for port security. We provide $400 million for port security grants, a level which our ports have been calling for for some time.

Anyone who knows the Port of New York and New Jersey understands the daunting task of securing the perimeter of the port. The port is surrounded by storage facilities and warehouses, with waterways on one side, and a major highway and an airport on the other, and rail lines and a major pipeline running along side it. So, for a site as complex as our port, perimeter security is no easy feat.

Our Nation's ports have a long to-do list, and I guarantee you, every one of the improvements they want to make costs money. In the wake of the SAFE Port Act, which the President signed into law last year, our ports have even more requirements they are supposed to carry out. Yet the President did not call for any funding to implement these initiatives. Our bill does.

We double port security grants, to the level authorized in the SAFE Port Act.

We provide $15 million for the Coast Guard so they can increase the number of inspections at facilities, conduct vulnerability assessments, and develop long-range vessel tracking systems.

We provide $60 million for operational centers as called for in the SAFE Port Act that will help coordinate information sharing, intelligence gathering, and support cooperation among Federal, State, and local agencies.

And, we provide $15 million to help ports implement the TWIC port worker ID program, which has been delayed again and again. It is past time for us to have something as simple as uniform, technologically advanced ID cads for those workers at our ports.

This bill also contains a very short, but very crucial provision that is well known to people in New Jersey. It allows States to have more stringent chemical security standards. If you have ever been to Newark's Liberty Airport, than you were within a few short miles of the Kuehne plant in South Kearny, in a range that would without question be devastated by an attack at that facility. Because plants like this one are uniquely sandwiched between highways and neighborhoods, in an area that rises to the level of being called the "2 most dangerous miles," New Jersey has taken action to make sure we are doing everything possible to keep these plants secure.

Because it is far ahead of the curve when it comes to chemical security, the notion that the Department of Homeland Security can issue regulations that could preempt New Jersey's, and possibly be weaker than our standards, turns logic on its head. The bottom line is, when it comes to the security of things uniquely New Jersey, like the location of this chemical plant, no one knows what we need better than our State. And that is the position that this bill takes. I applaud my fellow Senator from New Jersey, Mr. LAUTENBERG, for ensuring this language is part of this bill, and I thank Senator BYRD for realizing how essential preserving New Jersey's standards are for the future of chemical security.

When this Homeland Security appropriations bill is passed and signed into law, we will be able to definitively say we have passed legislation that makes us smarter and stronger when it comes to our Nation's security.

The bill ensures we are protecting, not neglecting, our critical infrastructure; our first responders have more, not less, to do their jobs; and our States will have the critical resources they deserve.

I urge all my colleagues to support this incredibly sound bill and take this important step to getting our homeland security funding where it should be in finally meeting the challenge of securing our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTORNEY GENERAL GONZALES

Mr. WHITEHOUSE. Mr. President, yesterday, as you will recall, in the Senate Judiciary Committee, Attorney General Gonzales appeared. I spoke with him about a seemingly simple concept, the impartial administration of justice.

But, as is so often the case with this administration and with this Attorney General, the simple is often confused, and what should be impartial is often tainted with politics.

I asked the Attorney General about the administration's policy regarding communications between staff at the Department of Justice and at the White House, about ongoing investigations and cases. This kind of conversation, of course, should be very limited in scope. Until recently, it was.

Attorney General Janet Reno wrote, in a 1994 letter to White House Counsel Lloyd Cutler:

> Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House Counsel or Deputy Counsel (or President or Vice President), and the Attorney General or Deputy or Associate Attorney General.

That is seven people, total. Four in the White House, three in the Department of Justice.

As I pointed out to the Attorney General, this administration has dramatically expanded this policy to allow literally hundreds of people at the White House to discuss sensitive case-specific information with dozens of people at the Department of Justice. Even worse, a further revision to this policy signed by Attorney General Gonzales specifically added the Vice Presidents's Chief of Staff and the Vice President's Counsel, David Addington, to the list of those empowered to have these conversations. Karl Rove, by the way, is also on the list.

Why in the world would it be appropriate to give the Vice President's staff a green light to muck around in sensitive Department of Justice affairs? Based on my experience as a U.S. attorney, I can think of no reason.

So why did the Attorney General himself issue a memo specifically authorizing that? Well, the Attorney General himself seemed to have no idea. When I asked him about it yesterday, he said:

> As a general matter, I would say that that's a good question. I'd have to go back and look at this. On it's face, I must say, sitting here, I am troubled by this.

Well, Mr. Gonzales, I am troubled by this too. Troubled but, unfortunately, not surprised.

Not surprised because this administration has, at almost every turn, done everything possible to enhance the power of the President and the Vice President to dismiss Congress's essential constitutional oversight responsibilities, to disrupt the balance of power crafted by our forefathers and to thwart those who would stand up and say: Enough is enough.

But now a chorus of Senators is finally saying: Enough is enough.

When I ran for the Senate, I spoke often about the need for a check on the Bush administration's relentless abuse of power. Now, after having served in this great institution for only 6½ months, I feel more strongly than ever that it is vital for our Democratic majority to serve as an essential bulwark against an imperial executive branch.

Without 60 votes, we cannot get things done over objection from the other side as often as we would like. But with a majority, we can at least stop some of the mischief. We can stop them from politicizing everything from Government-funded scientific research to U.S. attorney's offices, Government functions that have historically operated entirely free of partisan influence.

We can spotlight their efforts to undo our system of checks and balances, their penchant for unneeded secrecy, and often, disregard for the law and our American principles.

We can call them out when they use national security as a shield against legitimate oversight and as a weapon against political adversaries, against attempts to conduct Government in secret and in darkness and sometimes in defiance of the law.

In the process, the administration has done grave damage to the principles and values that have made this country an example for the world. The writ of habeas corpus? Adherence to the Geneva Conventions? The independence of Federal prosecutors? The principle of judicial review? The notion that a citizen in a democracy has a right to know what their Government is doing in his name?

Each of these, in ways great and small, has been eroded by this administration. Then, when you think they cannot possibly push the envelope any further, they do. I am referring to two recent episodes: First, the Vice President's now infamous and incredible assertion that his office is exempt from an Executive order designed to protect classified information because it is not, get this, it is not an entity within the executive branch, and the Attorney General's apparent complicity with this theory.

Executive Order No. 12958, as amended by President Bush, regulates the classification, safeguarding, and declassification of national security information. It also requires the National Archives' Information Security Oversight Office to, among other things, conduct onsite inspection of Federal agencies and White House offices to ensure compliance with these important regulations.

Despite cooperating with the National Archives in 2001 and 2002, in 2003, the Vice President abruptly decided he was above complying with an Executive order, even one signed by President Bush.

Repeated attempts by the National Archives to secure the Vice President's cooperation or at least an explanation for noncompliance were met with silence and then, apparently, an effort to abolish the office that had dared try to enforce the law.

In the meantime, in January 2007, the National Archives referred the question to the Department of Justice for clarification, as to whether the Vice President is an executive branch entity required to comply with an Executive order. You might think that in 6 months the Department of Justice would produce a memo stating the Vice President must comply with Executive orders and that he is, in fact, as we all know, in the executive branch.

Well, you would be wrong. The Vice President makes an argument that would flunk an elementary school civics test so he may circumvent safeguards on national security information. The Attorney General goes along with this by refusing even to respond to a letter seeking clarification of the law, which is a core function of the Department of Justice Office of Legal Counsel.

What is going on here? Second, in this ignominious list is the President's personal intervention to deny security clearances to investigators from the Justice Department's Office of Professional Responsibility, or as we call it, OPR, who were looking into the administration's warrantless domestic surveillance program.

This is the first time ever an OPR investigator was denied necessary clearances to conduct their investigation. Of course, the denial of security clearances had the intended effect: The investigation by OPR was shut down.

Now, as we all know, the distinguished chairman of the Senate Judiciary Committee, Senator LEAHY, has been forced to issue subpoenas to the White House, the Office of the Vice President, the Department of Justice, and the National Security Council, in order to obtain information Congress has sought for months related to the administration's legal justification for the warrantless wiretapping program.

If the White House's refusal to honor earlier congressional subpoenas and turn over information on the U.S. attorney firings is any indication of things to come, we can expect more stalling and more stonewalling by this administration as Congress seeks to learn the truth.

Again, what is going on here? What is going on, I believe, is a systematic effort on the part of the Bush administration, to twist, to partisan and political advantage, threats to our national security as justification for conducting Government in secret and in darkness, shadowed from congressional oversight and far from the light of public scrutiny.

If this requires making preposterous arguments, such as the Vice President's, in their view, that is fine. If this requires taking unprecedented action to deny clearance to Government investigators, fine by them. If this requires dispensing with many years of tradition and practice, distorting the plain language of Executive orders and abdicating the Department of Justice's watchdog role, again, fine with them. If this requires attempts to a evade even a congressional subpoena, well, that is apparently fine too.

I will end where I began, with the issue of communications regarding ongoing cases and investigations between the White House and the Department of Justice. As Mr. Gonzales acknowledged yesterday, the greatest danger of infection of the Department of Justice with improper political influence comes from the White House.

Along with Chairman LEAHY, I have introduced a bill to set the Reno-Cutler policy for White House contacts as a baseline and to require the Department of Justice and the White House to report to Congress any time they authorize someone else to have these sensitive discussions.

It is my sincere hope this bill will have bipartisan support. But this bill is only one small part of a larger effort to restore checks and balances to our Government. We must and we will continue this effort, challenging the administration to work for the Democratic Congress, to stop playing politics with national security, and to end the secrecy and abuse of power that have become the hallmark of the Bush era.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. DURBIN. Mr. President, one of the more challenging tasks for a Senator is not to stand in judgment of a bill or even a law or a policy but to stand in judgment of a person. I served in the House of Representatives for 14 years before coming to the Senate. It is the one dramatic difference between the two bodies. Time and again we are called on in the Senate, in our capacity to advise and consent to Presidential nominations, to stand in judgment of people. It is not an easy assignment. You have to, in a matter of a short period, maybe meet a person, read about their background, and try to think ahead whether they are ready for the job they are being sent to do. For some it is only a temporary assignment. It might be for a year or two or more in a Federal agency with an important responsibility. I look at those judgments and assignments seriously, but not nearly as seriously as the task of picking Federal judges. A Federal judge, that man or woman, is appointed for a lifetime. The decision you make about a person has to be done more carefully. There has to be more reflection. If questions are raised about a person, their judgment, their values, their background, their veracity, their integrity, those questions are taken more seriously because that judge on that bench will be the face of America's law for the rest of his or her natural life.

As a member of the Judiciary Committee, I come face to face with these decisions on a regular basis and try to do my best to not only help pick good judges for my own State of Illinois but to be fair in judging those the President, whether a Democrat or Republican, sends to us for approval.

There is a controversial nomination now pending for the U.S. Court of Appeals for the Fifth Circuit, the nomination of a local State judge in Mississippi named Leslie Southwick. I came to the Southwick nomination with no advance knowledge of the man or anything he had done. I truly had an open mind. I attended his nomination hearing and tried to give him the benefit of the doubt. Today I am sorry to report I have only doubt about his appointment to this lifetime position.

There are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court. This perception as to whether he will be fair or evenhanded is determinative in my mind. Whether you agree with that perception, it is there.

It is sad but accurate to report that Judge Southwick has lost the confidence of the civil rights community in the State of Mississippi and across the Nation. There is one case I wish to mention which may help explain why this has occurred. The case is called Richmond v. Mississippi Department of Human Services. Because of the wording in the case, it is unfortunate, I will be unable to read it into the RECORD; it would be inappropriate. But suffice it to say, in this 1998 case, the Mississippi State Court of Appeals ruled 5 to 4 to reinstate and give back pay to a White employee who had been fired for calling a Black employee the "N" word. Judge Southwick was in the five-person majority and thus was the deciding vote in that case.

Here is the background. The plaintiff, Bonnie Richmond, was a White employee who worked at the Mississippi Department of Human Services, a State agency with a 50-percent African-American workforce. After referring to an African-American colleague as a "good ole" "N" word, Bonnie Richmond, the white employee, was fired. She appealed her termination and was successful. A State hearing officer reinstated her. That decision was affirmed by the full Mississippi Employee Appeals Board, then reversed by the State court trial judge. Judge Southwick's court reversed it again, ruling for the White employee who had used the offensive racial epithet. Finally, the Mississippi Supreme Court weighed in. The Mississippi Supreme Court unanimously reversed the majority opinion which Judge Southwick had signed his name to, ordering the case to be remanded to determine an appropriate punishment short of termination for the White employee, Bonnie Richmond.

Mr. Southwick's defenders point out that he didn't write the opinion he signed on to. That is certainly true. But he didn't have to sign on to it, if he didn't agree with it. He could have filed a concurrence agreeing in the judgment but not the reasoning. He chose not to do so. The opinion Judge Southwick signed stated that the White employee who used the "N" word in this case "was not motivated out of racial hatred or animosity directed toward her co-worker or toward blacks in general."

I don't believe that is a mainstream view in America. I don't believe it is a mainstream view to say that the "N" word is "not motivated out of racial hatred or animosity." The Southwick majority also affirmed the determination of the hearing officer who said the use of the term good old "N" word was intended to mean a "teacher's pet" and was in this context about as offensive as calling someone "a good old boy or Uncle Tom or chubby or fat or slim." Again, is that a mainstream view in America?

Recently a civil rights organization had a symbolic ceremonial burial for the "N" word, saying it is time it be removed from the American language, it is so offensive. For someone in Judge Southwick's court to be so dismissive of this term is truly to be insensitive. I don't believe the opinion which Judge Southwick signed on to reflected the type of racial sensitivity we need in a Federal judge.

The dissent in the case was eloquent and powerful. It said:

> The ["N" word] is, and has always been, offensive. Search high and low, you will not find any non-offensive definition of this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

I certainly agree with that powerful dissent. I am sorry Judge Southwick does not.

At his May 10, 2007 hearing, Judge Southwick was asked if he still stood by his vote in that case. He said he did. I find that very troubling.

This is particularly important given the context of this nomination. This Fifth Circuit covers the States of Mississippi, Texas, and Louisiana. Those three States have the largest percentage of minority residents of any Federal circuit in America—44 percent. The State of Mississippi has the largest percentage of African Americans of any State in the Union—36 percent.

There are 19 judges on the Fifth Circuit. Of those 19, only 1 is African American. That would be Judge Carl Stewart of Louisiana.

Now, some have suggested that recent nominees to the Fifth Circuit reflect a deliberate design to protect this imbalance. Others say it is a conscious disregard of the obvious unfairness. The most generous view is that it is only a coincidence.

Two previous nominees to this Fifth Circuit seat—Charles Pickering and Michael Wallace—were not confirmed because of their anti-civil rights backgrounds.

Judge Pickering had unethically tried to lower the prison sentence for a convicted cross burner. Mr. Wallace defended the discriminatory policies of Bob Jones University and was so notorious for his hostility to civil rights that the American Bar Association gave him a rating of "not qualified."

The Southwick nomination has become a controversial nomination, with more focus than any other current circuit court nomination I can think of on the racial issue. Time and again, the nominees sent by the White House to the Senate Judiciary Committee fail the most basic test as to whether they will fill this lifetime position on the Federal bench and rule fairly on issues involving race.

It is critical that members of the Fifth Circuit have an open mind when it comes to issues of race. In a letter sent to the Judiciary Committee, the Congressional Black Caucus opposed the confirmation of Judge Southwick and said:

> Our Caucus is most concerned about Mr. Southwick's ability to afford equal justice under law in the Circuit where racial discrimination has always been most pronounced.

In another letter of opposition sent to the Judiciary Committee, the NAACP, the NAACP Legal Defense Fund, National Urban League, and the Rainbow/PUSH Coalition said:

> This position is a lifetime appointment. If confirmed, Southwick will often provide the final word on the civil rights of millions of minority residents within the Fifth Circuit.

Historically, there have been some judicial giants in the Fifth Circuit who have served with great courage. Alabama used to be part of that Circuit. A few years ago, I went to Alabama for the first time as a guest of an organization known as the Faith and Politics Institute on Capitol Hill. It is a bipartisan group, and it tries to blend some views toward values with political decisions.

Under the leadership of JOHN LEWIS, the Congressman from Atlanta, GA, who was a pioneer in the civil rights movement, we went down to visit some of the key places where the civil rights struggle occurred.

We went to Birmingham and Montgomery and Selma, AL. I had to leave a little early, and so it appeared I would not have a chance to visit the Edmund Pettus Bridge, the notorious bridge where the march from Selma was stopped with violence. John Lewis, typical of what a fine person he is, said: I will get up extra early Sunday morning. I will drive you over there. You and I will walk across the bridge together.

Well, Senator SAM BROWNBACK joined us, and I am sure Senator BROWNBACK felt as I did, that it was an extraordinary day. That early, cool Sunday morning, JOHN LEWIS took us across that bridge and showed us the point where he had been clubbed and almost killed, as he tried to walk on that civil rights march.

I will never forget that scene. As a college student, I thought that maybe I could be there at that march. As luck would have it, I was not. I have regretted it ever since. But to be there that moment with JOHN LEWIS a few years ago really was a touching experience.

As we were driving back from the Edmund Pettus Bridge, JOHN LEWIS said to me: Do you know who the real hero was that day? It was Federal Judge Frank Johnson of Alabama. Johnson ordered the integration of Montgomery buses after Rosa Parks' protest in 1956, and he was the one who allowed that march in Selma to take place. Because of Judge Johnson's courage, he was shunned by his community, ostracized. His mother's home was bombed. He was threatened many times because of his courage when it came to the issue of civil rights.

So when we speak of the Fifth Circuit, and its history, and Federal judges, I think of Frank Johnson and what he meant to America's history because of his courage.

At Judge Southwick's nomination hearing, I wanted to be fair with him, and I asked him a question which was maybe one of the easiest questions you could ask of a nominee. I asked him to name a single time in his career or in his life when he took an unpopular point of view on behalf of the voiceless or powerless. He could not name a single instance.

I thought, perhaps that was not fair. The judge should be allowed to reflect on that question. I will send it to him in writing and ask him: Was there a time in your life when you sided, for example, with a civil rights plaintiff when your court was split? He could not name a single case in his judicial career.

There has been a heavy focus placed on Judge Southwick's votes in the so-called "N" word case—which I have discussed—and a custody case in which he voted to take an 8-year-old girl away from her lesbian mother.

I disagree with Judge Southwick's position in these cases. I think, sadly, they show an inclination toward intolerance and insensitivity. But I am sympathetic to the argument that these are only two cases out of thousands in which he has taken part. However, it is not the end of the story.

A business group in Mississippi looked at 638 cases during an 8-year period of time and rated Judge Southwick as the judge on the Mississippi Court of Appeals most likely to rule against common, ordinary people, employees suing their employers. Another study showed he voted with companies and employers, businesses and powerful interests, in 160 out of 180 cases in which there was a split decision.

Many groups that do not normally take a position on a Federal judge have spoken out against Judge Southwick. There are many positive things about this judge's life. He has served his country. He has served in the military. And I am sure he has done many good things. But when a Senator has to make a decision about a lifetime appointment to a critical circuit court position, in a controversial area, where we have had a string of controversial nominees, you have to take that very seriously.

There is just too much doubt about whether Judge Southwick will have an open mind when it comes to civil rights and the rights of ordinary people in his court, and that is why I will oppose him if he comes before the Judiciary Committee.

A final word. Senator PATRICK LEAHY, the chairman of the Senate Judiciary Committee, has said he will call Judge Southwick for a vote whenever Senator SPECTER and the Republican minority want his name to be called. I do not know how my colleagues on the Democratic side will vote. I know many of them share my misgivings.

Judge Southwick has had a hearing, which is more than can be said for many nominees from the Clinton administration—over 60 judicial nominees were bottled up in the Senate Judiciary Committee during those years, never even given the dignity or courtesy of a hearing and vote. Judge Southwick had his hearing. He had his opportunity to speak and answer questions, unlike dozens of Clinton nominees who never had that chance.

Now his record is there for everyone to view, and his name is there if the Republicans decide they wish to call him for a vote. This is not obstructionism. This is the process as it should work. I urge my colleagues, particularly from the State of Mississippi, if Judge Southwick does not prevail, I hope they will be able to find in that great State someone who can be brought to this nomination who will not incur the wrath and doubt that Judge Southwick has over his decisions and over his testimony before the Senate Judiciary Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

HOMELAND SECURITY

Mr. GRAHAM. Mr. President, a bit later I will be calling up an amendment to the Homeland Security appropriations bill pending before the Senate. I would like a moment, if I could——

The PRESIDING OFFICER. If the Senator will suspend.

Mr. GRAHAM. Yes, I certainly will. I believe Senator BYRD wants to make a statement first.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

> Byrd/Cochran amendment No. 2383, in the nature of a substitute.
>
> Bingaman amendment No. 2388 (to amendment No. 2383), to provide financial aid to local law enforcement officials along the Nation's borders.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend and colleague, the very able and distinguished Senator from South Carolina, for his characteristic courtesy.

Mr. President, this morning, we return to the consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, produced a balanced and responsible bill.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include—we include, may I say—significant new resources for implementing the SAFE Port Act. We also restore cuts in the first responder grants program.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me now. I will say that again. Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here, the U.S. homeland. I will quote from the report. This is not just ROBERT BYRD talking.

Let me say that again. Last week, the administration released its latest—I am talking about the administration, the Bush administration, the administration in control of the executive branch—the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years.

That ought to make us sit up and take notice. I am going to say it again. Hear me.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . .
>
> [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me repeat that word—here, H-E-R-E.

Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst—I better read that again. Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst, I urged the President to reconsider his veto threat of this bill. This morning, we received the White House's response. The President has said he will veto this bill because he, the President—President Bush—regards the additional spending for border security, port security, aviation security, and for first responder grants as excessive.

The President has every right to make this threat, but, in my view, the view of this West Virginia mountaineer, the threat is irresponsible. Let me say that again. In my view—and I am a U.S. Senator—the threat is irresponsible.

If the President is going to scare the Nation by issuing intelligence estimates that say the threat of a terrorist attack is persistent and evolving, he, the President—President Bush—has a responsibility to back it up with resources to deter that threat. The Appropriations Committee recognizes the threat, and the Appropriations Committee of the Senate has responded responsibly.

I ask unanimous consent to have printed in the RECORD the Statement of Administration Policy dated July 25, 2007.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, S. 1644—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

(Sponsor: Senator Byrd (D), West Virginia.)

The Administration strongly opposes S. 1644 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than $933 billion in FY 2008, which is a $60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the Senate Appropriations Committee exceed the President's discretionary spending topline by $22 billion causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the Senate Appropriations Committee's plan to shift $3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

S. 1644 exceeds the President's request for programs funded in this bill by $2.2 billion, part of the $22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere. Because Congress has failed to demonstrate such a path, if S. 1644 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, eliminate wasteful earmarks, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

SECURING OUR BORDERS

The Administration has requested a total of $11.8 billion in FY 2008 for border security and interior enforcement measures, representing a nearly 50 percent increase since FY 2006. The Administration is pleased that the bill supports the requested funding for strengthening border security by adding 3,000 new Border Patrol agents, enhancing interior enforcement efforts, and providing $1 billion for fencing and other infrastructure improvements through the Secure Border Initiative. The Senate is asked to support other key elements of the Administration's effort to control our border as well.

The Administration strongly objects to the $100 million reduction to the US–VISIT budget. While the Administration appreciates the Senate's support for the Unique Identity program, US–VISIT cannot collect and analyze 10-print or move towards completing IDENT/IAFIS interoperability without the full request, as these funds are necessary to critical support operations and key program management and support functions, such as data center operations and fingerprint examiners. This shortfall will deny DHS and the FBI the ability to search each other's databases using a full 10 fingerprints, to assist with terrorism and criminal investigations.

The Administration opposes any provision delaying Western Hemisphere Travel Initiative (WHTI) implementation at our land and sea borders to June 2009. The Administration is committed to working with Congress and the public to implement WHTI in a manner that will cause as little disruption as possible, while providing Americans with the enhanced security that they expect. Recently, the U.S. Departments of State and Homeland Security announced that U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda, by air, who have applied for but not yet received passports can nevertheless temporarily enter and depart the United States with a government issued photo identification and proof of application for a passport from the Department of State through September 30, 2007. The federal government is making this accommodation for air travel due to longer-than-expected processing times for passport applications in the face of record demand. In addition, earlier this summer, DHS announced that it will accept an expanded list of secure documents at land and sea ports of entry when WHTI becomes effective on January 31, 2008.

The Administration is concerned by the decision to significantly reduce funding for the Secure Flight program, which addresses critical vulnerabilities in the Nation's aviation security system. The program has been delayed for many years, and lack of sufficient funding in FY 2008 would further delay it beyond the current target deployment of 2010. TSA has provided all requested information on the program and continues to work closely with Congress and the Government Accountability Office (GAO) to meet the ten mandates specified in P.L. 108–334. Hence, the Administration asks that Congress fund the Secure Flight program at the requested level while providing TSA authority to transfer sufficient funds, if needed, after Congressional notification, to meet the ten requirements as soon as possible.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Administration strongly opposes the dramatic increase of $1.8 billion for State and local homeland security grant programs. By the end of FY 2007, DHS will have provided over $23 billion in direct preparedness support to State and local agencies of which approximately $8.5 billion will be unspent and available for preparedness projects in FY 2008. Rather than appropriating additional unjustified dollars, Congress should work together with the Administration to ensure that existing dollars are being appropriately spent and to develop a better understanding of what reductions in risk and increases in State and local capabilities will be achieved with these unspent funds. The Administration strongly believes that the FY 2008 request level of $2.2 billion is appropriate and allows the Federal Government to meet national priorities and stand together with State and local first responders in preparing for terrorist attacks and other major disasters. Further, the Administration is opposed to the creation of a new regional preparedness grant program, which would be duplicative of current programs. While the Administration strongly supports efforts to enhance preparedness on a regional scale, existing grant programs currently offer strong incentives for regional collaboration through State homeland security strategies and programs.

CHEMICAL FACILITY SECURITY

The Administration opposes section 531, which would prevent the Department of Homeland Security (DHS) from establishing and enforcing, for the first time, a single, national performance-based standard for enhancing the security of high-risk chemical facilities. Allowing State preemption of Federal law could thwart DHS's efforts to establish a national chemical facility security framework. Separately, while the Administration would prefer that Congress not restrict the Department's authorities in this manner, the Administration notes that the approach taken by this bill would cause less disruption to the chemical security program than language contained in the House version of the bill, H.R. 2638 which in addition to allowing State preemption, would also lessen the protection of sensitive information relating to the security of these facilities.

SECRET SERVICE

The Administration strongly objects to the elimination of $3.1 million for presidentially designated Secret Service protection for Executive Office of the President (EOP) personnel, which leaves these costs unfunded for FY 2008. In addition, beyond FY 2008, the uncertainty of who will be protected and how much the Secret Service protection will cost would create an unnecessary burden for the EOP.

The Administration also strongly objects to section 516(b) that would limit the Secret Service's protective mission by creating a burdensome reimbursable mechanism in lieu of the appropriate flexibility needed to protect these officials. The Secret Service is better equipped to manage these costs.

PRINCIPAL FEDERAL OFFICIAL (PFO)

The Department of Homeland Security supports the Senate bill's omission of language previously included in the House bill, H.R. 2638, which would prohibit funding PFOs during disasters or emergencies. The Secretary of Homeland Security serves as the principal Federal official for domestic incident management. The PFO plays a valuable role as the representative of the Secretary in the field by coordinating Federal operations to respond to and recover from terrorist attacks, major disasters, and other emergencies. The Administration understands the need to clarify the chain of command for incident management and is currently revising the National Response Plan to address this need.

MANAGEMENT

The Administration strongly supports funding provided in the bill for the design and buildout of the St. Elizabeths campus, which is the first critical step toward a consolidated DHS headquarters.

The Administration is strongly opposed to any effort to reduce, limit, or delay funding for DHS human resources initiatives. The bill provides only $5 million of the $15 million requested for a human capital system, whi?h would severely impact support to basic human resource services and development of practices designed to meet the Department's diverse personnel requirements.

While the Administration understands the need for prompt delivery of reports to Congress, the requirement to deliver reports on complicated matters before receiving funding could inhibit the Department's efforts to carry out its mission. Congress already requires more than 1,000 appropriations-related DHS reports and is urged to ease the administrative burden upon DHS and reduce the additional reports required in the bill.

The Administration objects to the provision that would prohibit the use of funds for further data center development until the National Center for Critical Information Processing is fully used. The Department is consolidating its data center operations into two primary facilities and this provision would limit the Department's ability to improve and streamline its data management capabilities.

The Administration appreciates the importance of GAO's ability to conduct inquiries efficiently and effectively, and DHS is taking action to speed its response to GAO requests. However, the Administration objects to the requirement that DHS revise departmental guidance regarding relations with GAO in consultation with the Comptroller General. Congress's directing the adoption of certain truncated deadlines and procedural hurdles is inconsistent with the principle of separation of powers, because it would interfere with the time-tested process of accommodation between the Executive and Legislative branches.

The Administration strongy objects to section 502, which would suspend for FY 2008 the DHS Secretary's authority to reorganize the Department to rapidly meet changing mission needs.

NATIONAL COMMUNICATIONS SYSTEM

The Administration is concerned with the level of funding provided for Next Generation Network priority telecommunications services. Without the full request, the Wireless Priority Service and Government Emergency Telecommunications Service would lose coverage as communications carriers migrate from circuit-switched networks to packet-switched networks, preventing national security decision makers from receiving prioritized bandwidth for emergency communications.

UNITED STATES COAST GUARD (USCG)

The Administration objects to section 529, which prohibits alteration of the Civil Engineering Program of the Coast Guard. This language would severely limit USCG's administration of its engineering programs, including its ability to make such programs more cost-effective, and undermine the Commandant's authority under 14 U.S.C. 632. It would also significantly affect the Commandant's efforts to realign the USCG's mission support organization, of which civil engineering activities and elements comprise only one part.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

The Administration is disappointed that the bill does not include a provision necessary to clarify fee authority with respect to the USCIS Systematic Alien Verification for Entitlements (SAVE) program. The SAVE program serves the needs of numerous Federal, State and local agencies that need to verify immigration status for the purpose of determining eligibility for a wide variety of public benefit programs by providing them the necessary information from DHS records.

COMPETITIVE SOURCING

The Administration strongly opposes sections 515 and 528, which impose restrictions on competitive sourcing for work performed by the Immigration Information Officers at the U.S. Citizenship and Immigration Services and the Federal Law Enforcement Training Center instructor staff. Depriving DHS of the operational efficiencies gained by competition limits its ability to direct Federal resources to other priorities. Management decisions about public-private competition and accountability for results should be vested with the Department.

CONSTITUTIONAL CONCERNS

Several provisions of the bill purport to require advance approval by congressional committees prior to the obligation of funds. These include sections 504, 505, 509, and 534; and under the headings, "Border Security Fencing, Infrastructure, and Technology," and "Air and Marine Interdiction, Operations, Maintenance, and Procurement," U.S. Customs and Border Protection; "Salaries and Expenses," United States Secret Service; "Management and Administration," National Protection and Programs Directorate; and "Indicator Technology," United States Visitor and Immigrant Status.

Section 513 of the bill, which purports to prohibit the Executive Branch from screening certain airline passengers, should be stricken as inconsistent with the President's constitutional authority as Commander in Chief to take steps necessary to protect the Nation from foreign attack.

Section 518 purports to prohibit the use of funds with respect to the transmission of certain information to Congress. This section could impede communications within the Executive Branch and could undercut the President's constitutional duty to "take care that the Laws be faithfully executed." The Administration urges the Senate to delete the provision.

The PRESIDING OFFICER (Mr. CARPER). The Senator from South Carolina is recognized.

AMENDMENT NO. 2412 TO AMENDMENT NO. 2383

Mr. GRAHAM. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER, proposes an amendment numbered 2412.

Mr. GRAHAM. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GRAHAM. Mr. President, this amendment builds a little bit on what Senator BYRD is talking about. How the threats to the Nation are real, how to handle those threats, how much money we need, and where to put the money are all honest and genuine debates. But I think we found some common ground here as a nation from the last immigration debate.

Senator JUDD GREGG has been one of the leading advocates for stronger border security since I have been in the Senate.

During the last immigration debate in terms of a comprehensive approach to solving immigration policy, one of the things we seemed to find common ground on was the idea of providing additional border security. So the amendment I have just offered, which will be cosponsored by Senators GREGG, SESSIONS, KYL, CORNYN, MCCONNELL, DOMENICI, MCCAIN, SUNUNU, MARTINEZ, COLEMAN, SPECTER, and many others, seeks to build on what we did in the last debate—to make it a reality in the area in which we have common ground.

The amendment has $3 billion in terms of spending, emergency funding. I would argue that the border security situation in this country and visa overstays are emergencies and that we have lost operational control of our border. We have lost the ability to track people who come here on visas in terms of when their visas expire and whether they left, and we will pay a heavy price, not only economically and socially but from a national security perspective. Of the "Fort Dix Six" people who were caught conspiring to attack Fort Dix, NJ, I think three overstayed their visas and three came across the border illegally earlier on in their life. So this amendment puts the Senate and the American people's money where our mouth has been, and $3 billion will go a long way.

The goal of this amendment is to provide complete operational control of the U.S.-Mexican border. It will increase the number of Border Patrol agents to 23,000. It will allow us to appropriate four new unmanned aerial vehicles, 105 ground-based radar camera towers, 300 miles of vehicle barriers, 700 miles of border fencing, and a permanent end to the catch-and-release policy with 45,000 new detention beds.

This is a comprehensive border security amendment. It also authorizes things we need to have authorized from the last debate where we were not able to pass a comprehensive bill. It takes some of the stronger border security measures and makes them part of this amendment. As I said, it will increase the number of border security agents to 23,000. It adds 14,500 new Customs Border Patrol agents through fiscal year 2012, increasing the overall number to 30,000. The Sanctuary City problem Senator COBURN identified—he has modified his original proposal, and that is in this amendment.

This amendment authorizes a continued National Guard presence. It strengthens our laws to deny immigration benefits to aggravated felons, gang members, sex offenders, and child abusers. It really goes into our law and cleans up what is pretty much a mess by making sure we have the ability to detain and deport people who are dangerous, who have been convicted of serious offenses.

It gives State and local law enforcement authorities the ability to detain illegal aliens and transfer them to the Department of Homeland Security. It basically allows them to take money from Homeland Security grants and apply it to the cost of detaining and turning over illegal immigrants they may run into and apprehend.

As to visa overstayers, the 19 hijackers who came into America who perpetrated the acts of 9/11, I believe all of them—if not all of them, most of them—were visa overstayers. Forty percent of the illegal aliens in this country never come across the border; they overstay their visa. This will allow the Department of Homeland Security to come up with a tracking system to better identify visa overstayers, who have proven to be in the past some of the most dangerous people in terms of threat to the homeland. It will allow the agency to coordinate with local law enforcement mandatory detention and deportation.

It also gets tough on those who keep coming back across the border. There is this catch-and-release concept which needs to end. That is why we have 45,000 new bedspaces to detain people, give them the hearings required by law, and under this amendment, if you are caught coming back into the country after you have been deported, it has mandatory jail time.

One reason we have 12 million people here is that no one seems to take our laws too seriously, including ourselves. So now it is time to tell the world at large and those who would violate our laws that there will be a price to be paid, unlike the current system; that if you are caught coming back into the country after you have been deported, there will be mandatory jail time. This has been tried in some areas of the border, and it has been enormously successful.

There are many parts in this bill regarding employment eligibility and verification. The pilot program to have biometric cards to determine employment will be expanded, and those who tell us about possible threats to our Nation's transportation system or homeland, we are going to protect them from civil lawsuits. If you are trying to identify a problem and you call your government and say: I think there is a problem here, we are going to make sure you don't get sued for doing your civic duty.

So it is a comprehensive approach. It is a $3 billion dollar appropriation, and within that appropriation, we have some change in policy that will secure the homeland in a better fashion than the current system does. If this is not an emergency, I don't know what would be in terms of our national security interests.

The one thing the Congress—the Senate and the House—should agree on immediately, in my opinion, is gaining operational control, regaining operational control of our border and controlling the visa program that allows millions of people over time to come to the United States.

I would just make one point here. RAHM EMANUEL, one of the Democratic House leaders, was quoted recently as saying that his party will not attempt comprehensive immigration reform until at least the second term of a prospective Democratic President. That is a chilling statement. I think that is a very dangerous thing to be saying at a time when our Nation is under siege, and to suggest to the American people that the Democratic leadership in the House is going to put this topic off until the second term of a prospective Democratic President misses the point and really, literally, misses the boat. This is an emergency if there ever was one, and the idea of putting this off for 6 or 7 more years I think would be a national security nightmare. It would be an economic and social mistake for the ages in terms of the role the Congress would play.

So I urge my colleagues in the Senate not to go down the road that Congressman EMANUEL has laid out for the Democratic-controlled House; that is, putting this whole discussion off until the second term of a prospective Democratic President. I couldn't find a better issue to show difference between myself and my colleagues in the House at the Democratic leadership level than this issue. Not only should we do this now on this bill at this moment, we should have done this years ago.

This is one of the issues facing the American people where there is broad consensus by Republicans, Democrats, and Independents. People want operational control of their borders. They want more money spent to secure their borders and to control who comes to the country, and for those who violate our laws and commit crimes, a better process to detain them and deport them. That is exactly what this amendment does.

I believe our thinking on this amendment is very much in line with the American people. They see this very much as something we should have done a long time ago. Let's not forgo this opportunity. We tried just a few weeks ago, and that failed; a chance of having comprehensive reform failed. I feel an obligation to join forces with people who were disagreeing with me on a comprehensive approach to find common ground. I think the country is urging us to find that common ground. I believe this is a great place to start.

The Border Security First Act of 2007 has been a product that has been bipartisan in nature. It is a collaborative effort between people who have a common view of our border security needs, and it is good legislation. It is needed money at the right time. It is policy changes that will make us safer as a nation.

I would like to recognize Senator JUDD GREGG's efforts over many years to push the administration—and the Senate particularly—to deal better with the lack of control on our borders.

I look forward to talking about this amendment further. I appreciate all the cosponsors and the effort to do something constructive now. Let's, for heaven's sake, not wait 6 more years before we do something. Let's seize the moment, and the moment is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Maryland be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, before congratulating the Senator from South Carolina for bringing forward this extremely important amendment, let me begin by congratulating the Senator from West Virginia and the Senator from Mississippi, the senior members of the Appropriations Committee, chairman and ranking member of the Appropriations Committee, who also are chairman and ranking member of the Subcommittee on Homeland Security, for bringing forward a bill which makes major strides toward addressing our needs as a nation to protect ourselves and to make sure our borders are secure.

This has been a very integral issue for both of these leaders for many years. Senator COCHRAN, who chaired this committee before the Democratic majority took over, and Senator BYRD, who was the ranking member on this committee for years and has been intimately involved in the effort to try to make sure we adequately address things like port security—their leadership is extraordinary, and this bill is a reflection of that. I do not want this amendment to in any way imply they have not made an extraordinary and a very effective effort to move forward with border security because within the context of the dollars they had available to them, they have done excellent work.

What this amendment does, however—and I congratulate the Senator from South Carolina for bringing it forward—is acknowledge the fact that we have an emergency here. It is as big and important an emergency relative to national security as the war in Iraq is. I look at them pretty much as the same type of national emergency. The issue of controlling our borders is an issue of national security, of making sure that we as a country are safe and we maintain our viability as a nation. A country that doesn't control its borders is not safe and will lose its viability as a nation. So nothing is more important to us from the standpoint of protecting national security and making sure we get operational control over the borders, which the Senator pointed out effectively, as this amendment moves forward.

Some have said: Why would the former Budget Committee chairman, and now ranking member, be willing to offer an emergency resolution which brings this bill up by $3 billion? That is the reason. I have voted to make sure our troops are fully funded in Iraq. I am voting for this amendment because it will make sure we have the people we need on the border to assure that our national security is maintained. In maintaining security over the border, this amendment, once and for all, will put into place the necessary funding—this isn't an authorizing event, remember—to be sure we have the boots on the ground, the technology in place, and the detention capability in place in order to manage the border.

It takes the present situation where we are ramping up the 20,000 border agents and increases that number to 30,000 by 2012, and prefunds it, for all intents and purposes. In addition, it gives us 45,000 detention beds, which is what we need to stop the catch-and-release process. So when the border agents apprehend someone whom they deem to be in this country inappropriately, they have a place they can put that person, where they can find them until they make a final determination—when the court system makes a final determination of whether that person is illegally in this country and should be returned.

The way the law works now, unfortunately, we don't have enough beds. What happens is the person gets detained and the court system says return in a couple weeks and we will dispose of whether you are here legally. For the most part, they don't show up for court. This amendment will end that practice of catch and release, and I congratulate the Department for having worked hard to try to do this with the resources they presently have.

In addition, this amendment will fully fund the commitment that we as a Congress made at least 2 years ago now to put into place the necessary hard fence and the virtual fence so that we know who is crossing the border, or when someone is crossing illegally, and we can stop, as well as possible, those who attempt to enter illegally. We know we need hard fencing in urban areas and we need virtual fencing along the less populated areas. We put out a plan and hired a contractor to put up the virtual fencing. This amendment guarantees that that virtual fencing, which involves a lot of electronics and air observation through Predators and the equipment necessary, such as helicopters and vehicles, will enable the people on the ground to apprehend these individuals who come in illegally where the crossing occurs, and it involves the necessary resources and capital investment to accomplish all of that, which is absolutely critical.

It has the capital resources in it necessary to get the job done of protecting our borders, and the American people, if this amendment passes, will be able to look at the dollars that have been put into the pipeline, which will accomplish what is the first thing the American people want relative to immigration reform, which is secure borders.

I supported the last comprehensive immigration bill. I was one of the few members on our side who voted for that bill. I believe we need to do something in a comprehensive way. But I also recognize the reality of the situation, which is that the American people will not move forward or will not accept movement in the area of comprehensive immigration reform until they are confident we have regained control over our borders. This amendment accomplishes that.

In addition, there are a number of authorizing events in here. I recognize that authorizing appropriations is anathema to many of us. As was pointed out eloquently by the Senator from South Carolina, we don't have effective immigration reform. So the vehicle for accomplishing very targeted law enforcement reform—and this is law enforcement reform—in the area of protecting our borders is going to have to fall to the Appropriations Committee. It has not been unusual for the Appropriations Committee to assume the role of taking on an authorizing event when it is narrow and aimed at an issue of doing something that delivers a better service, and in this instance it is protecting our borders. That is not an unusual event for the Appropriations Committee. It is a lift, but it is something the Committee has done in the past and done rather well. I have chaired a couple of committees where that has been done.

This is the time to do it. This is the time to put into place the authorizing language necessary to do the demonstration programs on US-VISIT, which we absolutely need, to address the issue of how you deal with criminal aliens who have committed a felony, a rape, or are child abusers—that language is in here—and to address the issue of how you deal with sanctuary cities, and especially give State and local law enforcement individuals the authority to be an adjunct to the law enforcement effort being put forward by border control and Customs in the area of making sure our borders are secure.

When someone comes through the northern border, for example—we don't have a lot of security on the northern border in the sense that we have it on the southern border because it is mostly forest or terrain that is not open. People can cross that border fairly quickly and easily and always have been able to. We don't have the same problem on the southern border. We have waves of people coming in there. Most of the first individuals coming in at the northern border will usually meet people of a law enforcement nature, but not our Customs and Border Patrol agents. It is probably going to be somebody south of there, in Epping, NH, or in New Ipswich, who says I want to know if you are here legally, and they have to have some authority to be able to raise that issue. They have to have probable cause. They have to have the authority to step forward when they have probable cause. This bill gives that authority.

This is a good and appropriate piece of legislation for us to take up at this time. I recognize it puts the bill in further jeopardy because it is emergency funding and it adds $3 billion to the bill. But this is a national security issue and it needs to be done. I also recognize the Senator from West Virginia pointed out that this bill has received a letter from the administration saying they may or may not—but implying they would—veto it because it is over their allocation.

Like the Senator from West Virginia, that concerns me a great deal because I, again, must state that I don't see a whole lot of difference between fighting the war in Iraq and fighting the war on the border to protect ourselves from people coming into this country who may do us harm. Those are two issues which merge in this entire question of how we fight the war on terror.

I can separate this bill from the other appropriations bills that may be over the administration's request—maybe in agriculture, or in foreign operations, or in education and labor, or maybe in transportation, which is the actual day-to-day operations of the Government. But when it comes to fighting the war on terror and protecting national security, I believe we have to do everything necessary to accomplish that, and that means, in this instance, fully funding the necessary people to go on the border and the capital resources necessary to support those people on the border.

AMENDMENT NO. 2415 TO AMENDMENT NO. 2412

Mr. GREGG. Mr. President, at this time, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2415 to amendment No. 2412.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

Mr. GREGG. This amendment simply changes the date, Mr. President. It is a technical amendment. I appreciate the courtesy of the Senator from Maryland in allowing me to proceed and, obviously, the Senators from West Virginia and Mississippi.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I yield to the chairman of the committee, the Senator from West Virginia, who I understand would like some time to respond to the amendment offered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Maryland, the able Senator, for yielding.

I rise to discuss the Graham amendment. In total, in fiscal year 2008, the bill includes $11,377,816,000 for border security programs within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement. This is $1,288,302,000, or 12.7 percent, above fiscal year 2007, and $338,846,000 above the President's request. That is 3 percent over the President's request.

With these funds, by the end of fiscal year 2008, there will be a total of 17,819 Border Patrol agents, 31,500 detention beds, and more than 12,700 immigration enforcement and detention personnel. Additionally, the combined funding in fiscal years 2006, 2007, and 2008 for border security fencing, infrastructure, and technology is more than $2.5 billion.

Including the funding provided in this bill, since 2004, on a bipartisan basis under the leadership of Senators BYRD, CRAIG, and GREGG, Congress will have increased the number of Border Patrol agents by 7,000, the number of immigration enforcement personnel by 2,546, and the number of detention beds by 13,150.

The President has threatened to veto this bill because of what he considers to be "excessive" spending. However, it is not "excessive" when we provide funds to secure our borders. I support continued bipartisan efforts to provide funding for real border security. We do not yet have the amendment, but I look forward to reviewing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I thank Senator BYRD and Senator COCHRAN and the members of the Appropriations Committee for the fine work they have done on this 2008 Department of Homeland Security appropriations bill.

As has been pointed out, this will provide $2.2 billion more than the President's request for homeland security. I note that it received the unanimous support of all members of the committee, and for good reason: It is an important investment in the security of our Nation. It provides the needed resources so we can deal with the security concerns in our own country, whether they be at our airports, seaports, rail stations, or in our home communities. That is what we should be doing. It should be our highest priority. I congratulate the committee for the manner in which it considered this legislation and has brought it forward. I urge us to move it forward as rapidly as possible.

Two weeks ago, Michael Chertoff, the Secretary of the Department of Homeland Security, said he had a gut feeling our Nation is at an increased risk of a terrorist attack this summer. While I hope his warnings would be based on more than a feeling, the National Intelligence Estimate released last week supports Secretary Chertoff's instincts. Based upon the facts before it, the National Intelligence Council judged that "the U.S. homeland will face a persistent and evolving terrorist threat." Al-Qaida has "protected and regenerated key elements of its Homeland attack capability" and is now as strong as it was in 2001. The NIE states that "the United States currently is in a heightened threat environment."

Based upon that, it is disheartening that while the intelligence community is discovering evidence of an increased threat to this country, President Bush has recommended cutting funding to grant programs that secure our ports, airports, and bolster local law enforcement and fire departments around Maryland and our Nation.

The increased funding in this bill for our port and aviation security and first responders will have a profound impact on my State of Maryland.

Let me start with the Port of Baltimore. It is one of our country's most important ports and a significant economic engine for our entire region, providing more than 33,000 jobs in Maryland and generating $1.5 billion in revenue every year. It is the Nation's eighth largest port, handling about 2,000 ships and 31 million tons of cargo each year.

With the size of the Port of Baltimore, proximity to Washington, workload, and productivity come increased risks. That is why I was a strong proponent of the Security and Accountability for Every Port Act of 2006, the SAFE Port Act of 2006. This bill authorized more funding for programs that are critically important to the security of our ports, including risk-based port and cargo security grant programs, the development of a long-range ship-tracking system, the development of a biometric transportation security card for port workers, and development of a system to identify high-risk containers.

These were all programs that, after hearings in the Congress, we felt were critically important to secure our seaports.

You can imagine my dismay and the distress of the public safety officials and emergency planners in Maryland when President Bush, who signed the SAFE Port Act, did not propose to fund many of the new activities that legislation authorized. I am grateful to the Appropriations Committee for recognizing the risk to the Port of Baltimore and other ports around the country. It provided the funds so we can move forward with those initiatives.

The bill will provide $15 million above President Bush's request to hire additional port security inspectors, conduct vulnerability assessments at 10 high-risk ports, and develop a long-range vessel-tracking system so we can monitor ships as they travel around the world.

Most importantly, this bill provides $400 million in port security grants, $190 million above the President's request as authorized—as authorized—by the SAFE Port Act of 2006, which the President signed. These grants will provide Maryland with critical support to improve perimeter fencing, underwater detection capability, and enhanced video surveillance systems.

I am pleased the committee recognizes the importance of the Coast Guard's presence at Curtis Bay, MD, and notes it is a "critical component of the Coast Guard's core logistics capability" and "directly supports fleet readiness."

The committee further recognizes the vital role the yard has played in "the Coast Guard's readiness and infrastructure for more than 100 years" and recommends "that sufficient industrial work should be assigned to the Yard to maintain this capability." I agree, and I intend to do my best to make sure the committee's recommendations are, in fact, followed.

The bill provides $15 million above President Bush's request to address a shortage of Coast Guard boats and qualified personnel to allow the Coast Guard to enforce security zones and protect critical infrastructure.

The bill provides $60 million above the President's request for the establishment of Coast Guard interagency maritime operational centers authorized, again, by the SAFE Port Act of 2006, which will improve collection and coordination of intelligence, increase information sharing, and unify efforts among Federal, State, and local agencies.

The bill gives equal attention to transportation security, providing $3.7 billion for transportation security improvements, $764 million more than the President's request. This funding includes $400 million for rail and mass transit security grants, $529 million for explosive detection systems, and $41 million for surface transportation security. The bill provides the needed funds for passenger and luggage screening.

These grants will provide much-needed funding to protect airports in Maryland and across the Nation. In the past, I have worked with the Transportation Security Administration, TSA, to bring the latest high-tech devices to Baltimore, including state-of-the-art equipment to scan baggage and passengers for explosives. I am proud the BWI Thurgood Marshall Airport was the first airport in the Nation to have a fully federalized screening workforce after the 9/11 terrorist attacks.

Despite continued threats to aviation security, President Bush sought to cut funds to purchase and install explosive detection equipment at airports by 17 percent. Once again, I thank the committee for not following the President's recommendation in that area.

This bill provides $66 million for TSA air cargo security, $10 million above the President's request. When combined with the $80 million included in the fiscal year 2007 emergency supplemental appropriations bill, these funds will put TSA on a path to screen all cargo placed on passenger aircraft, and that is what we should be doing.

The bill provides nearly $530 million, almost $90 million above the President's request, to purchase and install explosive detection equipment at airports around the country. We need to do that. We need to have the latest equipment for explosives at our airports.

I am disappointed the committee was forced to shift $45 million from container security to secure pathways, such as airfreight. We should not be in a position where we have to make those kinds of choices.

We must do more to ensure the safety of the Nation's chemical facilities. Enhanced security requires strong regulatory standards and policies attuned to the risks faced by the communities surrounding such facilities. In December 2006, the Bush administration proposed regulations to preempt State and local governments from adopting stronger chemical security protections than those proposed by the Federal Government. While the Federal Government must ensure chemical facilities meet minimal safety standards, States must retain the ability to set stricter standards to address the unique needs of their local communities. This bill ensures the essential ability of States to pass and enforce tougher chemical site standards than existing Federal standards, and it provides an additional $15 million to help States meet those standards.

Again, I applaud the committee for providing that help. It is very important to the area I represent in Maryland, where we have so many chemical plants.

Despite tragically ample proof in the wake of Hurricane Katrina that State and local governments were unprepared for a major natural disaster or terrorist attack, the President's budget proposes a $1.2 billion cut in vital homeland security grant programs that provide critical support to local law enforcement and firefighting departments.

I know we all talk about how important these agencies are, our local firefighters, our local first responders. The President's budget cuts those funds. I am pleased the Appropriations Committee did not follow the recommendation of President Bush but instead increased funding by $1.8 billion over the President's request for our States and cities to improve their ability to respond to attacks and natural disasters.

These allocations include $560 million for firefighter equipment grants, $525 million for State homeland security grants, $275,000 more than President Bush's request, and $375 million for law enforcement and terrorist prevention grants.

The committee also provided FEMA with $100 million to rebuild its core competencies and improve management. I hope the Agency will make wise use of these additional funds.

Emergency preparedness officials in Maryland are especially happy to see increased allocations in FEMA's budget for predisaster mitigation. Increased preparedness funding will lead to long-term savings by decreasing subsequent damage claims. Most importantly, increased preparedness ensures we are ready to keep our people out of harm's way.

I am pleased the bill contains critical resources to develop and implement improved detection and communications technology, improve communications, and improve and streamline intelligence-gathering agencies. Better technology and intelligence are a critical part of us being prepared against threats. We need to do better on intelligence gathering, and this bill provides help in doing that.

Congress can provide resources, but we cannot legislate appropriate action by DHS officials. All of us remember with outrage how DHS officials placed the Washington, DC, and the New York City metropolitan areas in a low-risk category for terrorist attacks or catastrophe. That decision was ridiculous. That decision, if it had been allowed to stand, would have cost those regions millions of dollars of antiterrorist funds and would have had a devastating impact on their ability to respond to attacks. Last year, many of DHS's grants were not released until December 29, 2006, the day before the end of the fiscal year. When the money Congress appropriates sits around in Washington for more than 11 months, Americans certainly are not any safer. The delay in releasing funds undermines the budget and plans of emergency response agencies in all our communities. The appropriations bill will penalize DHS for releasing grants late—a reduction of $1,000 per day when mandated timelines are not met. Local officials are hamstrung waiting for guidance and grant moneys from DHS. Once again, I thank the Appropriations Committee for putting that provision in the bill.

This bill takes other unusual measures, such as requiring the Department to submit expenditure plans for key programs to the committee for review before funds will be released. We saw the devastating results of incompetent management in the disastrous days before, during, and after Hurricane Katrina hit the gulf coast in 2005.

At the beginning of this month, the Washington Post reported the Bush administration had failed to fill roughly one-quarter of the top leadership posts at DHS, "creating a 'gaping hole' in the nation's preparedness for a terrorist attack or other threat." These are serious problems the administration needs to address immediately.

Earlier this year, the Senate passed S. 2, a bill implementing many of the remaining 9/11 recommendations. Ever since I served on the House Select Committee on Homeland Security, I have strongly supported the 9/11 recommendations that we distribute homeland security money based on risk and "be mindful of threats" increased security measures will pose "to vital personal and civil liberties." In other words, put our money where it is needed based on risk assessment, but be mindful of civil liberties.

S. 2 increases the amount of grant money distributed based on risk, and it strengthens protections for all our most cherished liberties. I hope the Senate will get a chance to pass the conference report to this bill before the August recess. I look forward to sending it to President Bush for his signature. It nicely complements the appropriations bill we are poised to pass in the next day or two.

Nearly 6 years ago, on a sunny September morning, Americans received a terrible wakeup call, telling us we can be attacked here and we need to do more to protect ourselves. Congress took that responsibility to heart, passing legislation empowering the President to protect our Nation.

I am proud to offer my support for this critical bill. Given the current state of our national security and the most recent NIE report, it is imperative we pass this bill immediately. There is no time for delay.

Once again, I thank the leadership of the Appropriations Committee for bringing this bill forward. It deserves our support. I hope we will have a chance to vote on it within the next day or two so this bill can become enacted in a timely way to meet the needs of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes and then immediately thereafter for my colleague on this issue, Senator NELSON, to be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2400

Mr. VITTER. Mr. President, I call up the Vitter amendment No. 2400, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending matter?

Mrs. MURRAY. Mr. President, at this time, I object to setting aside the amendment. Certainly, the Senator can speak on the amendment, but we are working through the process on the first amendment and are unable to, at this point, set it aside. Certainly, he is welcome to speak.

The PRESIDING OFFICER. Objection is heard. The Senator from Louisiana is recognized to speak on his amendment.

Mr. VITTER. Mr. President, that is disappointing because we have been in communication with all the floor leaders of this bill to actually call up the amendment, but I will certainly proceed to speak on it. It is amendment No. 2400, which is at the desk, which would amend the Homeland Security Appropriations Act to allow the reasonable reimportation of prescription drugs from Canada only.

I am joined in this very important amendment by Senator NELSON of Florida and Senator STABENOW of Michigan, and I thank my colleagues, and many other colleagues, who are supportive of this idea. This will be a continuation of a very important, very productive policy we began last year. Last year, I again joined with Senator NELSON of Florida, Senator STABENOW, and many others in coming forward with this specific amendment on last year's Homeland Security appropriations bill.

We had a full and healthy debate on the topic. After that full and healthy debate, it passed the Senate floor 68 to 32. After it was retained in the conference committee and passed through the House and the Senate in the final version of the appropriations bill, this amendment and the policy was signed into law. Because of that, we effectively ended the practice by Customs and Border Patrol of seizing from Americans what are otherwise lawful, safe, prescription drugs that happen to be purchased from Canada—drugs which are identical to those that can be purchased in the United States.

Again, Mr. President, I want to make clear to all my colleagues that this amendment merely continues the important work we began last year, which received a very resoundingly positive vote of the full Senate—68 to 32. Why do we need to continue that? Well, everybody knows—everybody who buys prescription drugs, everyone who has an elderly parent, grandparent, or aunt whom they are helping in terms of those very real needs and costs—we are burdened with sky-high prescription drug costs in this country, while virtually the rest of the world pays far greater reduced prices for exactly the same prescription drugs. That is the system we are trying to break up and break through. That is what we are trying to end in order to allow Americans to have access to safe and cheaper prescription drugs from Canada, and elsewhere.

It is very important that we take this step forward to continue the policy we started last year, to continue it for this fiscal year, in order to allow Americans this opportunity. Again, I want to underscore several things, at the risk of repeating myself.

No. 1, this is a continuation of what we did last year by a vote of 68 to 32. No. 2, this applies to individuals only, and individual amounts of prescription drugs for individual use. We are not talking about wholesalers, we are not talking about businesses getting into the business of buying from Canada. And, No. 3, this does apply to Canada only. We are not talking about any other country.

Now, let me say straight off that I support much broader and stronger reimportation legislation. I have supported that position consistently since I came to the Senate and before that while I was in the House, and I am very hopeful that I will be successful, working with others on this issue, in passing that broader reimportation language this year. But in the meantime, this is a very important step forward that we must preserve into the next fiscal year.

Mr. President, I yield the floor and invite Senator NELSON to share his remarks.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to discuss this bipartisan amendment, which we overwhelmingly passed last year as an amendment to the Homeland Security appropriations bill. It basically gets at one little thing that we can do to protect against the rising cost of prescription drugs.

At the end of the day, what we are going to have to be able to do, on a big program such as Medicare and the Medicare prescription drug benefit, we are going to have to give that negotiating power to the Federal Government, through Medicare, to negotiate, through bulk purchases, the price of the drugs in order to bring them down. Until we can get that—and we tried earlier this year and we were not successful in getting 60 votes to cut off debate. So until we can get that, we have to go at whatever avenue we can.

One way is to allow citizens to order, through Canadian pharmacies, the very same drugs they get from American pharmacies. And it is not only the same drug, it is manufactured in the same place—indeed, with the same packaging. They can order from Canadian pharmacies where they get that drug, in many cases, at half the retail price they are paying in pharmacies in the United States. I am talking about not only going across the border and bringing it back, but I am talking about also being able to order by mail, by telephone, and by the Internet without having U.S. Customs intercept and confiscate these packages.

We went through this whole discussion a year ago, and we pointed out the history of this program. We pointed out how Customs had gotten into it and were confiscating these packages. Yet the Acting FDA—Food and Drug Administration—Commissioner said it wasn't a safety factor if the drugs were coming from Canada. I want to underscore Canada. I didn't say another country. I said Canada—if the drugs were for the personal use of the person ordering the prescriptions, and if they were for a limited supply. And they defined that limited supply as 90 days or less—3 months. And, of course, that is what a lot of our constituents have been doing for years, and getting their prescriptions at less than half the cost.

So we passed that amendment last year overwhelmingly. What happened was, the pharmaceutical lobby got hold of it when it got into the conference committee with the House and it got watered down so you could do it as long as you traveled into Canada and brought the drugs back. Well, for somebody who lives in Detroit, maybe that helps them, or somebody who lives on the northern end of any of the northern States that have a border with Canada, maybe that helps them, but it doesn't help our constituents who live elsewhere in the country, particularly in a State such as mine, Florida, where they are trying to make financial ends meet.

I recall for the Senate the fact that there are senior citizens in America today who cannot afford the cost of their prescriptions and the cost of their food as well. They go in and they cut their prescription tablets in half, which, of course, does not solve their problem. So what we are trying to do is, in one little way here, to get at the cost of these drugs to be able to bring them down.

What we want to do is pass this amendment. If we can get it up for a vote, it will pass the Senate. What Senator is going to say to a senior citizen: You cannot order prescription drugs from Canada at half the price. Every Senator is going to vote for it, and then we will have to protect it again when it gets down in the conference committee with the House to see that it doesn't get watered down. And we will have to protect against the putting in of such limitations as they have in the past, saying: Oh, well, the White House will approve this amendment if they make it subject to the Secretary of HHS determining that it is safe.

Well, of course, they never make that determination, so, in effect, it doesn't ever happen. In point of fact, if you ask these officials privately, they will admit that it is safe because it is the same drug, made by the same manufacturer, even with the same packaging.

So Senator VITTER and I will be offering this amendment later, at a time that we are allowed under the parliamentary procedure to offer it, just as we offered it last year, and I would then encourage the Senate to pass it overwhelmingly, just as we did last year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL DELEGATION TO GREENLAND

Mr. GRASSLEY. Mr. President, I understand we are going to have a group of Senators visiting Greenland this weekend to see the effects of global warming on glaciers. I am sure they will visit areas where you can see icebergs breaking off glaciers, presumably more frequently than normal, due to global warming, although this phenomena has always occurred to some extent.

Perhaps these Senators will also visit with local residents, such as farmers who have been able to graze their sheep longer during this warmer weather that now seems to be there.

However, I wonder if, for a little historical perspective, the group will be visiting the Viking ruins on the southern tip of Greenland. As someone interested in history, I think such a visit would be very fascinating. I have always believed that we can learn a lot from history, so I am sure some value could be found in such an excursion to the Viking ruins at the southern tip of Greenland.

As many of my colleagues may be aware, archeologists have dug through the permafrost to excavate the remains of Viking farms, part of 2 major settlements that at one time may have had up to 5,000 inhabitants, and those settlements, presumably, lasted for over 400 years.

As we all know, Greenland was first settled by Erik the Red, who encouraged fellow Norsemen to join him in colonizing the empty land that we call Greenland today. These men grew grain and grazed sheep and cows in pastures. They prospered, at least at first, building structures like a great hall and a cathedral, as well as homes and barns. The remains of about 400 stone structures still exist on Greenland.

For reasons I am not sure are fully understood, sometime around the end of the 15th century, the Viking settlement in Greenland disappeared. No one knows precisely why the Vikings disappeared from Greenland, but it appears from the archeological evidence that life got somewhat harder and the climate became cooler and the land more difficult to farm, until Greenland could no longer sustain the Viking settlements.

I had an opportunity to be reminded of this as I saw on the Discovery Channel this week where they were talking about a small ice age overcoming the Northern Hemisphere during the late 1400s, 1500s, and 1600s. Maybe that had something to do with the Viking settlements disappearing from Greenland. But 500 years later, we are able to catch a glimpse of what their life must have been like by digging through a farm buried in that permafrost on Greenland. Only a little more time has passed since the Viking settlements disappeared until today, than from the time they were established there in Greenland until they were abandoned.

Contemplating the passage of time over centuries humbles us by putting our own short lifespan in historical perspective. It makes us realize that God is ultimately in control and the activities of human beings today are one tiny part of that divine plan. I think, from time to time, we need to reflect that way, which is why I hope my colleagues visiting Greenland this weekend have an opportunity to take time out of their schedule to visit the Viking ruins.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the Graham-Gregg-McConnell amendment that has been offered this morning and to support it. It is the Border Security First Act. It includes actual funding which would be emergency funding. I think this is justified.

I know my colleague, Senator GREGG, is a former chairman of the Budget Committee. He is very astute and alert that we do not abuse emergency funding, and he believes this is a justified emergency—and I do too. In other words, how much longer can we continue to have lawlessness at our borders? This bill would go a long way in fixing that. Certainly, every aspect of the bill, I believe, is a positive step in returning us to a lawful system of immigration in America.

One reason actually funding this project, these efforts, through this bill and through emergency spending is so important is because we have a history of promising things and not doing them. Not this year but last year the bill came forward in the Judiciary Committee to comprehensively reform immigration. I realized we had a shortage of border enforcement officers, Border Patrol, and I offered an amendment to do that as part of that authorization bill, that immigration reform bill. It was readily accepted.

I offered an amendment that added bed spaces, and it was readily accepted, because I knew we needed more if we were going to be effective.

I offered more funding to train State and local law enforcement. It was accepted.

I offered amendments on fencing which were accepted as well—at least some of them. More on the floor were accepted.

Then I had an insight that hit me. That insight was that when we pass an authorization, what occurs is we authorize certain legal changes. Those legal changes take place at once. For example, the guaranteed path to citizenship in that immigration bill—it passed, it became law, it was guaranteed, it would happen no matter what. But I realized it was real easy for my colleagues to agree to things that involved enforcement that required money, real dollars, to carry out because I realized they may have no intention of seeing that effort be funded. Or, if they did have an intention to see it funded, there are so many steps, hurdles, and loopholes to go through before it is ever funded it may never get funding because it would have to go through the appropriators and they would have to appropriate the money.

To authorize money for a fence is not to build a fence. That is the point. You have to appropriate some money to build a fence. That was the gimmick, I believed all along, and that led to a suggestion I made about having a trigger. Senator ISAKSON went into that in some depth and offered the amendment to have a trigger. The trigger said: Before any of these other law changes about amnesty or legalization of those here illegally could occur, some other things had to happen first. If you didn't spend the money on the others, this would never happen. There was a trigger. That was a good idea, it was. It dealt with the problem we were dealing with.

There is cynicism that is out there because of what happened in 1986. Let's be honest about it, what happened in 1986 was amnesty occurred. They didn't deny it was amnesty. They were giving people legal residence and path to citizenship in 1986. But they promised to do the things necessary to create a lawful system in the future and that it would not happen again. Three million people in 1986 were provided amnesty. But as we all know, the promises were never fulfilled. We did not create a lawful system of immigration. We did not do the things necessary to enforce our laws at the border. As a result of that, we now have 12 million people illegally in our country. Right? That is what happened. There is no mystery about this. This is actually fact.

We had this bill that came up, the so-called comprehensive reform bill. I absolutely believe it did not get us there. That is why I opposed it. I made up my mind I was not going to participate in a legislative process that would tell our people of America, and my constituents, we were going to create a lawful system in the future, if we were not going to do it. That is why a number of people suggested we should have a border security first bill. That is what the House of Representatives said last year. They said they were not even going to consider our bill because they believed we ought to prove to the American people we could create a lawful system of immigration first.

In this amendment, Senator GREGG and Senator GRAHAM and Senator KYL and McCONNELL—many of those who had supported the comprehensive reform—are saying let's get some credibility with the American people. I thank them for that. I believe this is a step in the right direction.

Senator GRAHAM and Senator GREGG—we discussed it recently with members of the press and they made the point: The American people want to see we are serious about what we promise first. That is why they support that.

For example, this legislation would fund 23,000 border agents. The bill that is on the floor today, the basic Homeland Security bill, would fund a little less than 18,000 agents. We need more agents. We have to get to that tipping point. We don't need a whole unlimited number of agents. In my opinion, somebody who has been involved in law enforcement most of my career, I believe we can get to a point where the word is out worldwide that our borders are not wide open, and if you come to the United States, you are likely going to be caught, unless you come legally. If we do, we could see a substantial reduction in the number of people attempting to come here illegally. But we have to get other agents out there to get to that point—so 23,000 would help a lot. It is more than this bill has in it.

Another thing you have to have is detention beds. In other words, if you arrest someone for illegally entering our country, if you are in a position where they are released on a promise to come back for some proceeding because you do not have a prison bed, a detention bed in which to put them, they do not show up. We have examples of the catch-and-release policy, where 95 percent of the people released on bail on a promise to come back for their hearing didn't show up—surprise, surprise. They were willing to come to the country illegally. Who thinks they are going to show up legally to be deported? How silly is that? It was an indication to me and the American people that this Government was not serious about immigration. We were not serious. Any government that allows such a silly, worthless, no-good policy as that is not serious about it.

So this bill would add detention beds. The underlying bill is at 31,000. This would take us to 45,000. Hopefully, that will take us to that tipping point, so then we can say to a person who has been apprehended: We are not going to release you, we are going to hold you until you are deported. Sometimes it is difficult, if they are from foreign countries, distant countries, not our border countries, to get them back to their countries. It takes some time to get a plane or a boat to ship them out.

Another thing that is a part of this—certainly, if we are serious about immigration, one of the things we want to do is welcome legitimate help from our State and local law enforcement agencies. There are only a few thousand Federal immigration agents inside the United States—not at the border, I mean inside the United States. There are 600,000-plus State and local law enforcement agents. They basically have been blocked from being able to participate in any way.

There is, however, a program called a 287(g) provision that gives training to State and local officers so they don't mess up, and they treat everybody exactly properly and help in an effective way to partner with Federal officers to enforce immigration laws.

If you don't want immigration laws enforced, you don't want the 600,000 State and local law officers participating. See? If you don't want the law enforced, you don't want these people to participate in any way because right now we only have several thousand Federal agents—not on the border, inside the whole United States of America. The only people we can rely on would be voluntary State and local support.

What we learned in Alabama, my home State, we trained 60 State troopers in this program. It took far too long, in my view. The State had to pay their salaries. It cost the State of Alabama $120,000 to be a partner with the Federal Government to enforce laws that they have authority to enforce—but to enforce laws of the Federal Government on an issue, immigration, that should be primarily a Federal responsibility.

This bill, the amendment that was offered, this border security first amendment, would provide some grant programs to enable more States to participate in this program.

It also funds—actually puts the money out to fund the fence. We have had a half dozen votes on the fence, and it has still not been built. They are building some now, they say. They are doing some. But it is still not on track to be completed, and it is not funded according to what we voted. We voted to build 700 miles of fencing. The underlying legislation, this appropriations bill, only funds 370 miles. That is not what we voted to do.

You see what I am saying? It is one thing to authorize and vote to do something. We all go back home and we are so proud: I voted to build a fence. But nobody ever comes around to provide the money to actually do it. So this bill would fund that.

On the question of our local facilities to apprehend people for serious crimes, people who are in the country illegally, who are subject to being deported as soon as they are released from jail occurs—under current law, that is not working well at all.

This bill would allow local facilities, detention facilities, to detain them for up to 14 days, to give the Federal Government the right to do that, to get them deported, as they should be, if they committed felonies in the United States.

Last September, 80 Senators voted to build 700 miles of fencing along our border. Ninety-four Senators voted for the amendment I offered for $1.8 billion to be appropriated. It eventually got reduced in conference to $1.2 billion to build the fence we said we were going to build. This bill, the underlying bill, calls for an additional $1 billion toward construction of the fencing. But that is not enough. The Gregg-Graham-Kyl amendment would provide the money sufficient to do that and get us on the right track.

I will mention briefly a couple of other things in the legislation that I strongly favor. Senator GRAHAM has advocated previously that we need to have penalties for people who come back into the country illegally. I mean, how silly is it to have persons enter the country illegally, you apprehend them, you do not prosecute them, you do not put them in jail—you could, because it is a crime—and you deport them, and here they are the next week, or even the next day coming back into the country. You have got to, at some point, if you are serious about law, have a penalty extracted.

So this bill would require penalties for people who reenter a second time, at least, in our country illegally. Certainly that is a good step, but it is not happening today. There is a deal going on among certain judges, and it has gotten to be a real problem for our immigration enforcement system. That is, local State judges, if they have an individual who is about to be deported, often will cut the sentence and not make it the required sentence, and that would obviate their deportation from the country for being convicted of a felony. This would keep judges from going back and manipulating the criminal justice system to try to prevent a result that should naturally occur in the future.

It has institutional removal program funding. This is important as a practical matter. It does not work to wait until a person has completed their jail time for a serious criminal offense, and then have the Federal Government start up a proposal to deport them. They run away; they do not show up to be deported. It is so obvious that that is happening. So we have a program, the institutional removal program, that does allow the Federal Government to take those people before they are released from jail and do the paperwork and commence the hearing so at the time of their departure, they are released into State prison for the serious offense they have committed, they would directly be deported. That only makes sense. We are doing some of that now, and this bill would provide extra money for that.

In every aspect of the legislation, it is a step in the right direction. It does not get us there if the executive branch or if the Government does not want to enforce these laws. It does not get us there if the House or conferees fail to put this money in the bill. There are still a lot of loopholes. We should not pat ourselves on the back. But these are all critical steps toward creating a lawful immigration system. If we can do that and regain some confidence among the American people, we will be able to talk about many more of the issues in favor of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 2392, the Isakson-Chambliss amendment, be called forward.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I regretfully inform the Senator at this point we are not setting aside amendments until we have disposed of or determined how we are going to dispose of some of the other amendments that are in front of us. I would be happy to let the Senator speak on the amendment at this time. We are going to object until we have a way to proceed forward with the amendments that have been offered.

The PRESIDING OFFICER. Objection is heard.

Mr. ISAKSON. Mr. President, I thank the Senator from Washington. I ask unanimous consent—I am going to speak briefly—Senator CHAMBLISS be allowed to speak immediately after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2392

Mr. ISAKSON. Mr. President, I associate myself with the remarks that I have been able to hear this morning by Senator GREGG, Senator SESSIONS, Senator GRAHAM, and others. I rise to bring forward—I cannot bring it forward because they will not let me call it up, but at least talk about amendment 2392 offered by myself and Senator CHAMBLISS from Georgia. To that end, I ask unanimous consent to have printed in the RECORD our joint letters—Senator CHAMBLISS and my joint letters—of June 12 and July 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ISAKSON. Mr. President, the reason I entered these two letters is they reflect precisely what the amendment does. The amendment offered is a sense-of-the-Senate amendment. It is the sense of the Senate that expresses the following: This is a team sport. It takes the executive and the legislative branch to get our Nation secured, our homeland security, and in this case, our borders secured. The letters I submitted by Senator CHAMBLISS and myself are letters to the President of the United States—one submitted during the debate on immigration, one submitted 2 weeks following the debate on immigration—asking the President of the United States to send an emergency supplemental to the floor of the House and Senate to fund all of the border security measures we have passed, such as the fence bill, which we authorized last year, and the five key provisions of the immigration bill that were lost that deal with border security. That is Border Patrol agents; the unmanned aerial vehicles and ground positioning radar; it is detention facilities; and, most importantly, most importantly, it is the biometrical secure ID which gives you the redundancy to see to it that we finally stop the forged document business, close the border, remove the attractive nuisance to come to America, and motivate people to go back and come in the right way and the legal way.

Some may say, well, an emergency supplemental is not the way to go. I would submit it is the only way to go. If anybody doesn't think this is an emergency, I don't know about your phone system, but mine broke down with the volume of calls we had last month. The Senate broke down with the volume of calls and the weight and the complexity of this issue. But, most importantly of all, we broke down because the people of the United States do not have the confidence in this Congress or the President that they will secure the border.

There is no question that this country needs an immigration policy system that works for high skilled, moderately skilled and lower skilled. There is no question that we need to review our entire immigration system. There is no question it needs fixing. But there is equally no question that is never going to take place until the American people feel we have secured the homeland and, in particular, have secured the border to the South with Mexico.

We know what it takes to do it. It is delineated in the bill that was on the floor of the Senate a month ago. We know what it takes to do it. We know how to do it. In fact, in the last year, we developed an entire new system of building fences that has allowed us to accelerate barrier construction along the border. It is being done right now at San Luis, between San Luis and Yuma, AZ. I have been there and seen it. It speeds up the system, and it is foolproof. It gets the redundancy we need in our security system to make it work.

I am not asking the Senate to do anything I have not asked the President of the United States to do. I think every day we wait is a serious mistake. We know it will take a minimum of 24 months to do the biometric ID, train the number of Border Patrol officers we need to add, build the 30,000 detention cells, put the unmanned aerial vehicles in the sky, and get the ground positioning radar and ground sensor systems in. We know it is going to take 24 months. But it is going to take 24 months from when we finally have the political courage and will to fund the money. The only way to ensure that is for us to join hands with the President, pass a singular bill without any other subject on it, that appropriates the emergency funds necessary to accomplish those things.

It is not complicated, and I do not think it should be controversial. It is my hope when the majority reads this amendment and decides on whatever their posturing would be on this bill, that they understand this is a clear, concise message that a unanimous Senate should send to the President of the United States to see to it that we start that 24-month clock by funding the money and appropriating it and getting the job done. This issue is too critical; it is too important. It is job one and we must do it now.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 12, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the Senate's effort to reform our nation's immigration laws through the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 is stalled, illegal immigration remains our nation's number one domestic issue. We therefore believe it is incumbent upon us and our colleagues to tackle this issue and not leave this problem for future generations to solve.

As we travel around Georgia and continue to hear from our constituents, the message from a majority of Georgians is that they have no trust that the United States Government will enforce the laws contained in this new legislation and secure the border first. This lack of trust is rooted in the mistakes made in 1986 and the continued chaos surrounding our immigration laws. Understandably, the lack of credibility the federal government has on this issue gives merit to the skepticism of many about future immigration reform.

We believe the way to build greater support for immigration reform in the United States Senate and among the American public is to regain the trust in the ability of the federal government to responsibly administer immigration programs and enforce immigration laws. There is bipartisan agreement that we need to secure our borders first, and we believe this approach will serve as a platform towards addressing the other issues surrounding immigration reform.

To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in legislation currently pending in the Senate, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first and to stopping the flow of illegal immigrants and drugs into our nation. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,
SAXBY CHAMBLISS,
Senator.
JOHNNY ISAKSON,
Senator.

U.S. SENATE,
Washington, DC, July 12, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On June 12, 2007, we wrote to you regarding our commitment to securing our nation's borders and suggesting a way forward on comprehensive immigration reform. Now that the Senate has again rejected the comprehensive approach embodied in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, we want to underscore our belief that illegal immigration remains our nation's top domestic issue. Although the Senate has turned its attention to other legislative priorities, the American public, who daily encounters the effects of our current failed immigration system, has not forgotten the duty we have, as their federal representatives, to address the issue of illegal immigration.

Many Americans from across the nation have become engaged in this issue, and shared with us their wide ranging and passionate opinions on how we can reform our immigration system. While there is no consensus on the best approach to comprehensive immigration reform, there is near unanimity in the belief that we should secure our borders first. We sincerely believe the greatest obstacle we face with the American people on the issue of immigration reform is trust. The government's past failures to uphold and enforce our immigration laws have eroded respect for those laws and eliminated the faith of the American people in the ability of the government to responsibly administer immigration programs.

We believe there is a clear way to regain the trust of the American public in the competency of the federal government to enforce our immigration laws and manage our immigration system: We should prove our abilities with actions rather than make promises. To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first, stopping the flow of illegal immigrants and drugs into our nation, and creating a tamper-proof biometric identification card for foreign workers. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,
SAXBY CHAMBLISS,
Senator.
JOHNNY ISAKSON,
Senator.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2392

Mr. CHAMBLISS. Mr. President, first, I associate myself with the remarks of my good friend and my colleague from Georgia relative to this particular amendment. He is dead on target. We have been there for 2 years now encouraging this border security issue, that it be brought forward to the forefront on this issue of immigration. We are going to continue to pound at this until it is, in fact, realized by Congress and the administration and something is done.

I also associate myself with the remarks of my good friend from Alabama, Senator SESSIONS, along with Senator GREGG and Senator GRAHAM. This problem relative to illegal immigration was debated here thoroughly in the halls of the Senate a year ago as well as last month. Unfortunately, we have not come to any conclusion as to any part of this issue. The problem has not gone away. So I rise today to discuss amendment No. 2392, which is an amendment Senator ISAKSON and I have offered regarding the need for emergency spending to secure the borders of the United States.

Since September 11, our local, State, and Federal law enforcement officials have taken great strides to make communities, air and water ports, cities, and national landmarks safer and more secure. I think it is a credit to this administration, as well as to the Congress, that we have not suffered another attack domestically since September 11. But we must continue to be vigilant. One part of that is securing our borders. We have improved our information-sharing capabilities between Federal and local first responders and law enforcement officials.

Within our intelligence community—the CIA, the FBI, NSA—we have also increased our information-sharing capabilities -both vertically within each agency and horizontally with each other.

Since the inception of our global war on terrorism, we have made numerous arrests, disrupted al-Qaida communication and planning capabilities, prevented and foiled potential terror attacks, broken up sleeper cells, and captured members of al-Qaida's top leadership.

When it comes to our national security, terrorists only have to get it right once. We have to get it right every single time. None of us can afford to take our safety and our freedom for granted. Much more still needs to be done. But there is no doubt about it, we are winning the war on terrorism.

On June 28, 2007, the Senate, by a vote of 46 to 53, rejected cloture on a bill to provide for comprehensive immigration reform. However, illegal immigration remains as a top domestic issue in the United States. The American people continue to encounter the effects of our failed immigration system on a daily basis. They have not forgotten the duty of Congress and the President to address this issue of illegal immigration and the security of the international borders of the United States. This amendment will help remind the President and Congress that the problem of illegal immigration is still with us. There is no consensus on the best overall approach to comprehensive immigration reform, but I believe, and many Americans do as well, that the first step is funding the necessary tools to defend our country. The Federal Government has the responsibility to, and immediately should, secure the borders of the United States.

Even with our best efforts, illegal entry into the United States remains a vast problem that is getting more and more out of control. This is a security breach we must address. We must commit the sufficient money for our border security agencies, including Customs and Border Patrol, Immigration and Customs Enforcement, as well as the National Guard currently on our borders through Operation Jump Start.

Many Americans from across the Nation have become engaged in this issue and shared with me their wide-ranging and passionate opinions on how we can secure our borders and resolve our illegal immigration crisis.

I sincerely believe the greatest obstacle this body faces with the American people on the issue of border security and immigration reform is trust. The Federal Government's lack of action to uphold and enforce our immigration laws and secure our borders has eroded respect for those laws and eliminated the faith of the American people in the ability of the Government to responsibly administer immigration programs and protect our citizenry.

I believe there is a clear way to regain the trust of the American people in the ability of the Federal Government to enforce our immigration laws and secure our borders. We should prove our abilities with actions rather than continuing to make promises.

To that end, Senator ISAKSON and I believe the President could alleviate many of the fears of our constituents and other great citizens of America by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations.

Such a move would show his commitment to securing the border first, stopping the flow of illegal immigrants and drugs into this country, and creating a tamper proof biometric identification card for foreign workers who are here legally. It will also work toward restoring the credibility of the Federal Government on this very critical issue. Frankly, Congress has not done a very good job of addressing this issue for about two decades. It is imperative that we find and implement a solution quickly. This is a national security emergency which must be addressed immediately. I certainly do not have all of the answers, but I do know that, first and foremost, what we have to do is secure the borders. This is where the problem originates, and this is where it must be halted. If we don't secure our borders, then nothing else we do relative to immigration reform or national security will really matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to join my colleagues in support of the Graham amendment, of which I am pleased to be a cosponsor, and to provide my colleagues some information I found particularly revealing in the form of a four-part series in my hometown newspaper, the San Antonio Express News, written in May of 2007. The author of the series, a reporter by the name of Todd Bensman, chronicles the movement of an Iraqi individual from Damascus, Syria, to Detroit, MI. It is particularly instructive, as we are contemplating this amendment and the importance of funding border security measures, that this kind of information be brought to the attention of the Senate.

I ask unanimous consent to have the first of the four-part article from MySA.com entitled "Breaching America: War refugees or threats?" printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. CORNYN. Mr. Bensman, in this article, found the following in his investigation, and I will summarize. More than 5,700 illegal immigrants from 43 countries with majority Muslim populations, including state sponsors of terror, have been caught while traveling over the Canadian and Mexican border along well-established underground smuggling routes since 9/11, a traffic that continues today. Mr. Bensman estimates between 20,000 and 60,000 of these so-called special interest aliens, by virtue of their country of origin being countries where terrorism is, unfortunately, alive and well or because they are state sponsors of international terrorism, have gotten through without being caught since 9/11. These migrants, although relatively small in total numbers, are high risk because they hail from countries where American troops are actively battling Islamic insurgents, nations where radical Islamic organizations have bombed U.S. interests or murdered Americans. Unguarded U.S. borders are most certainly in the terrorists' playbooks as a means of entering the country. Since the late 1990s, at least a dozen confirmed terrorists have sneaked over U.S. borders, including operatives from Hezbollah, Hamas, Tamil Tigers, and one al-Qaida terrorist once No. 27 on the FBI's most wanted terrorist list.

On the U.S. side of the border, the FBI is supposed to interrogate and conduct a threat assessment and interrogations on every captured special interest alien, but the process is severely flawed and open to error. Often, the FBI signs off on captured special interest aliens, allowing them access to the political asylum process without conclusively knowing whether they are or are not associated with terrorist organizations. Furthermore, Border Patrol agents are simply using expedited removal processes to kick special interest aliens back over the border into Mexico, where they will certainly try to cross again, with no investigation and no FBI referral whatsoever.

This series of articles published in the San Antonio Express News will be an eye-opener for the people of this country.

Frankly, those of us who are Members of the Senate have the privilege of having classified briefings from time to time. Of course, we cannot talk about that intelligence information on which we are briefed behind closed doors. But here in the public domain are the results of Mr. Bensman's investigation in chilling detail, chronicling the movement of an individual from Damascus, Syria, to Detroit, MI, via Moscow, Havana, into Guatemala, and then up through Mexico's southern border and into the United States.

I have met with Border Patrol agents. Perhaps the current occupant of the chair and others have had the same experience I have. I asked them, out of the 1.1 or the 1.3 million people we actually detain coming across our southern border, for every person we detain, how many people do you think get across? I have heard estimates ranging from detaining maybe one out of every three to one out of every four. The truth is, nobody knows for sure who gets away. We do know that people who are detained and returned across the border likely try again. So it is hard to get good information.

This is not a matter of solely economic migrants coming from Mexico or Central or South America into the United States. The truth is, Central America and Mexico are a land bridge into the United States for anybody anywhere around the world who wants to come here, anybody who has the money to pay the human smugglers to get them here. Obviously, these could be individuals who want to work and who want nothing but a better life—what we all have and want in America—but it can also be very dangerous people who want to do us harm. That is the reason this funding, this emergency funding for border security, is so important.

It is also important that we begin to regain the lost public confidence that the Federal Government can actually deliver on its promises. We have been telling people for a long time how important it is in a post-9/11 world to know who is coming into our country and why people are coming here. Recognizing that if there is a way to separate the economic migrants and to create an immigration system that would give people an opportunity through legal immigration to come to the United States on a controlled basis, it will then allow law enforcement agencies an effort to target those who are common criminals, drug dealers or, indeed, terrorists or special interest aliens from state sponsors of terrorism.

We were reminded again about the dangers from our porous borders when, on Monday, officials with Immigration and Customs Enforcement announced that they had arrested more than 100 gang members in Texas. These 121 suspects represent 27 different gangs, including the notorious Mexican Mafia and MS-13. Of course, MS-13 is the ultraviolent Central American gang that has come into the United States through our broken borders. More than half of these gang members had criminal charges against them, and nearly half of them were arrested on administrative and immigration-related charges. So we see time and time again, as most recently as the daily newspaper, what the threat is. Yet Congress continues to do not nearly enough to fix it.

This amendment gives us an opportunity to fix the problem at the border. It is not just at the border. We need to deal with our broken immigration system because roughly 45 percent of the people who are illegally present in the country today in violation of our immigration laws came in on a legal visa but simply overstayed and melted into the vast American landscape. So we have to, as this amendment does, make sure we find ways to police visa overstayers. We need to make sure we continue to work on document fraud and identity theft that makes it hard for even good faith employers to determine the legal eligibility of prospective employees to work in America. This amendment is the first big step toward regaining the public's confidence again and demonstrating that we are actually serious about delivering on our promises, not engaged in overpromising but underdelivering, as we have in the past.

I will be offering at a later time some amendments myself. Coming from a border State with 1,600 miles of common border with Mexico, this is a personal issue to many of my constituents, particularly. While some, such as the Senator from Alabama, Mr. SESSIONS, believe strongly in the need for more fencing along the border, it is controversial along the border in south Texas. I have worked with those local officials and property owners. We have two amendments I will be talking more about later. The consultations we have conducted have been useful in coming up with creative ways to accomplish the nonnegotiable goal of border security.

I noticed most of the property abutting the Rio Grande River is private property. I am not sure the Border Patrol or the Department of Homeland Security has really thought through the fencing idea and what it would mean to condemn through eminent domain proceedings private property along the border in Texas. I am informed that in Arizona and other places, much of the property along the border is already owned by the Federal Government, so we don't have that issue. But I have found in Texas, this is a controversial issue.

I have been pleased to work with my colleague, Senator HUTCHISON, to make sure that in this amendment and in every opportunity, we have insisted upon consultation with local elected officials and property owners to achieve the most effective means of border security, recognizing that result is nonnegotiable but how we get there should be the subject of consultation and negotiation.

Getting back to the private property issue, one of my amendments will ask the Department of Homeland Security to produce a report talking about the impact on border security due to the fact that much of the property, for example, in Texas is private property and asking them to come back and tell Congress so we can make more intelligent decisions about how to effectively use the taxpayers' money to accomplish that nonnegotiable goal of border security, given the fact that a lot of that property is private property and would require, if fencing was going to be built on it, that some sort of eminent domain proceeding would go forward. Obviously, the ranking member of the Appropriations Committee, the Senator from Mississippi, and the chairman of the Appropriations Committee would want to know whether the Federal taxpayer is going to be asked to pay just compensation for eminent domain proceedings if, in fact, those were contemplated.

There is a lot of beneficial discussion going on as we talk about this with local officials and others. For example, on my many visits to the U.S.-Mexico border in Texas, I have heard local law enforcement officials and the Border Patrol talk about the problems caused by an invasive plant commonly called Carrizo cane. Carrizo cane, as it turns out, grows so big and so fast that not even the night-vision technology used by Border Patrol agents can penetrate the Carrizo cane. It serves as a safe haven for human smugglers and common criminals along the border. If the Federal Government could work with local officials and local property owners to eradicate Carrizo cane, this robust perennial grass that can grow to a height of 20 to 30 feet, multistemmed clumps that resemble bamboo and forms large colonies, it would enhance the natural barrier the Rio Grande River already provides in many places along the border. Thus, it would also assist the local Border Patrol agents by providing a clear line of sight and ready access to areas that are currently not available to them because of the dense growth of this Carrizo cane.

I am pleased to say the Border Patrol has taken the suggestion and is talking to local officials and property owners. This shows some real promise. But it demonstrates what happens when you have local officials and people who live in the community talking to Federal officials trying to come up with a solution to a common problem.

Now, when the Federal Government—folks operating in the Beltway—decide they have a better idea, and they do not care what local and State officials think about it, well, usually that creates a lot of conflict and it also creates a less perfect solution and maybe not a solution at all.

So I will be offering that Carrizo cane amendment as well as another amendment which would require a report by the Department of Homeland Security on the impact of border security measures on private property owners along the Rio Grande River a little later on.

But I close by saying the threat posed by common criminals—as a result of our broken borders—to drug dealers is very real. As Mr. Bensman's article points out, the access through our broken borders to virtually anybody in the world who has enough money to pay the smugglers to get them in is an open door to people whom we prefer not come here; namely, people who come from countries that are state sponsors of international terror and, perhaps, people with the goals of harming innocent Americans, taking advantage of the same broken borders that yield access to economic migrants.

EXHIBIT 1

[From the San Antonio Express-News]

BREACHING AMERICA: WAR REFUGEES OR THREATS?

(By Todd Bensman)

DAMASCUS, SYRIA.—Al Nawateer restaurant is a place where dreams are bartered and secrets are kept.

Dining areas partitioned by thickets of crawling vines and knee-high concrete fountains offer privacy from informants and agents of the Mukhabarat secret police.

The Mukhabarat try to monitor the hundreds of thousands of Iraq war refugees in this ancient city, where clandestine human smuggling rings have sprung up to help refugees move on—often to the United States.

But the refugees who frequent Al Nawateer, gathering around Table 75 or sitting alone in a corner, are undaunted, willing to risk everything to meet a smuggler. They come to be solicited by someone who, for the right price, will help them obtain visas from the sometimes bribery-greased consulates of nations adversarial or indifferent to American security concerns.

The deals cut at places like Al Nawateer could affect you. Americans from San Antonio to Detroit might find themselves living among immigrants from Islamic countries who have come to America with darker pursuits than escaping war or starting a new life.

U.S.-bound illicit travel from Islamic countries, which started long before 9–11 and includes some reputed terrorists, has gained momentum and worried counterterrorism officials as smugglers exploit 2 million Iraq war refugees. The irony is that the war America started to make itself safer has forced more people regarded as security threats toward its borders.

A stark reminder of U.S. vulnerability at home came this month when six foreign-born Muslims, three of whom had entered the country illegally, were arrested and accused of plotting to attack the Army's Fort Dix in New Jersey.

What might have happened there is sure to stoke the debate in Congress, which this week will take up border security and immigration reform. But the Iraqi refugee problem provides a twist on the question of what assurances America owes itself in uncertain times: What do we owe Iraqis thrown into chaos by the war?

Politically, immigration can be a faceless issue. But beyond the rhetoric, the lives of real people hang in the balance. A relatively small but politically significant number are from Islamic countries, raising the specter, some officials say, of terrorists at the gate.

For those few, the long journey to America starts at places like Al Nawateer.

The restaurant's reputation as a meeting place is what drew Aamr Bahnan Boles.

Night after night, Boles, a lanky 24-year-old, sat alone eating grilled chicken and tabouli in shadows cast by Al Nawateer's profusion of hanging lanterns: Boles always came packing the $5,000 stake his father had given him when he fled Iraq.

Boles was ordering his meal after another backbreaking day working a steam iron at one of the area's many basement-level garment shops when he noticed a Syrian man loitering near his table. The Syrian appeared to be listening intently. He was of average build and wearing a collared shirt. Boles guessed, he was about 35 years old.

When the waiter walked away, the Syrian approached Boles, leaned over the cheap plastic table and spoke softly. He introduced himself as Abu Nabil, a common street nickname revealing nothing.

"I noticed your accent," the Syrian said politely. "Are you from Iraq?"

Boles nodded.

"I could help you if you want to leave," the Syrian said. "Just tell me when and where. I can get you wherever you want to go."

For an instant, Boles hesitated. Was the Syrian a Mukhabarat agent plotting to take his money and send him back to Iraq? Was he a con artist who would deliver nothing in return for a man's money?

"I want to go to the USA," Boles blurted.

"It can be done," said the Syrian. But it wouldn't be cheap, he warned. The cost might be as high as $10,000.

Hedging against a con, Boles said he didn't have that kind of money.

The Syrian told him there was a bargain-basement way of getting to America. For $750, he could get Boles a visitor's visa from the government of Guatemala in neighboring Jordan.

"After that you're on your own," the Syrian said. "But it's easy. You fly to Moscow, then Cuba and from there to Guatemala."

The implication was obvious. The Syrian would help Boles get within striking distance of the U.S. border. The rest was up to him.

Boles knew it wouldn't be easy or quick: Not until a year later in-fact, in the-darkness just before dawn on April 29, 2006, would he finally swim across the Rio Grande on an inner tube and clamber up the Texas riverbank 40 miles west of Brownsville.

But Boles was undaunted. He cut a deal with the Syrian, setting in motion a journey into the vortex of a little-known American strategy in the war on terror: stopping people like him from stealing over the border.

RIVER OF IMMIGRANTS

Near the tiny Texas community of Los Indios, the Rio Grande is deep, placid and seemingly of little consequence.

But its northern bank is rigged with motion sensors that U.S. Border Patrol agents monitor closely, swarming whenever the sensors are tripped:

Here and all along the river, an abstract concept becomes real. America's border with Mexico isn't simply a political issue or security concern. It is a living body of water, surprisingly narrow, with one nation abutting its greenish-brown waters from the north and another from the south.

Since 9–11, the U.S. government has made guarding the 1,952-mile Mexican border a top priority. One million undocumented immigrants are caught each year trying to cross the southern and northern U.S. borders.

Because all but a tiny fraction of those arrested crossing the southern border are Mexican or Central American, issues of border security get framed accordingly and cast in the image of America's neighbors to the south. Right or wrong, in this country the public face of illegal immigration has Latino features.

But there are others coming across the Rio Grande, and many are in Boles' image.

People from 43 so-called "countries of interest" in the Middle East, South Asia and North Africa are sneaking into the United States, many by way of Texas, forming a human pipeline that exists largely outside the public consciousness but that has worried counterterrorism authorities since 9–11.

These immigrants are known as "special-interest aliens." When caught, they can be subjected to FBI interrogation, detention holds that can last for months and, in rare instances, federal prison terms.

The perceived danger is that they can evade being screened through terror-watch lists.

The 43 countries of interest are singled out because terrorist groups operate there. Special-interest immigrants are coming all the time, from countries where U.S. military personnel are battling radical Islamist movements, such as Iraq, Afghanistan, Somalia and the Philippines. They come from countries where organized Islamic extremists have bombed U.S. interests, such as Kenya, Tanzania and Lebanon. They come from U.S.-designated state sponsors of terror, such as Iran, Syria and Sudan.

And they come from Saudi Arabia, the nation that spawned most of the 9–11 hijackers.

Iraq war refugees, trapped in neighboring countries with no way out, are finding their way into the pipeline.

Zigzagging wildly across the globe on their own or more often with well-paid smugglers, their disparate routes determined by the availability of bogus travel documents and relative laxity of customs-enforcement practices, special-interest immigrants often converge in Latin America.

And, there, a northward flow begins.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. CORNYN. Mr. President, I would like to, if I may, turn to one other issue; and that has to do with the nomination of Judge Leslie Southwick.

I heard the distinguished Democratic whip, majority whip, speak to the Southwick nomination earlier, and I wish to make sure, in fairness, there is a complete consideration of the facts.

Of course, Judge Southwick, the nominee to which the majority whip objects, has been given the highest marks by his peers for the qualities of fairness and compassion by both the Mississippi Bar Association and the American Bar Association on two occasions, both when he was nominated to serve as a Federal district judge and now with his nomination to the Fifth Circuit.

Regarding Senator DURBIN's concerns, of course, as a member of the Judiciary Committee, he voted to confirm Judge Southwick to a lifetime Federal bench. So I wonder why, now that he has been nominated to the Fifth Circuit, those concerns have arisen when, in fact, there were no such concerns expressed when Judge Southwick was nominated and confirmed unanimously by the Senate Judiciary Committee to the Federal district bench.

I heard Senator DURBIN criticize Judge Southwick for his participation in the case of Richmond v. Mississippi Department of Human Services. The fact of it is, Judge Southwick did not write the opinion Senator DURBIN is critical of. Of course, as a judge, unlike a legislator, a judge has no choice but to vote. He voted for the result, for the outcome of the case, but I think it is unfair to attribute the writing of the opinion to Judge Southwick, something he did not write.

Of course, we all deplore the racial slur which was the subject of that opinion. The board determined, from the evidence before it, that the racial slur was an isolated comment, was made outside of the target's presence, was followed by an apology—which I think is significant—which was accepted and did not result in significant disruption of the workplace.

Under Mississippi law, the board's ruling could only be reversed if it was "arbitrary and capricious, accepting in principle the notion that a decision unsupported by any evidence is by definition arbitrary and capricious."

The court of appeals majority, including Judge Southwick, operating under a highly deferential standard of review—which is applied in the case of agency decisions routinely—upheld the board's decision and found that there was some evidence to support the board's ruling that the isolated comment did not sufficiently disturb the workplace so as to justify the employee's termination.

The majority made clear it did not endorse or excuse the slur. They said:

> We do not suggest that a public employee's use of racial slurs . . . is a matter beyond the

> authority of the employing agency to discipline.

In other words, they said it would be appropriate to discipline a person for using racial slurs.

Of course, Judge Southwick reiterated his disdain for the use of any racial slurs and has repeatedly told the committee that the use of the word at issue is—in his words—"always offensive"—I would hope we would all agree with that—and "inherently and highly derogatory." At the hearing he said: "There is no worse word." He said it was "unique" and that he could not imagine anything more offensive.

In response to a written question from Senator DURBIN, Judge Southwick wrote:

> Use of this word is wrong, improper, and should offend everyone regardless of the speaker's intent.

I agree.

As a legal matter, the Supreme Court of Mississippi explicitly agreed with the appellate court's conclusion that dismissal was unwarranted. That was the appeal from the Court of Appeals to the Supreme Court of Mississippi. The supreme court said:

> In this case, we find that the harsh penalty of dismissal of Bonnie Richmond from her employment is not warranted under the circumstances.

We can agree or disagree with the decision made by the board that reviewed that. We can agree or disagree with the decision of the court of appeals. But I do not know why, after the American Bar Association—the professional organization that reviews Federal nominees—after they have reviewed Judge Southwick's record, including his participation in that decision, and found him to be highly qualified, why we would come back and try to besmirch his reputation as a part of trying to defeat this nomination.

I am sure there will be more discussion about Judge Southwick as we go forward. I hope we are not heading down a very dangerous path again, which is to deny this President's nominees—or any President's nominees—an opportunity for an up-or-down vote. Right now, I know the senior Senator from Mississippi, Mr. COCHRAN, has been talking to the chairman of the Judiciary Committee, and the chairman has offered a vote for Judge Southwick's nomination in the committee.

But right now Judge Southwick is continuing to have consultation with members of the committee, in hopes he can get an up-or-down vote in the committee and then hopefully come to the floor where we can have a debate which will cover the whole range of Judge Southwick's qualifications and his resume and his record so the Members of the Senate can fairly ascertain for themselves whether he should be confirmed and then have an up-or-down vote.

But right now I hate to see Judge Southwick unfairly criticized by attributing to him something he did not even say, by joining an opinion which was ultimately upheld by the Mississippi Supreme Court in compliance with appropriate legal standards. That is what judges do. They do not decide winners and losers and then try to justify the result. They apply the law impartially to everyone who comes before them. From all appearances, Judge Southwick has been true to that requirement and that great tradition of our judiciary.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. My apologies, Mr. President. I will be brief. My staff reminded me there was one other amendment I was going to mention that I failed to mention. It will be an amendment I will also offer later on that builds upon the good work of Mr. BINGAMAN, the Senator from New Mexico, that was unanimously approved by the Senate earlier this week.

My amendment will actually double the amount Congress can provide for the Border Relief Grant Program that will help local law enforcement in towns and cities along our borders cover some of the costs they incur serving as the backup to Federal officials when it comes to combating illegal immigration and fighting drug traffickers and other border-related crimes.

The Senate unanimously approved this same amendment during debate on the immigration bill we considered earlier this year. It is also included in the comprehensive border security package Senator GRAHAM has offered and is currently pending, and, of course, of which I am a cosponsor.

It is the obligation of the Federal Government to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

For far too long, local law enforcement officers—I am talking about sheriffs, I am talking about police chiefs, and others—as well as local taxpayers, have borne the burden of law enforcement, given the failure of the Federal Government to adequately fund the Border Patrol and to demonstrate its willingness to secure the border. So now it is time not only to add to the Federal law enforcement officials—by increasing the number of Border Patrol—but it is time for the Federal Government to own up to its responsibilities and fund local law enforcement through this grant program to the extent they are willing and able to support the Federal Government's efforts to secure the border.

This Border Relief Grant Program will give the men and women in law enforcement, who are on the frontline of securing America's border, the necessary support to do their jobs and ensure that local taxpayers do not have to foot the bill. These funds can be used to obtain equipment, hire additional personnel, and upgrade law enforcement technology.

It is my hope my colleagues will support this amendment again, as they have before.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may be permitted to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. SPECTER. Mr. President, I have sought recognition to reply to a floor statement made earlier today by the senior Senator from Illinois concerning the pending nomination of Judge Leslie Southwick for the Fifth Circuit Court of Appeals.

The Senator from Illinois asserted that "there are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court." But in the course of the speech of the Senator from Illinois, he only raised one question. That one question was about a specific case.

The Senator from Illinois went on to say:

> This perception as to whether he will be fair or evenhanded is determinative in my mind. Whether you agree with that perception, it is there.

I begin by disagreeing categorically with the Senator from Illinois that it is a matter of perception. It is a matter of fact. When he says this perception as to whether he will be fair or evenhanded is determinative, I disagree strongly. What is determinative is what are the facts of his record taken in totality.

The one question which the Senator from Illinois has raised involves a case where the Mississippi intermediate appellate court upheld a finding by an administrative board that an employee should not be fired under the circumstances which I will now describe.

The employee had made a racial statement which was a one-time comment. The slur was not in the presence of the targeted coworker. The employee apologized to the coworker. The coworker accepted the apology. The incident did not produce any significant workplace disruption.

The administrative board then made the determination that the incident did not warrant dismissal of the employee. The question then presented to the court on which Judge Southwick sat, the intermediate appellate court, was whether the finding by the administrative board was arbitrary and capricious; that is, whether there was sufficient evidence for them to find to that effect.

When Judge Southwick testified before the Judiciary Committee, he was emphatic in his statement that the slur was unacceptable, that he did not agree with that kind of conduct, and that it was the worst kind of word to use—the so-called "N" word—but that his role as an appellate judge was to make a legal determination on whether there was sufficient evidence to uphold the decision or whether the administrative board was arbitrary and capricious.

The Senator from Illinois then said that the Mississippi Supreme Court unanimously reversed the majority opinion. But, the fact is—and this is implicitly acknowledged by the Senator from Illinois—that the only reversal was on the very narrow ground of whether there had been sufficient findings by the administrative board to come to its conclusion.

The Mississippi Supreme Court agreed with the Mississippi intermediate appellate court that dismissal was an inappropriate remedy. That was really the core of the case. But the State supreme court said there ought to be more facts stated by the administrative board in coming to that conclusion, which was a highly technical modification as to what the appellate court had said.

The Senator from Illinois further made a very brief reference, a one-sentence reference, in his speech, to a custody case in which "he voted to take an 8-year-old girl away from her lesbian mother. I disagree with Judge Southwick's position in these cases." That is the only thing he had to say about the custody case which has been cited against Judge Southwick.

Here again, as in the case involving the racial slur, Judge Southwick did not write the opinion. He concurred in the opinion. I think fairly stated as a legal matter, when someone writes the opinion, there is full responsibility for everything in it. In a sense, one might say the same thing about someone who concurs. That person could write a separate concurring opinion. But unless there is something extraordinarily wrong, out of line, that is not a common practice.

In the second case to which the Senator from Illinois referred—only one sentence—there were many factors which led to the award of custody to the father, such as he had a steady job, he had a higher income, he owned a large residence, and he had roots in the community. Although the Senator from Illinois did not refer to one sentence in the opinion—again, which Judge Southwick did not write but concurred in—there was a reference to a "homosexual lifestyle" which has been used frequently, including the Lawrence v. Texas decision.. It is perhaps not the most sensitive kind of language, and perhaps there could have been a substitution for it, but it certainly does not rise to the level of a disqualifier.

The Senator from Illinois has said that Judge Southwick could not be fair to run-of-the-mill litigants in the courts and cited a couple of studies, which are not identified, which do not specify any authors, and on their face, in the statement by the Senator from Illinois, I think fairly stated should be entitled to really very little, if any, weight. But let's take a look at some of the specific cases that Judge Southwick has decided.

In a case captioned McCarty Farms Inc. v. Caprice Banks, Judge Southwick affirmed an award of permanent partial disability benefits for a woman who experienced a 70-percent industrial disability to her right arm and a 30-percent loss to her left. However, Judge Southwick wrote separately to argue that injured workers deserve more evidentiary options to prove damages. He would have instructed the court to consider wage-earning capacity as well as functional or medical impairment.

In the case captioned Sherwin Williams v. Brown, Judge Southwick held a 45-year-old carpet layer was permanently and totally industrially disabled due to an onsite injury and that the carpet layer made reasonable efforts to obtain other employment. Judge Southwick concluded he was entitled to permanent total disability benefits.

In a case captioned United Methodist Senior Services v. Ice, Judge Southwick affirmed the award of workmen's compensation benefits to a woman who hurt her back while working as a certified nursing assistant, despite her first employer's claim that she exacerbated the injury during her subsequent employment. In addition, Judge Southwick recognized that the evidentiary standard the employer sought to impose would have prevented many plaintiffs from receiving compensation for a work injury.

In Kitchens v. Jerry Vowell Logging, Judge Southwick reversed the Workers Compensation Commission's decision that a truck driver from a logging company did not suffer a permanent loss of wage-earning capacity, and remanded the case for further consideration.

In Total Transportation v. Shores, a 6-to-4 decision, Judge Southwick joined the other three dissenters, who would have upheld an award of workmen's compensation benefits for a truck driver's widow where the majority ruled in favor of the employer.

In Burleson v. Hancock County Sheriff's Department, a 6-to-3 decision, again Judge Southwick joined in dissent, arguing that a public employee was unconstitutionally fired, while the majority ruled in favor of the employer.

Similarly, Judge Southwick has ruled numerous times in favor of tort victims and against businesses. In Ducksworth v. Wal-Mart Stores, Judge Southwick voted to reverse a trial court's verdict against a customer who had slipped on an unknown substance at Wal-Mart.

In Breland v. Gulfside Casino Partnership, Judge Southwick voted to reverse summary judgment for a casino in a slip-and-fall action brought by a patron who had suffered multiple injuries falling down a casino staircase.

In Martin v. B. P. Exploration & Oil, Judge Southwick voted to reverse summary judgment against the plaintiff, who injured her ankle upon exiting a gas station's restroom on an allegedly poorly constructed access ramp.

In Wilkins v. Bloodsaw, Judge Southwick voted to reverse a grant of summary judgment in favor of a Pizza Hut which was sued by a mother who was injured when her disabled son fell as she tried to help him exit the restaurant.

Similarly, Judge Southwick has voted in favor of criminal defendants on numerous occasions, often in dissent. For example, in Jones v. State, a 5-to-5 decision, Judge Southwick dissented, arguing for reversing a conviction because the indictment did not provide the defendant with sufficient clarity to know with certainty what crime was being charged.

In Parker v. State, Judge Southwick dissented, arguing that a murder conviction should be reversed because the trial judge failed to give a proper jury instruction.

In Mills v. State, a 6-to-3 decision, Judge Southwick dissented from the majority, affirming a drug conviction on the grounds that the court should not have admitted a statement by the defendant's 4-year-old son, and the State failed to disclose a piece of evidence against the defendant that it had in its possession.

In Harris v. State, a 5-to-4 decision, Judge Southwick dissented from the majority opinion, affirming a drunk driving conviction on the grounds that the trial court erroneously allowed the State to avoid proving all the elements charged in the indictment.

In Hughey v. State of Mississippi, Judge Southwick affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference, recognizing that whether the victim was homosexual was not relevant to the defense, and that such a line of inquiry could produce undue prejudice.

This Hughey v. State of Mississippi case, where Judge Southwick excluded a victim's sexual preference, is a strong indication—much stronger than the one line in the argument by the Senator from Illinois—concerning the issue of a "homosexual lifestyle."

There are also testimonials, and I will offer two. La'Verne Edney, a distinguished African-American woman partner in a prominent Jackson, Mississippi, law firm, a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association, and a member of the Mississippi Task Force for Gender Fairness, has shared her compelling story of Judge Southwick, who gave her an opportunity when few would. This is what she said, and I quote:

> When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . . While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

Ms. Edney further observed:

> It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for discussion. Having worked closely with Judge Southwick, I have no doubt he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

Now, contrast what Ms. Edney said, a prominent lawyer engaged in all of the advocacy groups—gender fairness, women trial lawyers, Magnolia Bar—compare that to the opinion of Judge Southwick in one case, where he joined in a concurring opinion, where there was a racial slur immediately apologized for, with what this woman, who was his law clerk, found in a very detailed relationship showing fairness and justice.

Patrick E. Beasley, a practicing attorney in Jackson, Mississippi, who also happens to be African-American, endorsed Judge Southwick for, among other qualities, his fairness to minorities. This is what Mr. Beasley had to say:

> I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family "pedigrees" to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. No. But I will be glad to respond to the Senator from Alabama when I finish my speech. I will be glad to respond to him at length.

The overall record—I have changed my mind. I will yield for a question.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPECTER. Maybe the Senator from Illinois will change his mind, too.

Mr. SESSIONS. Mr. President, for the first time, on the question of Judge Southwick's ruling, the Senator's remarks make clear to me that he was required as a judge, as I understand it, to not reverse the administrative panel's opinion unless it was arbitrary and capricious, I believe is what the Senator said.

It seems to me that sometimes we make a mistake, and I was going to ask the Senator a question, as one of the most able lawyers here in this body for sure, about whether he thinks sometimes we ascribe to the judge who has to rule on a case following the law, that somehow we would suggest he may have approved this racial slur even though he may have ruled in a way different from that?

In other words, does the Senator think we ought to be careful in this body not to unfairly suggest that the judge approved this racial slur, which I know he did not, as a result of that ruling?

Mr. SPECTER. Mr. President, the question posed by the distinguished Senator from Alabama is illustrative of the unfairness of citing that case against Judge Southwick, because he did not sanction the slur which was uttered.

In fact, the administrative review board did not sanction the slur. The administrative review board had only the question to decide as to whether that was grounds for permanent dismissal. That is the only question they had to decide. And then when the case came before the Mississippi intermediate appellate Court, as the Senator from Alabama has noted, that court had only to decide whether the ruling by the administrative review board was arbitrary and capricious, which means that there was insufficient evidence to sustain it.

So Judge Southwick is removed by two major barriers from any conceivable approval of a racial slur: first, on the fact that the administrative board said it was bad, Judge Southwick said it was bad; and, in addition, there was sufficient evidence for the administrative board to find what it did.

Now, on the critical question as to whether there were any grounds for permanent dismissal because of what was said, everybody said no—that is, the administrative board, the intermediate appellate court, and the State Supreme Court—contrary to the bland assertion by the Senator from Illinois that the intermediate appellate court was reversed. The Supreme Court said everybody is correct, there are not grounds for permanent dismissal, but we think the administrative board should have given more details as to the reasons why it came to that conclusion.

Mr. SESSIONS. Mr. President, I thank the Senator for his effort and the time it takes to be able to examine the complexities of this situation. Most of us are too busy to do it. You do indeed have a passion for the truth, and you have done well in getting there, and I thank you for sharing those thoughts with us.

Mr. SPECTER. Well, I thank the Senator from Alabama for complimenting me for my passion for truth. It so happens that is the title of the book I wrote—Harper Collins, available online.

Back to the case, though, Mr. President, and I will be brief here. I would point to Judge Southwick's overall record. It is an excellent record: cum laude from Rice, J.D. from the University of Texas Law School, clerk for the Court of Appeals for the Fifth Circuit, an adjunct professor in the Mississippi College of Law, unanimously well qualified by the American Bar Association.

And then an extraordinary thing. When he was in his fifties, he volunteered to go to Iraq in the Judge Advocate General's Corps, and was in areas with very heavy fighting. He interrupted a 12-year service on the Mississippi appellate court to do that. That is an extraordinary act, really extraordinary, for somebody in his position to do.

I sat down with Judge Southwick at some length to talk to him, and he is an enormously impressive man. He is very mild mannered. He has been on the court, as I say, for 12 years. He has participated in 6,000 cases, he has written 985 opinions, and all they can extract out of this record is one case which, as the colloquy with the Senator from Alabama points out, doesn't establish a peppercorn. That is a legal expression for being practically weightless in terms of what their objections are.

The Senator from Illinois then went through the history of the last two nominees who were shot down. I have a reputation and a record to back it up, to have supported President Clinton's nominees, crossing party lines, when they were qualified.

The Senator from Illinois makes it a point—not that it has anything to do with this case—that the Republicans didn't give 70 of President Clinton's nominees a hearing.

That was wrong. That was wrong. But what we are doing here is we are visiting on Judge Southwick somebody else's sins. If I thought he was not qualified, I wouldn't be taking the lead that I am in this case.

When we go through these issues, it is reminiscent of the very contentious controversy which was raised on this floor in 2005 when the Democrats were filibustering judges in retaliation for what had happened during the Clinton years and the Republicans were threatening the so-called constitutional or nuclear option. We ought not go back to those days.

When you have a man with the record of Judge Leslie Southwick, he is being picked on. With the extensive record he has, to cite one case and to talk about perception—I repeat, when the Senator from Illinois says that perception is determinative, I say that this body ought to vote on the facts.

I am pleased to see that a number of Democrats are interviewing Judge Southwick, and I believe they will find him to be very impressive, as I did. I strongly urge my colleagues to look at the facts very carefully. The Senate should not function on perception. The Senate should not function on what somebody else concludes or believes. We ought not do that. We ought to look at the record and make the decision in fairness to this man and in fairness to the entire process of confirmation of Federal judges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I ask the manager of the bill if it would be appropriate for me to speak now on the amendment I propose to offer. Seeing no objection, I will proceed.

The PRESIDING OFFICER. The Senator is recognized to speak on the amendment.

AMENDMENT NO. 2405

Mr. ALEXANDER. Mr. President, I will not ask unanimous consent that the pending amendment be set aside because I understand from the bill's managers that at this point there would be an objection to that.

That disappoints me. I have an amendment I would like to offer. It is an amendment we discussed in the full Appropriations Committee when it was considered, and I hope I have the opportunity to offer the amendment at another time.

The amendment was filed earlier today. It is No. 2405. The amendment has as cosponsor Senator COLLINS.

I ask unanimous consent at this time that Senator VOINOVICH and Senator WARNER be added as cosponsors to amendment No. 2405.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, this amendment, the Alexander-Collins-Voinovich-Warner amendment, has to do with the law we call REAL ID.

I will describe REAL ID in a moment, but fundamentally what the amendment proposes is to offer $300 million in funding to the States to implement REAL ID. The offset would be a 0.8-percent across-the-board cut in the rest of the bill. The total bill is $37 billion, more or less. I know that offset is not one the chairman and ranking member of the committee are likely to approve of, but during our committee discussions I offered other offsets which weren't approved of, and I feel strongly that if the Congress requires the States to adopt REAL ID or something similar to REAL ID, then the Congress ought to pay for it—hence the $300 million amendment.

Someone once said about me last year—and I haven't been here very long, this is my fifth year as a Senator, but I have been around a while—they said the problem with LAMAR is he hasn't gotten over being Governor, which I was privileged to be in my home State of Tennessee for several years.

I hope when I get over being Governor, the people of Tennessee send me home because I think one of the contributions I can make is to remind the Congress and remind the country that our country's strengths begin with strong communities and strong counties and strong cities and strong States and that the central government, according to our traditions and our Constitution, is for the rest of the things that States, communities, cities and counties can't do. According to the 10th amendment and its spirit, if we require it of the State and local governments from here, we should fund it from here.

Nothing used to make me more angry as a Governor than for some Senator or Congressman to pass a bill with a big-sounding idea in Washington, DC, hold a press conference, take credit for it, and then send the bill to me to pay. Then that same Senator or Congressman more than likely would be back in Tennessee within the next few weeks making a big speech at the Lincoln Day or Jackson Day dinner about local control.

This is such an important issue that the 1994 elections turned on it, to a great extent. I remember dozens of Republican Congressmen and candidates standing with Newt Gingrich on the Capitol steps, saying:

> No more unfunded Federal mandates. If we break our promise, send us home.

That may be one of the reasons the Republican Congress got sent home last year, because we hadn't paid enough attention to that promise. I can remember Senator Dole, when he was the majority leader in the Senate in 1995. He was campaigning for President, campaigning around the country and I was often at the same events. He would hold up his copy of the Constitution and talk about the 10th amendment. That is the spirit I wish to talk about today.

The REAL ID Act began in a good way. The 9/11 Commission recommended, in some fairly vague language, that we needed to improve our identification documents in the United States. The Commission found that:

> [a]ll but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud. Acquisition of these documents would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

So said the 9/11 Commission. The Commission added that the Federal Government should:

> . . . set standards for the issuance of . . . sources of identification, such as drivers' licenses. Fraud in identification documents is no longer just a problem of theft.

The Congress began to implement the recommendations of the 9/11 Commission soon thereafter, and in December of 2004 the Senate passed the Intelligence Reform and Terrorism Prevention Act of 2004 which called for States to create secure driver's licenses and ID cards under section 7212 of the bill.

It established a negotiated rulemaking process that included State government officials, which was a direct effort to deal with the problem I discussed. Through that, standards would be promulgated that would make it more difficult to create and obtain fraudulent driver's licenses.

The purpose of the negotiated rulemaking process was so that as Congress said that our national needs called for more secure documents, the State and local governments could say let us talk with you about the realities at home, about what we use driver's licenses for, about how many there are, about what the cost would be of implementing new standards, and about how long it might take. In addition, we might have some other ideas about a different kind of secure document that might be better than a driver's license for this purpose. And there are some privacy standards we are worried about.

In addition to that, the experience with national identification cards around the world hasn't been all that promising. In Nazi Germany it wasn't a good story. Those who remember the more recent history of South Africa, when every citizen had a card to carry around which would decree what their race is and whether they were of mixed blood, that sort of "Big Brother" attitude is of great concern in the land of liberty, the United States of America. So the negotiated rulemaking process was to take into account all of that.

Then came along the REAL ID Act of 2005 in the midst of all this careful consideration. It was attached to the emergency supplemental appropriations bill of 2005. In other words, it was stuck in, by the House of Representatives, on the troop funding bill and it was signed into law by the President in May. We had no choice but to pass it. We had our men and women in Afghanistan and Iraq. We had to pay the bills for their service. This was just stuck in there. We had to vote it up or down and REAL ID became law. The Senate didn't hold any hearings. It was swept through Congress.

The REAL ID Act superseded that negotiated rulemaking process included in the Intelligence Reform bill, in which the States and the Federal Government were working back and forth to set minimum standards for State driver's licenses in an effort to deter terrorists. REAL ID established a de facto national ID card by setting Federal standards for State driver's licenses and making the States create and issue them.

One might say the States don't have to do it. They don't have to do it unless they want their citizens to be unable to fly on airplanes or obtain other necessary Federal services. It is a Hobson's choice. So, in effect, the REAL ID law, with no hearings, no consideration of whether there might be some other kind of card or set of different cards that would be more appropriate, became law. The States had to comply with that and that meant 245 million U.S. driver's licenses or ID holders would have to get new identification.

The Department of Homeland Security has not yet issued final regulations of this massive act, even though the States are supposed to be ready to comply with these new standards and measures by May 11 of next year, 2008. Final regulations are expected to be released in the early fall, and this will give States just months to reach the May 2008 deadline.

It is true that, thanks to Senator COLLINS and others, and our willingness to forgo an amendment earlier this year, the Department of Homeland Security agreed to grant waivers to States to delay implementation. But, still, under the present route, 245 million people in America will need to get new ID cards by May of 2013.

REAL ID is a massive unfunded mandate on the States to begin with. Last fall the National Governors Association and others released a study putting the cost of REAL ID at $11 billion over 5 years. The Department of Homeland Security itself said the cost may reach $20 billion over 10 years. To date, the Federal Government has appropriated $40 million for the States to comply with REAL ID, and only $6 million of the $40 million has actually been given to the States.

Here we go again. After a lot of promises from Washington, DC, on this side of the aisle and on that side of the aisle—we say no more unfunded mandates, but we have a real big idea, we announce it, take credit for it and send the bill to the Governors and the legislatures. We let them worry about whether to raise college tuitions, raise property taxes, or cut services over here—worry how do we pay for this new mandate?

No wonder 17 States now have passed legislation opposing the REAL ID Act, including Tennessee, which became the 16th State on June 11 of this year.

To get an idea of what REAL ID would require, first, you have to prove the applicant's identity, which would take a passport, birth certificate, a consular report—there are a number of other documents that could be used. Then you have to prove your date of birth. That might mean you have to bring in two documents. Then you have to prove your Social Security number. That might mean you have to go find your Social Security card. I wonder how many people have their Social Security card today. You are up to three documents. You need the address of your principal residence—you have to prove that. Then you have to prove you are lawfully here. That is not just for someone who is becoming a citizen or someone coming here, this is for every single person who drives a car or gets an ID; he or she has to prove they are lawfully here under REAL ID. In all the States, that is 245 million people.

In Tennessee last year, there were 1,711,000 new or renewed driver's licenses. I renewed mine by mail; 154,000 renewed theirs online. There will be no mail renewals, there will be no online renewals in Tennessee or Maryland or Mississippi or Washington State. Everybody will get to go to the driver's license office. There are 53 of those in Tennessee, and 1.7 million of us will show up at those 53 offices, not just at one time, not just in 1 week, but just in 1 month, scrambling around, trying to figure out what documents we need to have. I can imagine there are going to be phone calls coming into our offices that make the phone calls on immigration look like a Sunday school class.

We need only look at the recent passport backlog to imagine what might happen with the REAL ID backlog. We remember that the passport quagmire in which we have been in the last few months was triggered by a very well intentioned policy change designed to thwart terrorists. Specifically, new rules were implemented in January of 2007 requiring Americans to have passports for travel between the United States and Canada, Mexico and most of the islands of the Caribbean. This caused a massive surge in passport applications. There were 12 million passports issued in 2006. The State Department expects to issue 17 million this year—a 42-percent increase. Prior to the passport regulations, applications were increasing at a rate of 1 to 2 million a year. We are expecting an increase of 5 million applications from 2006 to 2007.

In March of this year, there was a backlog of 3 million passports. The current backlog is 2.3 million passports. Prior to the new regulations, turnaround time was 6 weeks on regular service and 2 weeks on expedited service. At the worst part of this year, they were running 12 to 14 weeks on regular service and 4 to 6 weeks on expedited service. This massive backlog destroyed summer vacations, ruined wedding and honeymoon plans, disrupted business meetings and educational trips, caused people to lose days of work waiting in line, and caused people to lose money for nonrefundable travel and hotel deposits and reservations.

My office has worked with the passport office over the last few months. I would compliment them for the dedication of the employees and how they were trying to deal with this massive surge, but we imposed upon them a burden they simply could not handle.

What do we say to the people of Tennessee: Show up at our 53 driver's license offices with the correct documentation; otherwise, you may wait for 2 hours, you get up to the window, and then they tell you've forgotten your Social Security card and you must come back again. If they show up over 1 month, this is going to make the passport application surge look like a small problem.

I believe we have a choice in Congress. I think insofar as REAL ID goes, we should either fund it or we should repeal it. Fund it or repeal it.

It may be that we need to have a national identification card. I have always been opposed to that, but we live in a different era now. But I would much prefer to have seen the Senate debate this in the usual way and let us consider, for example, whether a secure work card, such as the kind Senator SCHUMER and Senator GRAHAM have proposed and Senator CORNYN and I have talked about, might not be a better form of ID card.

Most of our immigration problems, for example, are related to work. Maybe a secure identification card would be better, a secure Social Security card would be better, or maybe, because of privacy concerns and our memory of Nazi Germany and our memory of South Africa, we want to be very careful about having anything that is actually called a national ID card or even a de facto ID card. So maybe we can work over a period of years and help to create several cards: maybe a travel card that some can use on airplanes or other forms of travel; maybe a work card; maybe some States would want to use the driver's license as that form of ID card. But the point would be that there would be three or four choices which could be used for ID which would be secure and would help with the terrorism threat we face.

I regret very much that we did not have a chance to take this problem, this recommendation of the 9/11 Commission, properly through the Senate and consider it. I was glad to see the legislation that created the negotiated rulemaking process that at least involved the States in what is going on.

We have an obligation in this body to recognize the fact that if we are going to have something called REAL ID—and according to our own Department of Homeland Security, it is going to cost $20 billion over 10 years—then we have a responsibility to appropriate that money or most of that money to pay for it. Today, we are at $40 million. That is why Senator COLLINS and Senator WARNER and Senator VOINOVICH and I intend to offer this amendment to the appropriations bill to provide $300 million in funding to the States to implement REAL ID. In the meantime, I am going to work with other Senators to either reestablish the negotiated rulemaking process or to repeal REAL ID and let us move ahead with a different way of developing a secure identification card.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, while I am not offering any amendments now on Homeland Security appropriations, I do wish to speak about a couple of amendments I will be offering.

First, we all understand that the inspector generals are the eyes and ears for not only the public and the executive branch but also for Congress within Federal agencies.

As part of a piece of broader legislation I have previously filed, I wanted to include in this bill the provisions that would relate to the Department of Homeland Security. Keep in mind, the Department of Homeland Security has been on the high-risk list as long as it has been in existence. The high-risk list is put out, in terms of management issues, by the Government Accountability Office.

There are so many areas I could go into of mismanagement and problems within FEMA and other parts of Homeland Security, but suffice it to say that my amendment is going to help the public get access to the inspector general's information. It would require that the Department of Homeland Security put on the home page of their Web site a direct link to the inspector general's report and, furthermore, provide information on the home page of how people can, in fact, turn in the Department of Homeland Security for issues of fraud, waste, and abuse.

We need to enlist the public's help. In order for them to do that, they have to know what is going on. It is my goal eventually to make sure the IG Web site is on the home page of every Federal agency, and this is a good start in the Department of Homeland Security.

The other amendment I have is troubling. In fact, it is scary. After the hurricanes in 2005, there were a number of trailers that were distributed to the victims of Katrina and Rita. Less than a year later, there was a complaint regarding the condition of these trailers, and it related to the health of the people in the trailers. There was testing done, one test, by FEMA. It found dangerously toxic levels of formaldehyde. What happened after those test results, and test results also done by independent organizations? Nothing. Toxic levels of formaldehyde in trailers the Government provided to victims of a hurricane.

Here is the scary part. The scary part is the General Counsel's Office within FEMA was advising the department: Let's keep this quiet. We don't want to own this issue.

I am quoting now from things written by the lawyers in FEMA. A man actually died in a trailer. There was a conference call. As a result of the call, the General Counsel's Office put out a directive: We are in litigation on this issue. We must be on every conference call. Nothing should be done on this without going through us. We don't want to own this issue.

All of these kinds of messages were sent throughout FEMA. Now we have a problem; we have a safety issue for American citizens living in trailers that we have given them.

FEMA finally goes out and does some testing. They open all the windows and turn on the exhaust fans and then say: We don't think the problem is that serious. We better notify people. We want to notify people, but don't put our phone number on it. Tell them there might be a problem. In other words, let's see if we can't avoid being held responsible by giving out information. But for gosh sakes don't let them ask a question about what they do to get out of the trailer, how they get a new trailer, how they can find out how the problem is being addressed.

We can take two attitudes in Government. We can take the attitude that we want to try to "CYA" and look good or we can take the attitude we are here to serve the public. Those people in FEMA were using Federal tax dollars, and their goal was to help people in times of need and make sure they stayed safe.

This Congress has a solemn obligation to make sure we get to the bottom of this. My amendment will require the inspector general to do an immediate and thorough report as to everything that happened in this incident and, within 15 days of enactment of this law, FEMA must report to Congress what action they have taken in response to this issue.

When, finally, this all came to light in a very well run House hearing in July of 2007, they promised swift action. We need to know what is "swift action." We have to have the indoor quality testing and the root cause determination. We must make available alternative safe housing, and we obviously have to make sure the Office of General Counsel is held accountable for an attitude that is all about covering our risk instead of protecting American citizens.

Senator OBAMA and Senator PRYOR are working with me on this amendment. I anticipate it will have bipartisan support and many other Senators will join us.

There is a lot of talk around right now about whether Congress is doing its job, whether we are asserting ourselves in terms of a branch of Government that is supposed to provide oversight and accountability. I am confused as to why this did not reach the public's attention prior to January of this year. I am proud that it has now. I am proud that these kinds of hearings are going on and that we are providing the kind of oversight and accountability of the executive branch that protects the American people.

I urge my colleagues to support this amendment so we can make sure our job is to protect the people we serve and not to protect Government officials.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to talk about the pending amendment to the bill. This amendment is called the Graham-Gregg-Kyl-Sessions, et al., amendment. I wanted to make a couple of quick comments about it.

Because the immigration bill failed on the floor of the Senate, a variety of States have begun to pass their own laws to enforce certain elements of immigration policy, including determining employment eligibility. My State of Arizona is one of those States.

What I noticed that at least a couple of them have done, including Arizona, is to require that employers check with the Department of Homeland Security, and the basic pilot program we have established as a pilot program, to determine the validity of the Social Security status of the prospective employee. It may well be that as States fill the gap created because the Federal Government has not adopted immigration reform legislation, especially dealing with that subject, that the Department of Homeland Security and Social Security will be increasingly called upon to provide information to the States. Because of that, they are probably going to need to be able to improve their systems; not to change what they do or create a Federal program but at least to be able to respond to those State inquiries.

My understanding from the Department of Homeland Security is that they have the capacity to deal with additional inquiries now, but they wish to improve their capabilities and make sure the accuracy level is high of the information passed back to the States and to the employers requesting information, and perhaps even to expand what it is they can provide by way of verification of the validity of the Social Security numbers. So as this process unfolds, we are going to have to make sure all of our Government agencies—primarily the Department of Homeland Security—have what they need to respond to these requests.

To that end, one of the elements of the amendment that has been offered here authorizes the expenditure of funds for the specific purpose of improving the reliability of the basic pilot program and associated programs of the Federal Government that would respond to State inquiries. Obviously, my preference is that the Federal Government undertake that ourselves. Our responsibility is to form the immigration laws and secure the border. Having failed to pass legislation, they can help our citizens around the country by having the most robust database possible that is easy to access and, therefore, States and employers throughout the States can take advantage of.

The only other thing is that I support this amendment because it includes many of the features that were part of the immigration bill that almost everybody agreed with. What you heard in the debate was that we all agree we need to secure the border, enforce the laws, return to the rule of law, but—there was always a "but" and different people had different reasons they didn't want to support the bill. But the bottom line was that almost everybody here supported the essential enforcement features.

The Department of Homeland Security appropriation bill, therefore, is the appropriate place to include funding for the execution of the laws that currently exist and, almost without exception, this amendment does not add new authority or programs for enforcement but rather identifies areas in which enforcing existing law would be enhanced through greater capability achieved through the expenditure of funds that could, among other things, hire more personnel or in other ways make the system more robust.

Here is one specific example: Most folks like to refer to securing the border, and the symbol of that is the hiring of more Border Patrol. That is fine; we need them. But we also know that 40 percent of illegal immigrants in the United States didn't cross the border illegally. They came here on visas and then overstayed their visas illegally. The question is, what can we do to enforce our visa policy, as well as what can we do to secure the border?

This bill focuses on that visa overstayer problem and provides funding for the kind of particular investigators and agents for Immigration and Customs Enforcement that would ordinarily be looking at that problem. In addition, it explores ways in which the entry-exit system can be implemented and we can understand who has overstayed their visas so that can be enforced.

There is much else in this amendment that is good policy and that backs up that policy by the expenditure of funds. The $3 billion figure in here is, very roughly, an approximation of what the immigration bill that we debated provided for, minus the implementation of a couple of programs, the biggest one of which was the employee verification system. That system obviously failed along with the rest of the immigration bill. That was a pretty expensive item.

You will recall that we had mandatory spending of $4.4 billion—money that would have been collected from fines and fees. The $3 billion here represents the bulk of what that money would have been spent on, minus the employee verification system and a few other odds and ends.

That is the explanation for the particular amount of funding in the bill. I hope our colleagues will think carefully about this amendment. Its purpose is good. I think its execution is good. It is on the right bill. What it does that is a bit troublesome to some Members is provide some authorization, though that is not the primary element; it would not be the first time we provided authorization on an appropriations bill, but I can see there is some of that in here. The other aspect is the emergency funding nature. One way or another, we are going to have to get the funding to do the things the American people have insisted on. I have no objection to doing this as emergency funding. If we can fund $100 billion for the Iraq war, for example, I think we can fund $3 billion to secure our own border. If the loss of the immigration bill a month ago taught me anything, it was that the American people are very skeptical that we are committed to enforcing the law. I believe until we demonstrate to them a seriousness of purpose by actions rather than words, by the appropriation of money and by the expenditure of that money on things that they can see make a difference in enforcing immigration policy, they are not going to give us the green light to adopt a more comprehensive immigration reform bill. That is why I am supportive of this amendment as the next step toward solving the problem. I think we want to solve it. I think this is a step in that direction and I, therefore, urge my colleagues to support the legislation.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I filed earlier a number of amendments. I want to talk about some of those and why I think that they are important. I am pleased to say many of them have been included, all or in part, in the Graham-Gregg-Kyl-McConnell amendment that I have cosponsored. I think, in effect, it represents a positive step to creating a lawful system of immigration, which I believe we owe to the American people. They expect that.

What good is it for us to pass new ideas, new laws, and new provisions concerning immigration if they will not be enforced any better than those we have had before? That is the real rub, the real problem we have. That was my fundamental concern and objection to the comprehensive bill that failed to pass a few weeks ago. It would not have done the job, it would not have been effective, and it did not accomplish what we need to accomplish.

I want to share some ideas about the amendments that I have offered and why they are important. I believe Senator KYL said that we have broad bipartisan support for this. There was some belief that if enforcement amendments are passed, then some people would never confront the other aspects of immigration that others believe need to be confronted. I think the truth is that people tried to hold hostage enforcement in order to gain support for a new idea of immigration, and an amnesty, or a legalization process that the American people didn't agree to. It didn't work. So let me share a few thoughts that I think are important with regard to having a good legal system for our borders.

First, we have to have more barriers, more fencing. The funding for the fencing that we asked for—the 700 miles of fencing—would be included in the amendment that has been proposed, offered, and called up. That is a good step in the right direction. I will offer separately an amendment asking the GAO—our Government Accountability Office—to analyze the cost. The cost factor that I have heard is about $3.2 million per mile for the fence. That exceeds my best judgment of how much that I think it ought to cost to build a fence based on my experience of building a fence in the country in the past. Fences usually do not cost millions of dollars but, this fence on the border is going to cost a lot of money. Yes, we need a lot of fencing on the border, and maybe double and triple fencing in some areas. We need high-tech cameras, and that will run the cost up. But sometimes you get the impression that the people who don't believe in fencing are running the cost up so high that maybe the American people will change their mind about the fence. We know the fence at San Diego was a great success. People on both sides of the border appreciate it. What was a rundown, crime-prone area on both sides of the border in San Diego is now making economic progress, and illegal immigration and crime in that sector is way down. Putting up a strong fence is the right thing for us to do and we must do it if we are serious about enforcement.

I ask for commonsense purposes, tell me how we can have enough border agents to cover 1,700 miles for 24 hours a day, 7 days a week? Are they just going to stand out there all day and all night? We need barriers that will multiply the Border Patrol officer's capability to respond in an effective way to apprehend those who break into the country.

Through a combination of these efforts, we can get to the point where we go from an open border to a border that people understand to be closed, and, as a result, we could see a reduction in the number of people who attempt to come into our country illegally.

I am pleased that a good part of the State and local law enforcement provisions I have provided for will be included in the amendment. I am pleased that a good part of the National Guard provisions I have offered, including continuing Operation Jump Start, will be included, and the criminal alien provisions dealing with removing those aliens who have been convicted of crimes are deported.

I am pleased that we are moving towards ensuring that illegal entrants will be prosecuted when they come into the country illegally. This can be done by expanding the Del Rio, TX, zero-tolerance policy to other areas of our border so that illegal aliens who come across the border are not just met and greeted, given free meals, and taken back home, but actually are convicted of the crime that they committed when they came across the border illegally. We have seen good results from that program. And there are some other provisions that are important.

I have filed three amendments dealing with the fence. The first deals with a GAO study of the cost of the fencing. We need to know how much money has been spent thus far—there is a lot of confusion out there—how much fencing is now in place after all the money we have spent, how much it is costing and will cost the American taxpayers in the future, and whether there are better techniques and procedures by which we can build more fencing for less cost faster without significantly sacrificing quality. That is what that study would include. The Government Accountability Office regularly evaluates those kinds of issues, and I believe they will give us a valuable report that will help us in the future.

A second amendment calls for full funding of the fencing.

The Secure Fence Act of 2006 that I offered, which was signed into law, requires 700 miles of fencing. This amendment which I offered would fully fund the 700 linear miles of southern border fencing required by providing $1.548 billion to be used for the construction of topographical mile 371 through 700. That is what the law requires.

The Congressional Research Service and the Department of Homeland Security have told us that 700 linear miles in the act will actually require more miles topographically; so the 700 linear miles becomes close to 854 topographical miles. So my amendment will fund the remaining 484 topographical miles of fencing not currently funded for construction by December 31, 2009.

I have drafted this amendment in two ways. One is to be paid for with an across-the-board cut, and the other is designated as emergency spending.

If we are able to adopt the amendment offered earlier today by Senator GRAHAM and others, perhaps that will go a long way to solving the problems I have raised, but, in fact, we could go further and should go further.

My next set of amendments addresses State and local law enforcement's ability to assist Federal law enforcement. My amendment allows for some of the grant moneys appropriated by the bill to go for State and local training exercises, technical assistance, and other programs under the law. This would be a pot of up to $294 million to be used to reimburse State and local expenses related to the implementation of the INA section 287(G) agreements.

Under the Immigration and Nationality Act, State and local governments can sign memorandums of understanding—they are referred to as MOUs in the Government. When two foreign nations do it, they call them treaties. It is about as complex. MOUs are important—with the Department of Homeland Security to have their law enforcement officers trained to work with DHS and to enforce immigration law. That is how State and local people work together. My amendment encourages State and local governments to seek out these agreements and participate in them. The Federal Government needs to welcome State and local law enforcement's assistance at every opportunity, not discourage it.

Alabama was the second State, I am pleased to say, in the Nation to sign such an agreement. We have trained 3 classes of approximately 20 State troopers each for a total of 60 State troopers who are now "cross-designated" to work with the immigration agency, ICE. Each class cost the State of Alabama about $40,000. The State of Alabama had to pay to train their officers in this fashion so they could participate with the Federal Government. They have spent about $120,000 to date to help the Federal Government enforce Federal immigration laws. I think we can do better. We should encourage State law enforcement officers, and we should help fund this partnership program. I have no doubt in my mind that is the right way.

Then I have an amendment that affirms State and local authority and expands of the immigration violators files in the National Crime Information Center, that is not in the Gregg amendment. My amendment would reaffirm the inherent authority of State and local law enforcement to assist the Federal Government in the enforcement of immigration laws.

Confusion among the circuit courts, particularly dicta in a Ninth Circuit decision that appears to be somewhat contradictory to the Fifth and Tenth Circuits, is involved. That has led to a Department of Justice Office of Legal Counsel opinion that questioned some powers of State and local law enforcement. And then the Department of Justice withdrew that opinion. So there is uncertainty—the Presiding Officer knows how uncertain it can get involving the prosecution of cases in multiple jurisdictions—about what the power of local law enforcement is to participate in helping to enforce immigration laws.

The issue is very real. Just today in the Washington Times, there is an article about it. The article is entitled "Virginia eyes plan to deport illegals. Panel suggests a statewide policy." It is being discussed all over the country. They say in that article:

> Other areas, such as the role of local and State police officers in enforcing immigration law, are more ambiguous. It is not clear what the State's role is in enforcing immigration law, Mr. Cleator said.

He is senior staff lawyer for the Virginia State Crime Commission. He said it is not clear what the State role is, and there is some ambiguity, less than most people understand, but there is a perception of ambiguity, and there is some ambiguity. That is why my amendment is needed and important.

My amendment will place additional information in the National Crime Information Center's immigration violators file so that critical information on final orders of removal, revocation of visas, and expired voluntary departure agreements can be readily available to State and local law enforcement officers. They need that information so they can make the right decisions when they apprehend somebody going about their normal business on matters such as speeding and the like.

The National Crime Information Center is the bread-and-butter database of local law enforcement, and they need this information properly inputted into that computer center because the State law officers will be the ones routinely coming into contact with unlawful and deported aliens during the course of their normal duties, such as a DUI charge. They want to know something about them, and the information is not being readily placed in that computer.

Everybody knows that virtually every law enforcement officer in America who stops somebody for an offense—such as DUI, theft, burglary, robbery—runs the suspect's name in the National Crime Information Center, and this is done to determine whether there are pending charges against the suspect, whether the suspect had been convicted of other crimes or if other charges will require that the suspect be held in addition to the charge for the original stop. This is done every day through tens of thousands of inquiries to NCIC. I have discovered that they are not putting a sufficient amount of the immigration violation information in NCIC. We have to do that if we want that a lawful system of immigration to work. If someone doesn't want lawful immigration to work then they will not put that immigration violators' information in NCIC.

Another issue I have raised is Operation Jump Start. This deals with National Guard funding through the end of the year 2008 and improvement in the rules of engagement. There is funding in the Gregg amendment for this matter, but it did not include rules of engagement language.

My amendment, and a similar amendment filed by Senator KYL for another bill, provides the funding, which is $400 million, needed to keep the current National Guard presence of 6,000 guardsmen on the southern border through the end of 2008. The administration's plan is to reduce those forces by half—down to 3,000—by September 2007. So by next summer, they want to have those numbers in half. The National Guard is working to deter illegal border crossings. They are big making a difference there. They are also helping us create the impression that our border is no longer open, that it is closed and it is not a good thing for someone to try to come across it illegally. Removing the National Guard members when they have been so successful would be premature.

If we take all these actions and keep the National Guard at the border, we can help reach that tipping point that I referred to earlier.

In addition, my amendment will allow the National Guard members to have a greater role in stopping illegal aliens along the border. National Guard members should be permitted to aid in the apprehension of illegal aliens crossing the border, at least until a Border Patrol agent comes on the scene. Today, they are only permitted to use nondeadly force for self-defense or the defense of others. So they cannot apprehend illegal aliens that they see crossing the border because they cannot use force unless it is to defend themselves or others. The rules of engagement prevent them from effectively apprehending illegal aliens. My amendment will allow those brave and effective National Guard members to apprehend illegal border crossers until the Border Patrol officer can come to their location.

Another big deal is that we want to make sure criminal aliens are deported. In effect, this language in the amendment I will offer and filed is included in the Gregg amendment. It deals with this problem. The American people understand the need to deport aliens, legal and illegal, who have committed crimes in the United States, crimes that make them deportable. We have laws that say that if you are here in a nonpermanent status and you commit a crime, then you are to be deported; nonpermanent status means that you do not have legal permanent status or citizenship in America. And one of the conditions of that admission is that you don't commit crimes. That is not too much to ask. That is our standard. Most countries have a similar standard.

And criminal aliens should be deported, as a matter of policy, at the end of their State or local criminal sentences. They should not be allowed to slip through the cracks and be released back into society. That is not what our laws call for, but it is happening every day.

Additionally, State court judges should not be allowed to vacate convictions or to remit sentences for the purpose of allowing the alien to escape the immigration consequences of their crimes. Those events that criminal aliens are not being deported and that some criminal aliens are avoiding the immigration consequences of their crimes are of great concern to the American people and Border Patrol agents who are out there working their hearts out.

So my amendment will double the funding—$300 million—that DHS has for the institutional removal program, a program that allows DHS to identify criminal aliens while they are in jail serving State and local sentences. Once they have been identified, they go through the paperwork, and the administrative removal process can be completed while they are in jail. This allows the criminal alien to be put directly into the Department of Homeland Security's custody at the end of their prison term, so that they can be quickly deported.

My amendment expands the criminal alien program by directing that the Secretary of DHS implement a pilot project to evaluate technology to automatically identify incarcerated illegal aliens before they are released. Manpower alone won't get this job done. But if we start correctly with technology, we can make great progress. It can be a big improvement in our current system.

In addition, my amendment ensures that when a criminal alien commits a crime, then the original conviction and sentencing will stand when DHS has determined whether the alien is deportable based on their crimes. This ensures that the trial judge's decision to change the sentence or the judgment of conviction won't be able to undermine the immigration impact of the original judgment.

Madam President, we have a real problem. We have a situation in which 27 percent of the persons in the Federal and State penitentiaries are foreign born—this is an amazing number to me—and they are there for crimes other than immigration—for drugs, fraud, sexual abuse, violent crimes. Large numbers of them—the majority of them—are persons who are not citizens. They have been involved in crimes of a serious nature, and they should be deported when they complete serving their sentence for those crimes. That is what is not occurring.

In fact, we have at this moment, we believe, some 600,000 absconders. These are people who have been apprehended and ordered deported, who are told to report for deportation, or similar orders, and have just simply absconded into the country and never shown up. That is a huge number of illegal aliens that we could eliminate, or reduce, if we could handle this process of taking care of their deportation as soon as they have finished their criminal time in jail.

Currently, the Department of Homeland Security and the Department of Justice have implemented a zero tolerance policy at the Del Rio sector of the border. This policy makes sure that every illegal alien is prosecuted for their illegal entry into the United States. It is a misdemeanor for the first offense. It is a criminal offense, but it is a misdemeanor for the first offense of coming into our country illegally. This policy has decreased illegal entry into the Del Rio sector by 58 percent.

Now, when you consider that last year we arrested 1 million people attempting to enter our country illegally, you get an understanding of what a 58-percent reduction in illegal entries means when that kind of policy is enacted. Though there are nine border sectors, Del Rio is the only one that has such a policy. My amendment would expand the success of the Del Rio project to the two border sectors with the highest crossing rates—Tucson, AZ, and San Diego, CA.

My amendment also requires that until a zero tolerance policy is fully in place, the Department of Homeland Security must refer all illegal entries along the Tucson-San Diego sector to the respective U.S. Attorneys' Offices for prosecution. The U.S. Attorneys' Offices must then provide a formal acceptance or declaration of that prosecution request, which would then allow a record so that Congress can know what all is happening—whether additional resources are needed to fully implement this highly effective policy along the entire border. I think that is a good step in the right direction.

Also, Madam President, we have the question of affidavits of support and their lack of use and my amendment deals with that. Since 1997, most family-based and some employment-based immigrants have to have, and do have, a sponsor that guarantees the immigrant will not become a public charge. In other words, they are admitted into the country, but only on the condition that if they have financial needs, this sponsor will take care of that, not the taxpayers of the United States. That is a legitimate condition, I submit, to place on entrance into the United States.

So the sponsor would enter into a contract with the Federal Government, promising to pay back any means-tested public benefits the immigrant would receive. There are some exceptions—medical assistance, school lunch, Federal disaster relief.

To my knowledge, the Federal Government has never gone after sponsors to ensure they follow through on the commitment they have made. My amendment will require a study to be done by the Government Accountability Office to determine the number of immigrants with signed affidavits of support that are receiving or have received Federal, State, and local benefits when those immigrants really are not eligible and should have turned to their sponsors for support. A GAO study is needed to determine how much revenue the Federal Government could collect if they enforced these contracts and insisted that the individual who sponsored the person into the country actually pays what they are supposed to pay.

We need to preserve means-tested public benefits for those who are truly needy. We don't have enough money to take care of all the people in our country and shouldn't have to take care of people when they have a sponsor who promised to take care of them and promised that the sponsors would pay back the money for any benefits that the immigrants received.

So those are some of the amendments I offered. There is much that we can do to make our system of immigration at the border more effective. I would just cite that it is a matter of national security. We absolutely know that we have many people who simply want to come to America to work and don't want to cause any attack on the United States, and they are good people. They simply would like to make more money, which is available in the United States, than if they stay in their home country. But we also know that since we are not able to accept everyone who would like to come to America, we have to have rules about who can come and who cannot come and those we let come have to obey our laws.

One of the first and toughest rules should be that we don't allow people to come here who are terrorists, or have terrorist connections that could threaten our country.

Next, we need to ask ourselves how many persons should come in legally, and under what conditions, what kind of skills and abilities and education level and language skills they should have. That should be part of a good and effective immigration policy.

I will just say, however, that any such rules are absolutely worthless if we have a wide open system where people come across illegally on a regular basis and they know they have a high probability for success to come here illegally. Indeed, we know they do because we have about 12 million people here illegally.

So those are some steps I suggest we can take that will improve our legal system. I am pleased that a number of those will be included in the Gregg-Graham amendment and will not require a separate vote.

I hope we will take this responsibility seriously. I see no reason we should not undertake the actions that I have suggested, which have bipartisan support in the Congress. I hope they will not become part of some grand agreement that everything else that we can't agree on has to be a part of it. In other words, these provisions, which I think would have broad bipartisan and public support, these provisions should not be used as a vehicle to try to drag on things that people don't agree with—certainly not at this time.

So I support these amendments. I am glad we do have the Graham-Gregg-McConnell-Kyl amendment on the floor, and I support that. And I would ask these amendments be considered in due course.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, before the Senate, I understand, is a Graham amendment dealing with border security. Then there is a second-degree amendment that has been offered on top of that which effectively is where we are at the present time. I would like to make a few comments about this whole issue that has been brought up by Senator GRAHAM in terms of the security aspects at the border.

Those of us who supported a comprehensive program on immigration reform supported strong border enforcement because we know there are 400,000 or 500,00 people who have come across the border, minimally, a year. We don't know their names. We don't know where they go. They disappear into American society. There is no question, on a matter dealing with homeland security, we have to be serious about dealing with our borders. We understand that.

That is why it is so interesting to me, when I saw we had that opportunity 2 years ago, we had a great deal of fuss on the other side about building a fence along the border and then, after they got their vote, the Republicans never funded that particular program.

When we had a chance a few weeks ago to do something on comprehensive border control, again the Republicans, the other side, voted no; they voted it down. Now we have the proposal to try to, I guess, make them politically OK among the voters. We know this issue of undocumented and illegal immigration is a complex one, is a difficult one.

We know the primary reason people come across the border down in the Southwest is because of the magnet of jobs in the United States. This amendment does nothing about the magnet of jobs. We should not delude ourselves, if we say we are going to support this particular proposal and then not deal with what is the basic cause of the hundreds of thousands of people who come here, and that is the magnet of jobs. This amendment doesn't deal with the magnet of jobs. Maybe it has a good political ring to it out there on the hustings, that we are doing something, but as we have seen time and time again, as long as we are not going to deal with the magnet of jobs, the efforts we have on the border—we can build the fences, people have ladders to go over them; or you can build fences and people will burrow and go underneath them—as long as you have the powerful magnet of jobs, the efforts will fail.

We are going to have a vote on this issue, although I, for one, believe having strong border security is a key aspect of having comprehensive reform. That is why a number of us are going to support an alternative to the Graham amendment, an alternative that recognizes, No. 1, this is a complex problem—we are for border security and control, to the extent we can—but, No. 2, that we have a situation affecting millions of Americans in agriculture and that is, if we are going to have border control we are going to have to be able to provide agricultural workers. That is why I hope the Senate will consider an amendment which will have the border control provisions but also have what is called the AgJOBS provisions that will address what is the need in agricultural America.

Without it, as we have heard so eloquently from Senator FEINSTEIN, as we heard from Senator LARRY CRAIG, we are going to have devastation in major parts of our country.

If you are going to have border security, you are going to have to have some way for these workers to get in. The AgJOBS bill is the bill that has had over 60 Members of the Senate who have been supporters of that program. That seems to me to begin to make a good deal of sense.

Recognize, in dealing with this whole issue in a comprehensive way, the most vulnerable people inside our borders, those individuals who are here and are undocumented in so many instances are young people, brought here through no fault of their own because their parents brought them here when they were under 16 years of age, who are here for more than 5 years, serving 2 years in the military, graduating from the high schools of this country—it is called the DREAM Act.

I see my friend and the principal spokesperson and sponsor of that, the Senator from Illinois, Senator DURBIN, on the floor. He speaks so well to this issue. When we have the amendment before the Senate, I will review some of the great, important successes of many young individuals who came here undocumented and have worked long and hard and have graduated from high school, which is no mean feat when you have more than a 50-percent dropout rate among the Hispanic community. The fact that these individuals are here, want to be part of the American dream, want to contribute to our Nation—the DREAM Act gives them the hope and opportunity for the future, which so many who have come here as immigrants and as children, who want to be a part of the American dream, have felt.

This will be a proposal I hope we will have a chance to vote on. It will have the border security aspects included in the Graham proposal. It will recognize, if you are going to try to close the border, you are still going to have the great agribusiness in our country that is going to demand workers. We have a way of responding to that, a way about which Senator FEINSTEIN and Senator LARRY CRAIG have spoken to this body, a familiar path that makes a great deal of sense. That will be part of the proposal. Then we say to some of the most vulnerable individuals here, we recognize the challenges you are facing.

The proposal we are going to offer is a downpayment on a day where we might be able to come to a more comprehensive approach, which will be clearly in the interests of the Nation and in the interests of those who have come here and hopefully are looking forward to being a part of the American dream—pay their fines, pay their dues but be a part of the American dream.

I also mention I was somewhat troubled by the provisions of the Graham amendment, which effectively will say, for those who have overstayed their visa—and we know that is about 46 percent of all the undocumented. You can't deal with the problem of the undocumented here in the United States and just close the border because almost half of those who are undocumented here come from overstays. So let's not confuse the American people and beat our chests and say we have taken a strong security position by dealing with the border and not dealing with the undocumented.

We have 12.5 million undocumented here. We simply do not have enough detention centers in which to detain them.

We want to deal with the terrorists. We want to deal with the drug smugglers. We want to deal with the hardened criminals. Rather than focusing our attention on those goals, we would divert precious resources to what? Jailing women and children, taking the overstays and putting them into detention? We have an undocumented problem and what are we going to do? This is not the solution. This whole scenario sounds like another plan like we had in Iraq: Al-Qaida in Afghanistan was the organization who attacked the United States and what did we do? We went into Iraq, wasting our resources. This amendment is focused on roundups and mass detention, rather than target the real threats which are terrorism and crimes. This amendment on the Homeland Security Appropriations bill is not the answer.

It seems to me an alternative approach makes a great deal of sense. This is a modest program. It is a well-thought-out program. It is a tried and tested program. It is a program where they have had hearings and the Senate is familiar with it. Let's do what is necessary at the border. Let's do what is necessary to ensure that agriculture and those workers who have worked in the fields are going to have the respect and dignity they should have. That has bipartisan support. Let's insist we are going to include the DREAM Act, which has strong bipartisan support as well.

Let's move on and accept that concept. That includes the basic thrust of the amendment of the Senator from South Carolina. Then let's move ahead with the Homeland Security bill.

I know my friend from Connecticut wishes to address the Senate.

Mr. GREGG. Will the Senator yield for a question?

Mr. KENNEDY. I will yield briefly, without losing my right to the floor, yes.

Mr. GREGG. I understand the Senator is essentially embracing the concept of moving forward independently with the DREAM Act, essentially; is that the position of the Senator?

Mr. KENNEDY. We would have an amendment that would have border security and AgJOBS and the DREAM Act together, put in together, so we will deal with border issues but also recognize, if you are going to have a strong border, if we are going to keep out agricultural workers, that we have a major agricultural industry here, and we ought to accept AgJOBS which, I think at last count, has 66 cosponsors, Republicans and Democrats. Also, we have an emergency with that particular proposal. Also, look at those who are the most vulnerable people in this country, and those are the children who have been brought here through no fault of their own, trying to be a part of our system. Many of them are in the Armed Forces of our country. It is called the DREAM Act. The Senator from Illinois has been a prime sponsor.

We think, with that combination, that will be much more responsive to the real challenges we are facing, both from a security point of view and from an economic point of view, an agricultural point of view and from a humane point of view.

Mr. GREGG. If I could simply make the point in the form of a rhetorical question: I am not sure the DREAM Act, as viable as it may be, has a great deal to do with Homeland Security's job on the border. Of course the Lindsey Graham amendment, of which I was a sponsor, is focused at Homeland Security's responsibility on the border.

But I appreciate the point of the Senator. I am not sure why he stopped there. Why doesn't he just reoffer the entire comprehensive immigration bill?

Mr. KENNEDY. This, I believe, is the downpayment. I remind my friend, and then I will yield the floor:

> Enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long term if it is coupled with a more sensible approach to the 10 to 12 million illegal aliens in the country today and the many more who will attempt to migrate to the United States for economic reasons.

This is from the Coalition for Immigration Security. This is from a White House official charged with homeland security. This is a security issue, and we believe it is important.

The final point I mention to my friend from New Hampshire is a key aspect of the DREAM Act is to encourage these young people to serve in the military. At a time when we have critical needs in the military, the opportunities for these young people to serve in the military will give a very important boost to the Armed Forces of the country, and that obviously is dealing with the security of the Nation.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to discuss an amendment Senator COLLINS and I intend to introduce. I gather the parliamentary situation is such that there will not be a grant of unanimous consent to set aside the pending amendment, so we did want to take this opportunity to discuss an amendment which would add $100 million to the Homeland Security appropriations bill for the purpose of funding efforts at the State and local level to make communications between our law enforcement personnel interoperable—they can talk to each other. This is a pressing need for homeland security, for disaster response.

I know my friend and colleague from Maine cannot remain on the Senate floor for long. So I yield to her for some comments about our amendment. Then I will retake the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, let me thank the committee chairman, Senator LIEBERMAN, for his graciousness in yielding to me.

I am pleased to be a cosponsor of Senator LIEBERMAN's amendment to add $100 million for an interoperability communications grant program. Last year, the Homeland Security Committee spent 8 months investigating the flawed response to Hurricane Katrina.

It was very disappointing for the committee to learn that the same kinds of problems in the ability of emergency first responders to communicate with one another that were evident in the response on 9/11 still existed that many years later and hampered the response to the victims of Hurricane Katrina.

When the 9/11 Commission reviewed all that went up to the attacks on our country on 9/11 and evaluated the response, it identified the tragic truth that many firefighters, police officers, and other emergency responders lost their lives on 9/11 because their communications equipment was incompatible. The police could not talk to the firefighters, who could not, in turn, talk to the emergency medical personnel.

We found exactly that same problem existing years later in the response to Hurricane Katrina. In fact, we found that within the same parish of New Orleans, police and firefighters often had incompatible communications equipment. It should be evident if our first responders cannot talk to one another in the midst of an emergency, the response is going to be greatly hampered, and in some cases that means additional loss of life. That is just unacceptable.

State and local governments recognize their problems with emergency communications, which is why the Department of Homeland Security receives more requests for funding to upgrade and purchase compatible emergency communications equipment under the State Homeland Security Grant Program and the Urban Areas Security Initiative than for any other allowable use.

The experts tell us the only way we are ever going to get a handle on this problem is if we dedicate funding for this purpose. The Homeland Security bill that is about to emerge from conference would establish a multiyear program to achieve that goal. But we need to make a downpayment on that program through this appropriations bill.

I know the leaders of the Appropriations Subcommittee on Homeland Security have worked very hard, and there are many demands on the money that is available. But I would urge them to take a look at our proposal.

Creating an interoperability emergency communications network is a complicated, expensive, and lengthy process. It is the type of multiyear project that requires States to know how much money they will be getting each year for several years in order to come up with the kind of regional plan that is needed to address this problem.

Even the most effective preincident planning will prove ineffective if first responders are unable to communicate with each other effectively in real time, on demand, during an actual incident, and in the immediate aftermath.

I would point out that Senator LIEBERMAN and I also sponsored an amendment when the budget was on the Senate floor, which was adopted just 4 short months ago, that provided $400 million for this critical purpose. Yet, unfortunately, the appropriations bill before us contains no funding for interoperability communications grants.

Now, we recognize the competing demands, and that is why the Senator from Connecticut and I are proposing a modest program of only $100 million rather than the $400 million that was adopted during consideration of the budget resolution.

I urge my colleagues to join Senator LIEBERMAN and me in supporting funding for interoperability emergency communications. This is a high priority for our first responder community, for those who are on the front lines when disaster strikes.

I yield to the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Maine for an excellent statement.

First, I thank the leadership of the Appropriations Committee, Senator BYRD, Senator COCHRAN, Senator MURRAY, for working as hard and effectively as they have to provide funds that are critical to securing our homeland.

In fact, the committee added two and a quarter billion dollars for Homeland Security above the request of the President's budget. For that, they are to be thanked. That is exactly the right thing to do at a time when the threat of terrorism continues to be a clear and present danger for our American homeland.

Senator COLLINS and I are offering this amendment because, as she said, we believe the committee has not provided anything for one of our Nation's highest priorities, and thus an adjustment is needed and I speak of interoperability of communications systems among law enforcement personnel, first responders, the very fundamental capacity in an emergency to pick up whatever means of communication they have and speak to the firefighters, police officers, and emergency responders wherever they may be.

As Senator COLLINS indicated, just to build some history, in the Senate budget resolution conference report earlier this year adopted by the Senate, we provided for $400 million to be spent next year for this program in helping States and localities to allow their first responders to talk to each other in a crisis. That is the budget resolution. It is a first step, but it was an important step.

Senator COLLINS also referred to the conference committee on the 9/11 legislation that passed both Houses of the Congress. We have been in conference for some period of time. I am happy to say we concluded the conference successfully within the last 24 hours, and a report is now circulating among the members of the committee to have them sign it. I gather that a majority of members of the House committee have already signed, and Senators, in their wisdom, are taking a little longer to read the report. But I am confident that before the end of the day we will have a majority there, too, as well.

Well, the conference report on the 9/11 legislation, which is before us, to implement as yet unimplemented parts of the 9/11 Commission Report, or those parts that have been inadequately implemented, and/or, frankly, ideas that the respective committees in the House and the Senate have had on our own initiative to strengthen our homeland security against the threat of terrorism, which as I said earlier is clear and present, as the most recent reports on al-Qaida and its intention to strike us make painfully clear, and to create the kind of apparatus that will protect the American people in the event of natural disasters because there is an obvious overlap in what those capabilities will do.

So the 9/11 legislation conference report will be before the Senate soon. It does authorize a new interoperability emergency communications grant program. It should, hopefully, provide additional and much needed resources to help the Nation's first responders.

Now, I used the word "hopefully" advisedly because this new grant program the 9/11 legislation creates will not help our first responders unless we put some money into it. That is what this bill and this amendment to this bill that Senator COLLINS and I are offering would do. It would provide $100 million for the program in fiscal year 2008. It is below the $400 million authorized in the budget resolution. But this $100 million is a good start and an opportunity to essentially put our money where our promise was in the 9/11 legislation.

This actually is a very modest amount compared to the overall needs there are across the country. Yet it is a good beginning. 9/11 taught us many lessons about what we need to better protect our homeland, and one clearly was improve the ability of our first responders to talk to one another.

I know none of us will ever forget 9/11/01, that day we watched live on television as the extraordinarily brave New York City police, firefighters, and other emergency personnel raced into the doomed buildings trying to save lives, many of them not actually on duty but knowing a crisis had occurred, running to help their fellow citizens, to help their fellow first responders.

But as we watched, we could not see what was happening inside the building where another tragedy was occurring. Inside the World Trade Center buildings, the uncommon heroism of the first responders was running into unnecessary chaos. The incredible bravery of those men and women was running into avoidable confusion, all of it caused by their inability to talk to one another on the communications systems they had.

One fire chief told the 9/11 Commission:

> People watching on TV that day certainly had more knowledge of what was happening 100 floors above us than we did in the lobby of that building.

The sad, tragic fact is we know that this failure of interoperability of communications cost lives, too many lives. There were other communications breakdowns that day that hampered the response efforts at the Pentagon and in Shanksville, PA. Then, as Senator COLLINS said, during Hurricane Katrina, and the gulf coast, we saw a problem of communications that went beyond interoperability; it was the failure to operate in that crisis.

Phone lines, cell towers, and electrical systems were destroyed by the storms, making it nearly impossible at times for many first responders and government officials on the gulf coast to talk to each other, to get the public assistance, to rescue people in danger. This massive failure was so bad that some emergency officials on the gulf coast were forced to resort to runners to communicate with their first responders in the field.

Think of that. Here we are in the 21st century, and this great American Nation that has spawned a revolution in global communications technologies, where in a catastrophic crisis, our first responders, whose duty it is to protect us, had to resort to communications techniques that we thought we had left behind on the battlefields of the Civil War, and that was to resort to runners.

This amendment would provide the $100 million for this emergency grant program created in the 9/11 bill. The funding would come from a small, across-the-board cut in all other Department of Homeland Security programs. That is the only way we can think fairly to do it. It is real small, about a quarter of 1 percent of the DHS budget, to be exact 0.27 percent, a small amount to shift into a program that is necessary to save lives when disaster strikes.

It is important to note that these funds will be provided to States only after the Office of Emergency Communications in the Department of Homeland Security has approved statewide interoperability communications plans so we are not just going to have city A or fire department B or ambulance company C apply and get their own grants. You have to be part of a plan in every State.

I note again the $400 million in dedicated funding for this program that was provided for in the Senate-passed and House-passed budget resolution earlier this year in anticipation of this new program. Perhaps because the 9/11 bill that has just been completed in conference was not finished when the Appropriations Committee met to adopt this Homeland Security appropriations bill, the committee did not include any funding for interoperability communications.

House appropriators did include $50 million to start the program. Now the Senate must do its part.

We owe it to our first responders, the men and women whose duty it is to protect us and all the people they protect in cities and towns across the Nation, to help them create the kinds of communications systems that will enable them to talk to each other in crisis so they can react swiftly, efficiently, and effectively when the alarm bell rings and duty calls them to respond.

At the appropriate moment, when it is possible to do so, Senator COLLINS and I will introduce an amendment to achieve the purposes I have stated.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before the Senator from Connecticut leaves the floor, I appreciate his leadership on the 9/11 Commission recommendations conference report and the bill generally and, of course, the work he has done on the other conference report, the only two we have had to speak of, on ethics and lobbying reform. He has been essential to moving these things along. We have approached these two measures on a very bipartisan basis which is, I am confident, the reason we were able to get them to the floor. The work of the Senator from Connecticut has been exemplary.

Mr. LIEBERMAN. I thank the majority leader.

Mr. REID. I wish a number of things. One of the things I wish is that we could legislate the way I remember the Senate legislating. There have been editorials written, there was a cartoon this morning in the Washington Post, about all the many filibusters led by Republicans. We came to our first appropriations bill. We have two individuals who are historic in their knowledge of the Senate, Senator BYRD and Senator COCHRAN. I have lamented with my friend from Mississippi on a number of occasions how we would like to follow regular order. We try to do that as much as we can.

There are a number of ways to kill legislation. One is to get on the floor and talk forever. That is the old-fashioned filibuster. The other way is to do it by diversion, other ways. That is what we have before us today. We have here a bill dealing with Homeland Security. We all know border security is important, and we know the underlying bill is $2.3 billion more than the President requested, most of that money going directly to border security—3,000 new detention beds, 3,000 new Border Patrol agents. It is a good bill. But my friends who want to not have this bill have now done what would seem almost impossible: They want to relegislate immigration. We have spent about a month on immigration this year, about a month last year, far more than any other issue.

Now we have pending before us an amendment, the Graham amendment, that in effect relegislates immigration.

Of course, there is a piece in there for border security. We all support that. But there are also pieces in that that take away basic rights people have, people who are American citizens. So it is unfortunate we are at this juncture.

I have no alternative, and I have thought of everything I could think of to try to avoid this collision. It is my understanding the Graham amendment is pending; is that true?

The PRESIDING OFFICER (Mr. OBAMA). The Graham amendment is pending.

Mr. REID. The Graham amendment is in violation of Senate rules. It is legislating on an appropriations bill. I raise that as a point of order.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry initially: Is the second-degree amendment the pending amendment or is the Graham amendment pending?

The PRESIDING OFFICER. Both amendments are pending.

Mr. GREGG. Is the majority leader's motion to both amendments?

The PRESIDING OFFICER. The point of order goes to the underlying first-degree amendment.

Mr. GREGG. It is a point of order that this is legislating, this is the rule XVI point of order; is that correct?

Mr. REID. Yes.

Mr. GREGG. I raise the defense of germaneness with respect to the pending amendment.

The PRESIDING OFFICER. The Chair is not aware of an arguably legislative provision in the House bill, H.R. 2638, to which amendment No. 2412, offered by the Senator from South Carolina, could conceivably be germane.

Mr. GREGG. So the amendment is germane?

The PRESIDING OFFICER. The Chair does not believe that the defense of germaneness is appropriately placed at this time.

Mr. GREGG. Mr. President, I disagree with the ruling of the Chair and, therefore, I appeal the ruling of the Chair. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I know we are not in debate, but I wanted to inform Senators, there has been an evacuation order issued on the Hart and Dirksen buildings. We are going to go ahead and start the vote, but when the buildings allow the Senators to come, we will make sure they have an opportunity to vote. We are not going to cut anybody off because they are locked in a building someplace.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would like 3 minutes to quickly point out where we are.

The PRESIDING OFFICER. Is there objection?

Mr. REID. When you finish, I won't need as much time as you. I will take 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So our colleagues understand the lay of the land, because it is a fairly complicated parliamentary situation, the Graham amendment, which increases funding for Border Patrol by $3 billion, I would point out that the majority leader, I believe, misspoke when he said the extra $2.2 billion in this bill went to border security. The extra $2.2 billion in this bill, the majority of it exceeds the President's request in the area of first responders, and that is why we did not move that money out of the first responders to fund this. This is in addition to the funding in this bill to fully fund 23,000 Border Patrol agents, 45,000 detention beds, the virtual fence, the hard fence, and to make sure there are enough ICE enforcement officers. So it is a major initiative in the funding area.

There is also authorizing language in here. It is the authorizing language which I guess the majority leader has the most concerns about. But that is the underlying bill. The question before the body is, as I understand it, the underlying bill, probably because the authorizing language may not be germane. This will be a vote basically on the issue, in my opinion, of whether you want to increase funding for border security by $3 billion, fully funding what is necessary in order to make the border secure, including undertaking specific authorizing language which we think is important in order to give the Border Patrol and ICE agents the necessary tools they need in order to remove people from this country who have come to this country illegally or have done illegal acts while they are here. This is essentially a vote on the underlying amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have expressed my affection for my friend from New Hampshire on many occasions. He is a wonderful Senator. I am very aware of his great record of public service—Congressman, Governor, Senator. But the statement he made is wrong. This is not a vote on immigration. This vote we are going to take today, if the Chair is overturned, will set a precedent for all future appropriations bills, all of them, lowering, if not eliminating, the legislation on appropriations threshold. So this will mean any appropriations bill that comes through here, you can put anything on it. Some of us will remember—I know Senator COCHRAN will remember—I raised a point of order against something that Senator Helms did, and it was one of the biggest mistakes I made because we overruled the Chair. It took years for us on a bipartisan basis to go back to where we were.

On appropriations bills, you will be able to put in an appropriations bill anything you want. We will get back to the days of appropriations bills just putting anything you want in them. One of the good things about the appropriations process is you should not be able to legislate on an appropriations bill. That is what this is all about.

I also say to my friend from New Hampshire and all those people who believe this is a way to vote on immigration, it is not. It will lower the standards here in the Senate significantly. I would say, the funding aspect, none of us have any problem with that. We agree. That is one of the things I said publicly, that I appreciated the President when we had our immigration debate. He provided money that was emergency, direct funding of $4.4 billion for the border. I supported that. It allowed us to pick up more votes. It was a very important thing. I applauded the President for having done that. I told the President after that legislation fell through how much I appreciated his leadership.

But we need some leadership. This is going to lower the standards of the appropriations process and the Senate. We accept the funding measure. We would agree right now. Do it by unanimous consent. We agree to that. Then let's have the immigration debate some other time. We have spent 2 months on it already. Isn't that enough?

Mr. President, I want all Senators to know, Democrats and Republicans, if the Chair is overturned, this will set a precedent for all future appropriations bills, lowering, most likely eliminating, the legislating on appropriations threshold. We should not go down that road. I want to pass some of these appropriations bills. We want to get things done. Is this the picture we are going to have?

I will use leader time at this time. I came here this morning. I felt so good because we passed by unanimous consent the Wounded Warrior legislation. The distinguished Republican leader said: Well, why don't you add to that the pay raise for the troops? I said: It is OK, we will do that. I walked out of here—if I had some muscles, Mr. President, I would flex them because we really did well this morning. But the fact is, this afternoon we are back in the bog trying to claw through legislation we should not have to.

We have filed cloture 45 times this year. Why? For this bill we have now on the Senate floor, Homeland Security appropriations, we had to file cloture on a motion to proceed to it. That is hard to comprehend, but we did. We had to file cloture.

I do not want to file cloture on this bill because the first thing that would happen is people would come and say: I have not had a chance to vote on an amendment.

So I don't want to file cloture on this bill. I want people to have the opportunity to offer amendments and vote on them. But let's try to stay within the rules. This is legislating on an appropriations bill.

If my friends on the other side of the aisle want to overrule the Chair, that is really too bad and that will go into part of the writing where people will talk about how this Republican minority—I understand our majority is pretty thin: 50 to 49. Come September, it will be 51 to 49. That is pretty close. So it is not an issue where we are bulling our way over and through everybody. Every vote we take here is close. But this is not the way to go.

This may make everybody happy, but then there will be no appropriations bills. We will just do a big omnibus at the end of the year and do away with the appropriations process because now it does not matter what bill we bring up—we can bring up the Veterans' Administration, the VA, Military Construction appropriations bill, and with that, we can put anything in that we want that does not have anything to do with the purview and the scope of that bill. That is what people are getting into here. It is a shame.

Mr. President, I ask the vote be started.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso.
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Thune
Vitter
Warner

NOT VOTING—4

Brownback
Clinton
Johnson
McCain

The PRESIDING OFFICER. The Senate sustains the decision of the Chair.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I appreciate the vote turning out the way it did. First of all, I want the record to clearly reflect that the author of this legislation, my friend from South Carolina, LINDSAY GRAHAM, offered it because he thought it was the right thing to do. He has very strong feelings about a lot of issues and he expresses them. One of those he feels strongly about is the issue of immigration. He offered this amendment in good faith, and I want everybody to know that is how I feel.

Procedurally, though, sometimes here we get in the way of each other. In fact, that is what has happened. What I would like to do is ask unanimous consent that the money portion—the portion of the Graham amendment that funds border security for all the things he and Senator GREGG laid out—that we accept that by unanimous consent.

My friend from New Hampshire wants to look at the legislation they have. I am hopeful that sometime tonight I can offer that in the form of a unanimous consent request. I wish to make sure everybody on both sides has the opportunity to look at the legislation. In effect, I again state simply it would give more money for border security. I will not harp on this, other than to say we in Nevada have a tremendous problem. We arrest illegals, and there is no place to put them. So they are let loose. This money would allow us to build more detention beds, hire more border security officers, and it will add the first part of the legislation that is absolutely necessary—that we do something about immigration. We always talk about border security wherever any of us go. But then there are other things that would not happen today with this legislation.

Hopefully, within the next hour or so, when Senator GREGG has had a chance to look at that—and I will clear it with Senator KENNEDY and others—we can, by unanimous consent, pass that portion of the bill dealing with financing border security.

I yield the floor at this time and, again, express my appreciation for the bipartisan vote that we had.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are on the verge of an important bipartisan accomplishment to actually seriously begin to secure the border. I thank Senator GRAHAM for his amendment. I thank the majority leader for his willingness to pass that portion of it that clearly is directed at border security.

I think once we have had an opportunity to actually read the amendment, which Senator GREGG and his staff and Senator GRAHAM and his staff are doing, we will have an opportunity to do something important for the country later tonight.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I am not sending this up in the form of an amendment. I want this to be placed in the RECORD to indicate what we would like to have accepted by unanimous consent. If there is an agreement on both sides, we will propose the amendment together. This is not an amendment, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To appropriate an additional $3,000,000,000 to improve border security)

At the appropriate place, insert the following:

TITLE BORDER SECURITY ENHANCEMENTS

For an additional amount for "U.S. Customs and Border Protection, Salaries and Expenses", $1,000,000,000, to hire, train, support, and equip additional Border Patrol agents and Customs and Border Protection Officers and for enforcement of laws relating to border security, immigration, customs, and agricultural inspections, and regulatory activities related to plant and animal imports.

For an additional amount for "U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology," $1,000,000,000, to remain available until expended.

For an additional amount for "U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement", $100,000,000, to remain available until expended.

For an additional amount for "U.S. Customs and Border Protection, Construction", $150,000,000, to remain available until expended, for construction related to additional Border Patrol personnel.

For an additional amount for "U.S. Immigration and Customs Enforcement, Salaries and Expenses", $700,000,000, to remain available until expended, to hire additional agents to enforce immigration and customs laws, procure additional detention beds, carry out detentions and removals, and conduct investigations.

For an additional amount for "Federal Law Enforcement Training Center, Salaries and Expenses", $25,000,000, to remain available until expended, to train newly hired

Border Patrol agents and other immigration and customs personnel funded in this amendment.

For an additional amount for "Federal Law Enforcement Training Center, Acquisitions, Construction, Improvement, and Related Expenses", $25,000,000, to remain available until expended, to provide facilities to train the newly hired Border Patrol agents and other immigration and customs personnel funded in this amendment.

These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GREGG. Mr. President, if I can ask the leader a question, as I understand it, we are going to try to work out an agreement on the funding and the language which is behind the funding that didn't authorize the language——

Mr. REID. That is directed at border security, yes.

Mr. GREGG. Is that the money that increases border agents from 23,000 up to 30,000 and increases the number of beds to 45,000 and covers the fence, the virtual fence, and the number that funds ICE?

Mr. REID. We will take a look at your language, and you can look at ours, but the answer to your question is yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think we are all concerned that we get border security right. The Graham amendment offered us that opportunity. It looks like we may get there tonight.

Let the Senate understand there is a Catch-22 to what we are doing. While Americans want their border security—my guess is what the majority leader is proposing we adjust to will pass by the unanimous support of this Senate. The Catch-22 is that American agriculture is now in crisis, in part because we have failed to pass an immigration bill that addresses their guest worker need problem and the border closes and the human labor flow stops. We want it stopped. We want the illegal movement to stop, but we need a legal system tied to this to solve a problem.

Last agricultural season, underemployed by 25 percent, $3 billion lost at the farm gate, the consumer picked up the bill. Then we struggled mightily to solve the problem, and we could not. Now we are heading into another harvest season, with 35 percent underemployment, with a projected $5 billion to $6 billion loss in American agriculture—fruit, vegetables, and nuts left hanging on the trees and oranges rotting in the orange groves.

The Senator from California and I have said, please, help us a little bit and reinstate a guest worker program with border security; give us a 5-year pilot temporary program to solve a near disastrous problem for American agriculture. We fumble through and we cannot do it. So what are America's farmers doing—the ones who can afford to? They are taking their capital and equipment and they are moving to Mexico and Argentina and Brazil and Chile. America's investment will move south of the border.

Here we are now, 60 percent dependent on foreign oil to fuel our cars. Are we going to become 60 or 70 percent dependent on foreign countries to produce our fruits and our vegetables? If this Senate cannot get it right within a decade, that is where we will be—maybe even less time than that.

So while we debate border security—and while we are all for it, and while I have been aggressive in moving legislation with Senator BYRD, starting 2 years ago, to tighten our borders—always in my mind tied to that was reform of the guest worker program and getting a workforce for American agriculture that was legal, that was transparent, that came and worked and went home. But we can't do that. We would not do it. We refuse to do it because of grounds of political intimidation.

Shame on us if we destroy American agriculture because we cannot get it right. So the Senator from California and I are left with no alternative. Do we object to unanimous consent to secure the border? Of course we would not. We cannot and we should not. But we will ask this Senate to vote time and time again and either say you are for American agriculture or you are against it.

Therein lies the question this Senate has yet to answer, and they must answer if we are to supply America with its fresh fruits and vegetables and the kind of abundant food supply that we have grown use to—but more important that we expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I thank the Senator from Idaho for those comments. He is absolutely right in what is happening. It is happening to a great extent as well in California. Referring to this chart, I wish to show the Senate what has happened. Agriculture is moving to Baja, Mexicali, and the Nogales regions—more than 20,750 acres of agriculture have moved from the United States to this area here and more than 8,600 employees have moved to this area in Mexico. Over here, more than 25,350 acres have moved to the center of Mexico, with more than 2,460 employees.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. BOXER. The Senator deserves to be heard.

Mrs. FEINSTEIN. I thank my colleague from California for this. I speak on her behalf as well. Agriculture is in crisis. We have a $34 billion industry. Labor is down by as much as 30 percent. What is happening is farmers are renting land in Mexico. They don't want us to know that. It is difficult to get these figures, but we got them, and this is what is happening. Now, what will happen to the land in California, Idaho, Washington, and in other places? It will lie fallow. Farmers will soon decide they would rather farm in Mexico, with fewer restrictions on pesticides and lower phytosanitary standards. Their land will be sold for development and we will lose our farmland in this Nation.

The catastrophe, the crisis, is now. The harvest system is coming up now. What Senator BOXER, Senator CRAIG, and many others ask is please pass this 5-year pilot program and enable people who have worked in agriculture, who will continue to work in agriculture, to be able to do so legally. Reform the H2-A program so it functions for the rest of us.

The fact of the matter is, 90 percent of agriculture is undocumented labor. Why doesn't the Senate recognize that? Why doesn't the Senate recognize you cannot get Americans to do this work?

Why do we want to drown American agriculture? Why do we want to send it over the border?

What Senator CRAIG, Senator BOXER, and I are saying is, with this money, you take away our leverage to get this bill done, unless we can have some kind of commitment that we can do this bill as a stand-alone bill or move it on another bill. We ought to just face that right now, that Senator CRAIG and I would like to have a commitment that we can put this bill on another bill, or move it as a stand-alone bill without amendments, and hopefully get it passed so agriculture in America can harvest their crops this fall. We ought to have a discussion because this money we all would like to do, no question about it. We all want border security. We all want to fund border security.

(Ms. CANTWELL assumed the Chair.)

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I thank Senator FEINSTEIN. She and I have gone to the farms. We have seen what is happening. We have seen the fruit just fall from the trees and wither when people are hungry. This is a ridiculous situation.

The question I have for my friend is—it is rather rhetorical, given the rules of the Senate—all of us have worked so hard for so many years for the AgJOBS bill. Isn't it a fact that it has been years since Howard Berman in the House started this and we all got involved? And isn't it so that instead of being a contentious matter, AgJOBS has had strong support, not only in the Senate but all over the country? Isn't it true that AgJOBS is supported not only by the owners of the ranches and the farms but also supported by all the unions and the labor people? And isn't that a reason to pull together, to unite? Isn't it so that it pulls together Republicans and Democrats?

Mrs. FEINSTEIN. The Senator from California is absolutely correct. It does. It pulls together all of us. We believe we have 60 votes in this body for AgJOBS because we believe there are 60 Senators at least who understand what the problem is, there is no question about it.

Senator BOXER has been on this issue for at least 7 years. Senator CRAIG, the Senator from Idaho, was the original sponsor of AgJOBS, along with Senator BOXER and Senator KENNEDY. That was 7 years ago. Is that not correct, I ask the Senator from Idaho, Mr. CRAIG?

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. Seven years ago. This bill is known by everybody in this body, and everyone in this body should know there is a need. We believe we have the votes in the House to pass the bill as well if it is a stand-alone bill, a 5-year pilot that enables farmers to hire workers.

Let me say one other thing. There is a myth out there that anybody can do agricultural labor. If you stand by a freeway and watch people pick lettuce, you will see precision movements, you will see an organized crew, you will see they are trained in how to do it, and you will also see it is backbreaking labor that Americans will not do.

There is no industry in the United States that faces the crisis agriculture does right now, I say to Senator BOXER. She knows that. I know that. We know what is happening to our farms and growers. Whether they operate 50,000 acres or 50 acres, it is the same problem. It takes, in California, 40,000 workers to harvest grapes. They are grown in four counties. It takes 40,000 workers to harvest 1 crop.

Does the Senator from Texas want me to yield?

Mrs. HUTCHISON. Yes. Madam President, I was going to ask if the Senator from California will yield because I do think there is a bipartisan consensus that we need to address AgJOBS. We need to have a temporary worker program going forward that fills the need for the economy of our country to continue to thrive.

I know the Senator from California has worked for years on this issue, as has the Senator from Idaho. I hope we can have a freestanding bill that would encompass agricultural workers and other temporary workers, such as food processors.

I was visited this week by a food processor who very much wanted comprehensive immigration reform and worked very hard for it. He is trying to do the right thing. But he is very concerned about the business being able to do the job it needs to do to get its product out on the market. I think we are going to have an employer crisis in this country if we don't have a legal way for people to hire workers for jobs that are otherwise going unfilled.

I commend the Senator from California, the Senator from Idaho, and the Senator from Georgia who is on the floor as well who has worked for AgJOBS. We need a temporary worker program that, going forward, provides for our economic basis. I hope we can have a freestanding bill that will be amendable so that we can do that part of comprehensive reform.

I believe 90 percent of the people in this body want border security, which we may be able to achieve tonight, and the majority leader and the minority leader have begun to get an agreement on that issue. Plus, I believe there is 90 percent agreement on a temporary worker program and taking care of the agricultural businesses. I hope those who are saying immigration reform is dead are wrong in that we can do certain parts of it where there is an overwhelming consensus in this body.

I thank the Senator from California for bringing this issue up and sticking to it.

Mrs. FEINSTEIN. Speaking through the Chair to the Senator from Texas—I see the majority leader is going to say something. Madam President, is he going to make us an offer?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, if I may say a few words so people know what the schedule is, first of all, this may surprise people, but we care about agricultural jobs in America. Where most people see the bright lights of Las Vegas and Reno, we specialize in garlic and white onions. We have tremendous need for agricultural workers, and they are hard to get in central Nevada. So I personally am in favor of the AgJOBS bill. It is something that I know I have spoken with the Senator from Idaho, Mr. CRAIG, about on many occasions and the Senator from California on more occasions than she and I could ever calculate.

I am committed to doing something about AgJOBS. I hope we can do something soon. One of the bills we have to do in September is the farm bill. We have to do it. It has been 5 years. We have to renew it. Part of that has to be AgJOBS. If we can figure out a way to do it as freestanding legislation, I am willing to do that. I want all those who are concerned about AgJOBS to know that I am on their side. I will do whatever I can to help expedite this legislation.

I will also say, getting back to the Homeland Security legislation, I have conferred with the managers of this bill, Senator MURRAY, Senator COCHRAN, and Senator BYRD. It seems to me it would be in everyone's best interest not to have any more votes tonight. If there is something the managers can work out by voice vote, then we should certainly do that.

What I think we should do tonight is, if people have amendments to offer on this very important piece of legislation, do it. Tomorrow is Thursday. I remind everyone, we still have a lot to do. I spoke with Senator INOUYE. I believe he was the last one to sign the conference report on the 9/11 recommendations. That will be done. We should have something on ethics and lobbying reform. SCHIP, we have to be on that legislation next week. We have to finish this bill.

Even though there have been a lot of starts and stops today, we have had some progress.

Mrs. FEINSTEIN. Will the majority leader yield for a question?

Mr. REID. In 1 second, I will.

Unless the two managers have some objection, I would hope we could have people offer amendments tonight. If their amendments requires votes, we will set those for as early in the morning as we can. It would be wonderful if we could finish this bill tomorrow. As I said early on, I don't want to file cloture on this bill. I don't want to. This is the first appropriations bill. We have to set an example of trying to move forward.

I have just been notified that I am asked to go to the White House with the Speaker on Wednesday to talk about appropriations bills. This would be something really important to talk to him about on Wednesday, and we may be able to get one of them done.

Unless somebody has an objection to my suggestion, I think we will have no more votes tonight.

Mrs. FEINSTEIN. I believe I had the floor.

Mr. REID. I didn't want to take the floor away from the Senator from California. I wanted to let people know what we were doing here.

Mrs. FEINSTEIN. If I may, through the Chair to the majority leader, my interest was piqued in what the majority leader had to say. My question is, Would the majority leader be prepared to give Senator BOXER, Senator CRAIG, Senator HUTCHISON, and me a commitment that perhaps the majority leader and the minority leader could sit down and agree to allow a vote on AgJOBS as part of the farm bill without amendments, or some version of AgJOBS?

Mr. REID. Madam President, I say to my friend, I am happy to make that commitment. I will do everything I can to make sure it is part of the farm bill. I will do what I can. I will talk with Senator HARKIN. I will talk with Senator CHAMBLISS, who is on the floor. I am sure he is in favor. I ask through the Chair, is the Senator from Georgia in favor of the temporary worker program for agricultural workers?

Mr. CHAMBLISS. Madam President, I will respond this way: Obviously, I am in favor of a temporary worker program for agriculture. We have one now. Senator CRAIG, Senator FEINSTEIN, and

I worked diligently to try to come to some accord on H-2A reform, but I have to tell the majority leader, we have never been able to reach that accord, and there are some issues that are going to require some major amending before we will be agreeable to bringing that bill up on the farm bill.

Mr. REID. Madam President, I appreciate the Senator from Georgia being so candid.

I say to the Senator from California, Senator CHAMBLISS obviously is not in agreement with her. I will make a commitment without any qualification that I will do whatever I can to make sure that is part of the farm bill. I will talk with Senator HARKIN, that is sure, the chairman of the committee. It is important we do this, and the Senator from California has my commitment—all four Senators—to do whatever I can. If it is not impossible, we may try to work something else out. Rather than have it part of the farm bill, we may try to do something freestanding.

Mrs. BOXER. Will the Senator yield further? I wish to tell my friends that I have discussed this with Senator HARKIN. We had a meeting in my office about California priorities. I talked with him about how much Senator FEINSTEIN and I would like this bill. I think he is very open. I am sorry the Senator from Georgia does not feel as we do about it, but I think we have a good chance of getting it in the farm bill, or at least getting a version of it and, if not, getting it done freestanding.

It is at a crisis point. Senator FEINSTEIN has shown us that we are losing our people, we are losing farms, we are losing workers, we are losing whole economies, and it is just the start. Seven years ago, we knew this was going to happen. It is time to act.

I appreciate Senator REID's commitments, and this is a man of his word. I hope we can all work with Senator REID and also Senator MCCONNELL to bypass some of the negativity we have heard tonight.

Mr. REID. Madam President, also, Senator CHAMBLISS is a reasonable man. You never know, he might wake up some morning and say maybe we should help those onion farmers out in Nevada.

Mr. CHAMBLISS. Will the majority leader yield for a question? First of all, I would love to invite the majority leader to Georgia to eat some really good Vidalia onions, and I look forward to trying some of his.

Mr. REID. I say to my friend, I hope it doesn't violate any of the ethics rules, but somebody sent me a box of onions, and my wife and I ate all we could and we gave some to our daughter. They were really quite good.

Mr. CHAMBLISS. That was Senator ISAKSON. We are glad you enjoyed them. My friend from California knows we have been trying to resolve this issue not for weeks and months but for years. We have been working on this issue. We have some major differences, as we have discussed. We had hoped to have an immigration reform bill on which we could resolve this issue. We moved a long ways in that direction.

Madam President, I would like to ask my friend from California a question.

As you know, I agree with everything you said, everything Senator CRAIG said about the dire straits in agriculture. We have a huge labor problem, and we are in need, in California, in Idaho, in Georgia, and in every part of the country, for agricultural labor to harvest our crops as we move toward the harvest season. The problem with the AgJOBS bill has always been it has an amnesty provision in it. It is called earned adjustment. That has been the major issue.

Does the Senator intend to include that earned adjustment provision in the 5-year pilot program that the Senator is talking about offering now?

Mrs. FEINSTEIN. If I may, through the Chair to the Senator from Georgia, what we have said is, a version of the AgJOBS bill.

The AgJOBS bill was negotiated over 7 years between the growers and the United Farm Workers Union and others. So it is a negotiated product. I actually thought that we had satisfied the Senator's concerns in many of our discussions. I am trying to recall, but I believe there were at least three areas where we made some changes specifically because of the Senator's concerns in the discussions that we had.

So I thought we had agreement on the H-2A part of the bill, which I believe was your interest, in return for which, with respect to the earned adjustment part of the bill, I would be happy to discuss this with you more. But the bill is based on, if a worker has worked in agriculture, he or she can submit documentation to that effect, for so many hours over so many years, that individual can get what we call a blue card in the original bill and continue to work in agriculture for a substantial additional period. If they satisfied the hours, the filing, the taxes, and everything required of them, then they could apply after that period for a green card. That is as far as our bill went, the original bill.

Mr. CHAMBLISS. Madam President, if I can again ask the Senator a question. That has been the problem area.

Mrs. FEINSTEIN. I thought the problem area was citizenship.

Mr. CHAMBLISS. That is a pathway to citizenship, giving them priority on getting the green card.

But let me say to the Senator from California, I think the fact that we all recognize there is a problem and that we all want to get to the end which is a viable program that will allow all our farmers access to a quality pool of people who are here in a legal capacity under a valid temporary worker program, as long as it is truly a temporary worker program, and that those individuals are required to go back home at the time their job is completed—then we don't have an argument.

But as long as you continue to give them a pathway to citizenship, it is going to be a problem. We have just had that debate. So I would say this: I would hope between Senator CRAIG, Senator FEINSTEIN, myself, and others who are interested, that if we could come up with an AgJOBS-like, that would truly be a like version of AgJOBS, then perhaps that is a way that we could work our way through this year. It is going to take some time to get that done, and we don't have much time. Time is getting short. Here we are at the end of July almost, and harvest season is upon us.

If we could come up with some agreement to get us through this year, to give us time, maybe, to work out in the long run a more permanent program that does not include that pathway to citizenship, I would be in agreement with the Senator.

Mrs. FEINSTEIN. If I might, through the Chair to the Senator from Georgia, I would like to make one point.

I understand your concern is with the H-2A part of the bill. The other part of the bill is for different States because what happens in my State is, these crews work different produce. They go from one harvest to another to another to another because the harvests are staged at different times. So the bill has two component parts to it.

Of course, we are willing to talk. We are happy to sit down and talk. But we tried to do that with you, as you know, and I thought we had a product that we agreed to.

My understanding is the Senator from Idaho would like to ask a question.

Mr. CRAIG. Madam President, I would like, for a moment, to react to the Senator from Georgia. It is oftentimes confused that AgJOBS was two bills that were merged together—two problems solved. One was to create a new, modern, guest worker—or I should say flexible guest worker program that fits the needs of American agriculture. That was over here. We reformed the H-2A program. But over here was, what do you do with 1.2 million illegals who are here and are now working in agriculture and have been here for 4 or 5 years? That was the other side of it.

We said: If you stayed here and worked and became legal and met these qualifications, there would be something at the end of the road because we believe if you don't do that, if you say: Oh, yeah, you can stay and you can work, but you have to stay in agriculture to do so—specific to agriculture—you have created indentured servitude. You and I do not want that, nor do we want to be accused of that in any respect.

So we have to look at the two realities. The two realities are an H-2A program that does not meet the need of American agriculture today and a current workforce that is here and illegal.

How you bring legality to that workforce that is here and is illegal remains the question on which we differ. I think we have come awfully close to agreeing on a new guest worker program. And in that, the Senator from Georgia is right: It is very clear: They come, they work, they go home. That is a true guest worker program. Now, that is not today, that is tomorrow. Today is how do you meet the needs and solve the illegality problem of those currently here? Therein lies our struggle.

Somehow we have to be able to fix that and require compliance and not be accused or meet the test of not producing indentured servitude by saying the only way you can become legal is to stay in agriculture. That is not very fair either. So I guess they all have to go home. Some would like that, too.

You and I will never escape the definition of amnesty because anytime we touch an illegal and give them anything, we will be accused by the anti-immigration forces in this country of having morphed a new form of amnesty. At the same time, they are forcing us to refuse dealing with the real problem and solving it, or at least they are forcing some to run for cover in search of something that is impossible, and that is zero amnesty. You can't get there. I don't believe it is possible.

If you touch an illegal in any way, and in any way give them something that offers them some stability in the current environment, tomorrow morning Lou Dobbs will say: Amnesty. And it is a new creation he thought of overnight while in one of his 1932 labor dreams.

I yield the floor.

Mr. CHAMBLISS. Madam President, let me finally say to the Senator from California, again, we agree there is a problem. I think at the end of the day we agree what we want to do is give your farmers, my farmers, Texas farmers, and all farmers and ranchers the ability to have that quality pool of labor. And if there is a way to get there that is truly a means by which those workers who are here are temporary, I think that is going to be the key. Hopefully, we will continue the dialogue to see if we can't work something out.

Mrs. FEINSTEIN. If I may respond through the Chair to the Senator from Georgia, we had hoped, I say to the Senator, that we had worked it out. We believe there are 60 votes for the bill. We are happy, all of us—those of us who have worked on this bill—to sit down with you and go over it again and hopefully have something for the September farm bill. I think it is important.

The problem with waiting until September is part of the harvest is over, and we have lost a crop. I cannot tell you how much is going to be on the ground come September, but I can tell you in my State it is going to be a substantial amount. I worry about land lying fallow and then being sold by farmers for development and the loss of rich, great American farmland. I don't think that is what either one of us want.

We will try to work with you, Senator BOXER, Senator CRAIG and I, and, hopefully, we will be able to come up with something by September.

So I thank the Senator and the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2468 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Madam President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2468.

Ms. LANDRIEU. Madam President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the policy of the United States Government on the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland and to appropriate additional sums for that purpose)

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

Ms. LANDRIEU. Madam President, the underlying bill that Chairman BYRD and Ranking Member COCHRAN have put together is really good work. As a member of the Appropriations Committee, I am pleased to have worked on this bill. Senator MURRAY has provided some extraordinary leadership to add to this appropriations bill some resources to match the words that come out of this Capitol about securing our ports, securing our rail, and stepping up additional resources for our airports.

This underlying bill, the Homeland Security appropriations bill, reflects this goal and objective. For the most part, it meets it in a substantial way. But I would like to remind all of us here, my colleagues, though it is hard to remember or to put in perspective, but a few years ago, just over 5, we didn't have a Homeland Security appropriations bill. Until Osama bin Laden and al-Qaida established a network and put 19-plus men on planes that took out buildings in New York, a section of the Pentagon here in Washington, and crashed into a field in Pennsylvania, this department didn't even exist.

This department has been put together to try to help this country stand up against a great and growing threat—a great and growing threat. Unfortunately, according to the latest intelligence report—and I have the unclassified summary—this is not a diminishing threat. One would think that, after the money we have spent prosecuting the war, the diplomacy, and all the other things we are doing, this report would say that al-Qaida is weakened. But it doesn't say that. It says al-Qaida is strengthening. Of course, we know that Osama bin Laden is still on the loose.

So I come to the floor to offer an amendment to the Homeland Security bill to try to refocus our attention on how this whole thing got started. It all got started by a guy named Osama bin Laden and the al-Qaida network. My amendment says it should be the policy of the United States to refocus our efforts to find him, to destroy him, and to focus on the al-Qaida network wherever it is found.

There are pieces of it in Iraq, I am not going to debate that here. But there are pieces of al-Qaida that are still focused, according to this National Intelligence Estimate, right here in our homeland. So my amendment is substantive in the sense that it simply restates, or states for the first time but clearly, that it is the policy of the United States that the foremost objective of the global war on terror and protecting the homeland of the United States is to capture or kill Osama bin Laden and to destroy his network and other members of his network. I understand this is not just the work of one person. It adds $25 million to the Central Intelligence Agency for that purpose. I know there are other amounts of money that are being spent, and resources, some readily obtainable and some that are classified. But there are additional resources that need to be brought to bear on this and, most importantly, a focus to help us remember how we got here in the first place and what this Homeland Security bill should be doing, by protecting our Nation and keeping focus on al-Qaida. That is the essence of my amendment.

I thank the leader for allowing me to offer it tonight. Anytime the Senate feels we can vote on this in accordance with the schedule will be fine by me.

Mr. DORGAN. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. I visited earlier with my colleague from Louisiana. I think this is an awfully good amendment. It establishes a priority which should have been established long ago.

As you know, the President, when asked about Osama bin Laden, at one point said, I don't care about Osama bin Laden. I don't care about Osama bin Laden. Now we have the National Intelligence Estimate that says the greatest terrorist threat to this country is the leadership of al-Qaida and Osama bin Laden. If that is the case, it ought to be job one to eliminate the leadership of al-Qaida. Eliminating the greatest terrorist threat to our country ought to be the most important goal. That is what the Senator states in her amendment.

I spoke yesterday about this issue at some length, describing the kind of Byzantine position we are in with everyone telling us that here is the great threat to our country. Yet, on the other hand, we are going door to door in Baghdad in the middle of a civil war with our soldiers while there is what is called a safe harbor or secure haven apparently in Pakistan or Afghanistan or somewhere on the border.

My point is there ought not be a square inch of safety anywhere, no safe harbor, no secure hideaway anywhere on this planet for the leadership of al-Qaida.

I think this is a good amendment. I intend to offer the amendment that I offered on the Defense authorization bill as well tomorrow. It was passed unanimously and my hope is it will be accepted unanimously. Senator CONRAD offered it, but the Defense authorization bill was pulled. I intend to offer that amendment tomorrow, but my hope is the Senate will approve the amendment offered by the Senator from Louisiana because I think it advances this country's interest in defeating terrorism, and that is a very important goal.

Ms. LANDRIEU. I thank the Senator from North Dakota. He has been a leader in helping us to stay focused by increasing the reward. We have to remember—I wish I had my poster but I don't, but this is what a small version of it looked like. I know the Chair may have a hard time seeing it, but this is what Osama bin Laden looks like. It is important for us to continue to see his picture. He is on the FBI's "Most Wanted" list. This was before he organized the attack against our country that has killed over 3,000 innocent civilians and, as we know, now 4,000 of our soldiers, approximately, have lost their lives and 38,000 to 40,000 wounded, trying to retaliate against this attack.

I thank the Senator from North Dakota. I intend to be a cosponsor of his amendment. It is complementary to this one. Again, I offer it as I think appropriate on this bill which lays out the resources to protect our homeland. Let's make sure those resources are used so there is a big target on the back of this man Osama bin Laden and his very dangerous network that is still alive, unfortunately well, and according to our own estimates growing as a threat.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, we have spent this time wanting to get the legislation passed dealing with border security. It would have been the Graham-Pryor amendment. We basically would have taken the amendment offered by the Senator from South Carolina, the first several pages of it, dealing with border security, the money part of it. My friend, the distinguished junior Senator from Texas, objects to that. That is unfortunate. He wants to add additional language to that. As I explained to him, we have had many Senators want to add language.

But Senator GRAHAM, he came to us after all the changes, the suggested changes in the legislation, and he said: You take our bill as it is written. Now it was not easy to get that approved on our side, but we did get it done. There is an objection now. I am sorry that there will not be the money for border security, but that is the way it is. I regret that. I am sorry to have taken so much of the Senate's time to do that. It is 7 o'clock at night. We are back to where we were.

We will move forward. There are a number of amendments pending. My friend Senator ALEXANDER has waited around for a long time to offer his amendment. My understanding is that Senator VITTER is here. Is he ready to go?

I apologize. I hope other Senators will come and offer amendments. We will do our best to try to finish this bill tomorrow.

Is there anything my friend from Texas wishes to say in addition to what I have said?

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Texas.

Mr. CORNYN. Mr. President, I disagree with the characterization of the distinguished majority leader. The objection to the proposed unanimous consent was to only a portion of the original Graham amendment of which I was a cosponsor. It completely overlooked and ignored 45 percent of the illegal immigration in this country caused by people who enter with a visa that is legal but then they overstay. My suggestion to the distinguished majority leader and other colleagues is that we not ignore that 45 percent but, rather, include that as an acceptable expenditure under current law for part of the $3 billion.

He has explained to me that there is objection on his side to including that 45 percent of illegal immigration as part of the accepted expenditures for this $3 billion. I am sure he has accurately reported what his conference or caucus has said. But my concern is that we not spend money on the border security component and then pat ourselves on the back and claim success when, indeed, the proposal would have ignored 45 percent of the cause of illegal immigration. We need an approach that will deal both with border security as well as the interior enforcement caused by visa overstays.

Mr. REID. Mr. President, if I could say to my friend, I also think this is a problem we should deal with. But I think the language as written in this legislation would allow that. I would be happy to join with my friend in a letter to the Secretary of Homeland Security. I would be happy to meet with him when we get this done to tell him that this legislation, in my opinion, and hopefully in the opinion of a distinguished former member of the Texas Supreme Court, a great legal background, as we have propounded it would also allow this. We could make a very good case to the executive branch of Government that that is so. I hope my friend would take that as an offer of good faith to try to move this along.

I am convinced that if we pass what has been suggested by GRAHAM and PRYOR—and the Senator from Texas knows this better than I do—this does cover the fact that the Department of Homeland Security certainly should use some of this money to make sure we know where people are. It is absolutely wrong that we have people here who come on study visas and we lose track of them. That is one example. I know a significant number of Senators would agree. I think Secretary Chertoff would think this is something he should do with part of that money.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I welcome the opportunity always to work with the distinguished majority leader on legislation, including this legislation. But the fact is, the American people have lost confidence in the Federal Government when it comes to broken borders and our lack of enforcement of our immigration system. It is more appropriate that we contain the requirements in the amendment itself and not in letters he and I might write to the Secretary of the Department of Homeland Security. The fact is, the Department is not going to do anything unless we direct them to do so in legislation.

I regret the distinguished majority leader has to object to my request to include, in addition to border security, provisions saying that the money could be spent for interior enforcement as well. If that is the way it is, that is where we are.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It seems sometimes people like to have the issue rather than solving the problem. This would have gone a long way toward easing the friction on both sides toward problems with immigration. It hasn't. My friend, I could say, will still have an issue to talk about. Maybe that is more important to him than solving this problem.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thought we were getting along well until that last comment by the majority leader. I want to solve this problem too. I think my record of involvement in the immigration and border security issue has demonstrated that. I am not interested in scoring political points; I am interested in solving the problem. But I am suggesting that the proposal by the majority leader will not solve the problem. It solves 55 percent of the problem, not the remaining 45 percent.

I assure the distinguished majority leader that I am interested in a solution. That is why I proposed that some of this money would be able to be allocated for interior enforcement, including the 632,000 absconders, people under final orders of deportation who have simply gone underground or who have left the country and then reentered illegally, both of which are classified as felons under the Immigration and Naturalization Act. I would have thought that the majority leader would think that an appropriate use for some of this $3 billion in this amendment, to go after those felons, to make sure our laws are enforced according to the letter of the law as written by Congress. I regret he does not see it the way I do. I guess that is where we are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I visited with the managers about speaking on some amendments.

The first amendment I am going to reference, I will just speak about it because it is still in Legislative Counsel, but we will have it shortly. That probably means tomorrow. But I wish to alert people to a problem we have with Homeland Security that I would like to fix through amendment. The amendment would restrict the Department of Homeland Security from using any funds appropriated in this bill for the enforcement of interim final chemical security regulations relating to the stored quantity of propane gas between 7,500 pounds and 100,800 pounds. I will put this in language that people, at least in rural America, can understand.

We have a situation where you don't have natural gas, and that is on most farms, a lot of small businesses, and small towns. Homes are heated with propane, 500-gallon tanks that are somewhere on the property, usually behind the house or, in the case of a farm, out by the grain bins where you dry your corn or other grains using propane gas. Things of that nature are what I am talking about.

Let me be very clear; my amendment is limited and narrowly tailored in that it only limits use of funds for enforcing one listed chemical. That one listed chemical is propane. Some people refer to it as LP gas, liquid propane gas—one and all the same.

It would allow the Department to use funds to enforce the regulation for larger facilities, things that can honestly be said could be used for terrorist activity, but not the propane tank behind some farmhouse or by some grain bin. This amendment is necessary to ensure that these regulations truly protect our homeland but not burden farmers and small businesses and create a bigger problem with regard to propane security that I will mention in a minute.

This final rule was published by the Department of Homeland Security on April 9, 2007, and became effective June 8 of this year. These regulations were required by Congress as part of the Department of Homeland Security appropriations bill of 2007 and are known as the chemical facility antiterrorism standards. The regulations include an appendix that lists chemicals of interest to the Department and the stored quantities that will trigger reporting and screening requirements for those who house the listed chemicals. Included in the list of chemicals of interest is propane stored in quantities greater than 7,500 pounds.

Propane is used by virtually every arm of agriculture, from small family farms to large agribusinesses across the country. Propane is used to dry grain, to heat facilities for livestocks and poultry, and to heat thousands of rural homes across the country. This listed quantity of 7,500 pounds is roughly 1,785 gallons.

For those who are not from rural America, the typical rural home has at least one thousand-gallon tank for heating and maybe has two or three of these tanks for home heating and cooking, depending upon the size of the home. Some family farms may have a home tank and multiple farm tanks. Under the current regulation and thresholds, these rural homes and farms would qualify as a chemical facility and would have to complete what is known as the "top screen" process to register the site as a chemical facility. These are not homes in large metropolitan areas; they are rural homes where the nearest neighbors could be miles away. But under the current regulation, counting all tanks on one property, they would be subject to the screening requirements and also subject to penalties if they failed to complete the screen.

Most people listening to me are probably saying: So what. If the Department lists the chemicals, these folks should register. Well, in its own regulatory analysis—I am quoting from the Department now—the Department calculates that the average cost to complete the top screen process will be between $2,300 and $3,500 per screen. That is not a lot of money to some large chemical facility, but to John Q. Public who owns three tanks on his farm to heat his home as well as to heat his sheds and barns and maybe dry grain, $2,300 to $3,500 is very real money.

Further, the top screen requires individuals to fill out a lengthy form that is highly detailed and may require help from attorneys to ensure that the forms are filled out properly. Once this is completed, the Department then makes a determination if the site will need to complete a security vulnerability assessment. If this assessment is necessary, the Department then determines if a site needs a site security plan for chemical security.

The bottom line is that many rural homes, farms, and small businesses could be required to pay $2,300 to $3,500 as just a preliminary step to determine whether they are "high risk" for a terrorist attack. These lengthy forms, complex requirements, and high costs pose a harsh, undue burden upon rural America; hence my amendment and hence my begging for consideration of this from my colleagues.

I also believe this regulation has a possibility of increasing threats to our country as opposed to making it safer. As written, this rule and the current quantities of propane may lead many homeowners, farmers, small businesspeople to limit how full they might keep their onsite storage tanks. For example, a home with multiple tanks may only fill a backup tank part of the way to stay under the threshold so they do not have to fill out the top screen.

Now, as a result of that, that home, that small business, that farm may have to increase the number of times its tanks are filled once or twice during the winter months. This increase in the number of tank fills—because they are only going to be partially filled—means the number of trips propane trucks make is very much increased, leading to more propane tankers per business and more propane tankers going down our highways.

Now, I ask all of you to consider, what is a more vulnerable threat to America, John Q. Public's family home in rural Iowa—or in any other State—

or an increase in hundreds, maybe thousands, of extra propane tankers on America's highways and roads?

Now, I tried to solve this problem before this amendment. On June 25, 2007, I sent a letter to Secretary Chertoff asking him to consider the impact of including propane in quantities of 7,500 pounds in the regulations. I asked Secretary Chertoff to consider including an exemption for rural homes, farms, and small businesses that store and provide propane in excess of 7,500 pounds. To date, I have only received a response saying the Department is "giving careful consideration" to my letter.

Now, I appreciate the careful consideration being given to my letter, but I wish to know what is being done to ensure there is no undue burden placed upon rural Americans and that these rules have the impact that is intended. We all want to ensure our homeland is as safe as possible, but we need to do so without overburdening rural Americans and threatening the growth of a small business.

Further, as I pointed out, there is an additional possible safety concern that may be a consequence of the regulation. As such, I will offer an amendment that would prohibit the use of any funds to the Department to enforce the current regulations for propane when the site of that propane has more than 7,500 pounds but less than 1,800 pounds, until it amends these regulations to provide an exemption for rural homesteads, agricultural producers, and small business concerns.

Again, this amendment is narrowly tailored only toward propane and does not impact enforcement of the regulations for other listed toxic chemicals. Additionally, this amendment includes safety provisions to ensure that if a threat is imminent to rural America, the Department can inform Congress of such threat and continue with its current regulations. This amendment is necessary to ensure that Government regulations meet a commonsense test and do not unduly burden rural America.

AMENDMENT NO. 2444 TO AMENDMENT NO. 2383

Mr. President, I am now going to go to an amendment I do have written and would like to offer. I send amendment No. 2444 to the desk and ask for its consideration. Mr. INHOFE should be listed as a cosponsor.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. INHOFE, proposes an amendment numbered 2444 to amendment No. 2383.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in the such basic pilot program)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. GRASSLEY. This amendment to this appropriations bill is to strengthen our efforts to verify if people in the United States are legal to work in this country.

Without a doubt, we have an illegal immigration problem. People are crossing our borders each day to live and work in the United States. Some individuals may have innocent motives, some may not. Some may be living in the shadows and wish to do our country harm.

We do not live in a pre-9/11 world anymore. We must do all we can to protect our country. That is why I am proposing this amendment. It would do two things very appropriate in the Department of Homeland Security appropriations bill. It would require the entire Department of Homeland Security to use the basic pilot program—also known as the electronic employment verification system.

The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire and employ aliens not eligible to work. It required employers to check the identity and work eligibility documents of all employees.

The easy availability of counterfeit documents has made a mockery of the 1986 bill. Fake documents are produced by the millions and can be obtained very cheaply.

In response to the illegal hiring of immigrants, Congress created the basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against Social Security Administration and Homeland Security databases.

The immigration bill before the Senate last year and this year would have required all employers to use the basic pilot program over a period of time by phasing it in. Both the administration and Congress were poised to pass legislation mandating participation in this program. It has been argued that the employment verification system is crucial to enforcing the laws already on the books. Many say the system is a needed tool for employers to check the eligibility of their workers.

Since 1996, the system has been updated, the system has been improved. It is a Web-based program, and employers can go online quickly and very easily when hiring an individual. Employers in all 50 States can use the program, and it is voluntary for the private sector. Currently, over 18,000 employers use the basic pilot program.

Under current law, however, the Federal Government is supposed to be using the employment verification system—emphasis upon "current law" and "supposed to be using." We are talking about the Federal Government as an employer and whether we are setting a good example for the private sector on checking whether people are legally in this country if they are going to work for us. Of the 18,000 users I have mentioned, Homeland Security says 403 Federal agencies are using this pilot program. But my colleagues will be shocked to hear that very few of the 22 agencies at the Department—the Department of Homeland Security—are actually participating in this program.

I asked Secretary Chertoff in January of this very year about requiring all agencies to use this system and extending the requirement to contractors who do business with the Federal Government.

The Department of Homeland Security responded by saying these 403 Federal agencies are participating in the basic pilot program. The Department said it was also on track to make sure all agencies were using this system by the end of the fiscal year.

I ask unanimous consent, Mr. President, to have printed in the RECORD my letter to the Secretary and the Department's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 24, 2007.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR SECRETARY CHERTOFF: Thank you for your time on Monday to discuss the worksite enforcement actions against Swift & Company. I appreciate the time you took to hear our concerns, and discuss solutions to improve our efforts to reduce identity theft by illegal aliens.

As I stated in our meeting, our government agencies must do a better job of communicating with each other. That is why I authored an amendment last year to the immigration bill that would give your department access to taxpayer information maintained by the Social Security Administration. I look forward to pushing this measure into law.

Additionally, I want to reiterate my concerns about the need for federal government agencies to use the basic pilot program. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 included a provision requiring select entities to participate in the program. The law states that "Each Department of the Federal Government shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election." I would like to know how this law is being enforced, and how your department is working to ensure compliance by all federal agencies.

Furthermore, I would like the Department's legal opinion about the ability to require contractors and subcontractors of the federal government to use the basic pilot program. Last July, the U.S. Immigration and Customs Enforcement (ICE) arrested nearly 60 illegal immigrants at Fort Bragg in North Carolina. Last week, ICE arrested nearly 40 illegal immigrants hired by contractors working on three military bases (Fort Benning, Creech Air Force Base, and Quantico Marine Base), one of which was reportedly a member of the dangerous MS-13 gang. There are many similar stories of illegal aliens being hired by contractors who work at critical infrastructure sites throughout the United States. Requiring those who do business with the federal government should be held to the same standard as our executive department agencies. I encourage you to take steps to ensure that contractors are using the tools that we have provided, and are participating in the department's electronic employment verification system.

I appreciate your time and consideration of these views. I look forward to hearing from you.

Sincerely,

CHARLES E. GRASSLEY

U.S. Senator.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF HOMELAND SECURITY,

Washington, DC.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of Secretary Chertoff, thank you for your letter regarding federal agencies and government contractors using the Basic Pilot Employment Verification Program (Basic Pilot).

Currently, there are 403 federal agencies that are participating in the Basic Pilot. The majority of the federal Basic Pilot participants are member offices of the legislative branch, although there are several key executive branch participants, such as the U.S. Citizenship and Immigration Services headquarters office and components of the U.S. Coast Guard. The U.S. Citizenship and Immigration Services, which oversees the Basic Pilot, is exploring several approaches this fiscal year to use Basic Pilot to verify all executive branch new hires. Also under consideration is whether the Office of Personnel Management (OPM) could conduct the verifications through the Basic Pilot on behalf of all executive branch new hires or whether each agency should individually conduct the verifications for its own new hires. The Department of Homeland Security (DHS) would be pleased to keep your staff apprised of the status of this planning effort. DHS's goal is to ensure that all executive branch new hires are verified through the Basic Pilot by the end of FY 2007.

With respect to whether or not departmental contractors use the Basic Pilot program, DHS is exploring options to encourage contractor participation in the program.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs at (202) 447-5890.

Sincerely,

DONALD H. KENT, Jr.,

Assistant Secretary.

Mr. GRASSLEY. Since receiving the letter from Secretary Chertoff, this is what I have found out: that this response—that 403 Federal agencies are using the program—was deliberately misleading. In fact, congressional offices make up to 99 percent of the Federal users. Of the 411 or more Federal Government users, 400 are congressional offices—136 in the Senate and 264 in the House.

So I am taking issue with the Department for their response to me and feel this is deliberately misleading the Congress on the use of the basic pilot program—when I get back a letter that says 403 Federal agencies are using the program, and 99 percent of them are here on Capitol Hill, not downtown.

According to staff at the Citizenship and Immigration Service, only 11 executive branch agencies are using the program—only 11—and only 5 of the 22 agencies at Homeland Security are using the program—only 5.

The President visited a Dunkin' Donuts shop last year. The company announced all of its franchises would use the basic pilot program to verify their workers. If Dunkin' Donuts can use the system, so can the Federal Government, particularly the Departments with the mission of protecting the homeland.

We ought to be setting an example, the Federal Government, for all employers. But within the Federal Government, the very department enforcing the law, suggesting it is being used, ought to set the example.

I am ashamed to say the Department of Homeland Security—the most valuable component of the executive branch in securing our Nation from terrorism—then is setting a very bad example.

Congress and the administration must be a model of good employment practices for the rest of the country. My amendment is needed to push executive branch participation in this program.

Now, there is a second part to my amendment. It would extend this principle to contractors who do work for the Federal Government. Because the second part of the amendment would require all contractors—in just the Department of Homeland Security—to use the basic pilot program to check the eligibility of their workers.

Now, I think it ought to go beyond contractors for the Department of Homeland Security, but we are working on the Homeland Security appropriations bill so I am limiting it to that. It is my opinion that those who do business with Homeland Security agencies should also be required to use the electronic employment verification system. They may be private-sector people, but they are working for the Federal Government and they are in place of Federal employees.

There have been many examples of aliens illegally in the country working for Government contractors and being allowed to work in sensitive areas. I gave a number of examples last week during consideration of the Defense authorization bill when I tried to apply this same principle to that bill when it was up.

But the Department of Defense, I want you to know, is not the only culprit. This week, a man from Houston was sentenced for harboring illegal aliens, some of whom had access to an Alexandria airbase and Louisiana National Guard facility under a Federal Emergency Management Agency construction contract.

The company employed 30 to 40 workers, contracted with FEMA, and was able to send illegal aliens to a worksite where they had access to a National Guard facility and airbase.

There were many news stories about undocumented individuals working in the construction industry in New Orleans after Hurricane Katrina.

Then there was "Operation Tarmac," launched by Immigration and Customs Enforcement in 2002, to enhance security at our airports and remove undocumented immigrants from these critical facilities.

The operation resulted in investigations of hundreds of thousands of people and more than 900 arrests of unauthorized workers. Aliens illegally in this country were working as janitors, baggage checkers, and luggage handlers.

Whether it is FEMA or the Transportation Security Administration or Border Patrol or the Citizenship and Immigration Service, we must make sure those hired by the agencies are legally able to work in the United States.

While Immigration and Customs Enforcement has taken some steps to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. We cannot allow people illegally in our county to check our bags or process immigration benefits.

One way to get at that problem, then, is to require Departments, particularly the Department of Homeland Security, to use the basic pilot program up front. There is no cost to employers. Instead, the American public will be more protected than it is today.

Earlier this year, the Senate voted unanimously to debar employers from Government contracts if they are found to hire aliens illegally in the country. That vote signified an overwhelming opinion that our Government should only be doing business with those who take our immigration laws very seriously. Therefore, this part of my amendment should not be problematic.

I hope my amendment can be considered this week. It is not overly expansive. It is to the Department we are appropriating money for. I don't believe it is overly burdensome because the Federal Government is preaching to the private sector. They are preaching to the other Government agencies that we ought to be doing it. We in Congress have adopted it more than anybody else in the Federal Government has. If we can do this in our hiring of people, surely other Government agencies can.

I hope this amendment—I think a commonsense amendment—can be considered. I am happy to debate it, but I am finished presenting it. I have it before the Senate and I will let the managers of the bill take the course from that point.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Iowa for his contribution to the debate and consideration of this legislation. I ask unanimous consent that it be set aside so that I may call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2405 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, on behalf of the Senator from Tennessee, Mr. ALEXANDER, I call up amendment No. 2405 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. ALEXANDER, proposes an amendment numbered 2405 to amendment No. 2383.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make $300,000,000 available for grants to States to carry out the REAL ID Act of 2005)

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ___. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

Mr. COCHRAN. Mr. President, I will set this amendment aside and take it up in due course in the consideration of the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer four amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank Chairman BYRD, Senator MURRAY, and Senator COCHRAN for their leadership on this outstanding bill which will help make America safer and, of course, we in New York particularly care about homeland security. I want to commend the committee for putting together a bill that shows the Nation where our priorities lie. After years of shortchanging the Department of Homeland Security, the committee has now put forth a bill that will sufficiently fund the Department, in my judgment. In the next year, DHS will finally be equipped to do its job of making our Nation safer from harm.

The bill will make America safer by investing in high priority projects—such as the kind of technology we need to keep us safe—while also protecting us at our borders, in our skies, at our ports of entry, and on our subways, rail, and mass transit systems.

AMENDMENT NO. 2416 TO AMENDMENT NO. 2383

Mr. SCHUMER. Mr. President, I call up amendment No. 2416.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2416 to amendment No. 2383.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards)

At the appropriate place, insert the following:

SEC. ___. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

Mr. SCHUMER. Mr. President, I am introducing an amendment that will require the Government to test an array of possible card technologies before creating new passport cards for land border crossings.

Under the Western Hemisphere Travel Initiative, the Department of Homeland Security is moving toward new rules to require travelers to show a passport or an approved alternative document at land ports of entry. As we all saw from the record passport backlogs over the past few months, the Nation suffers when the administration makes big changes at the border without adequate preparation. Yet with the new passport cards, DHS and the State Department seem to be rushing forward blindly again. They have already issued a proposed rule on passport card technology, but when I questioned officials from DHS and the State Department, they admitted they had not done any on-the-ground testing of their proposed cards. This lack of testing is especially shocking because the administration is making a very unusual move in trying to use a type of technology that has weaker security capabilities than some of the other options that are out there. We don't know whether it would work on the border unless we test it.

I think that with proper preparation and testing, we can have a border document that is both secure and efficient, that preserves both security and allows commerce to continue to flow freely across the border. That is what I want to see. But if we let the DHS push this forward, I am concerned that travelers will get the worst of both worlds.

DHS in this case has it all backward. They need to do the testing before making a final choice of technology.

We need to know that any new cards will be reliable, secure, efficient, and easy to use. If the administration won't do that testing on its own, then Congress must step in. My amendment says DHS and the State Department need to do a serious evaluation comparison of two or more card technologies before they issue a final regulation to start selling these cards to people. This is a smart and straightforward way to make sure the administration is spending money wisely. I can't see why anyone would object to it, and I hope we can certainly agree without much controversy to pass it into law.

AMENDMENT NO. 2461 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2461.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2461 to amendment No. 2383.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for aviation security direction and enforcement)

On page 2, line 11, strike "$100,000,000" and insert "$94,000,000".

On page 18, line 2, strike "$5,039,559,000" and insert "$5,045,559,000".

On page 18, line 10, strike "$964,445,000" and insert "$970,445,000".

On page 18, line 20, strike "$2,329,334,000" and insert "$2,335,344,000".

Mr. SCHUMER. Mr. President, the Law Enforcement Officer Reimbursement Program reimburses local law enforcement for security services that TSA requires at all airports around the country. But due to a planned expansion, the program is not fully funded at the level needed to maintain the present level of service. Currently, 275 airports are part of the program, which is funded at $64 million. As the program moves from a reimbursement agreement model to a cooperative agreement model, TSA hopes to include 300 airports, but they will attempt to do this with the same level of funding used for 275 airports. Most of these airports are smaller, rural. They are not the kind of airports that can easily come up with the tens of thousands of dollars that might be required. So this is a smart and straightforward way to make sure the administration is spending money wisely. My amendment will make sure the level of security service provided at airports does not suffer as more airports become part of this important program.

AMENDMENT NO. 2447 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2447.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2447 to amendment No. 2383.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reserve $40,000,000 of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities initiative at the level requested in the President's budget)

On page 49, line 22, strike the period at the end and all that follows through "2010:" on page 50, line 2, and insert the following: ", of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

"SYSTEMS ACQUISITION

"For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:".

Mr. SCHUMER. Mr. President, I am joined by my New York colleague Senator CLINTON and my colleagues from New Jersey, Senator LAUTENBERG and Senator MENENDEZ, in offering an amendment to fully fund the Securing the Cities initiative at the level of $40 million. This is what was requested by the President. Securing the Cities is an innovative partnership between the Federal Domestic Nuclear Detection Office and local law enforcement to set up a ring of radiation detection devices around the perimeter of urban centers to stop dirty bombs or nuclear weapons. The Nuclear Detection Office chose the New York region as the first area to pilot this approach, and local authorities have been working together for months to plan and train. But the committee proposes to provide only three-quarters of the funding requested by the President.

When it comes to protecting cities from nuclear or radiological attack, we can't stop halfway. Securing the Cities is a cutting-edge plan to safeguard the people and assets of our most threatened city centers. This program is moving ahead and it needs the full amount the President requested: $30 million to purchase equipment and $10 million for planning and research. I hope the relatively small amount of money here will be approved without much debate by my colleagues.

AMENDMENT NO. 2448 TO AMENDMENT NO. 2383

Finally, Mr. President, I ask that the pending amendment be set aside and I call up amendment No. 2448.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2448 to amendment No. 2383.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 69, after line 24, add the following:

SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

Mr. SCHUMER. Mr. President, it should be a secret to no one that DHS is far behind in processing visas. One consequence of these lags is that thousands of visas go unused every year. This amendment takes approximately 61,000 of these unused visas from past years and allocates them for two professions that have been hit very hard by the visa crisis: nurses and physical therapists. Hospitals in New York, from the large ones in New York City to the small rural ones upstate, and hospitals around the country are feeling the crunch from the huge nursing shortage. There are now more than 100,000 nurse vacancies nationwide, by some counts.

This amendment doesn't do anything to change existing law, and doesn't—I repeat, doesn't—create a single new visa. It is a one-time fix that does one thing: It takes one small pool of existing visas that now isn't being used and sets it aside for two professions that desperately need the help.

I look forward to working with the committee on these amendments, as I believe they are important additions to the great work the committee has already done. I will ask for the yeas and nays at the appropriate time.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. DOLE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order for me to offer two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2462 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I call up amendment No. 2462, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2462 to amendment No. 2383.

Mrs. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that not less than $5,400,000 of the amount appropriated to United States Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act)

On page 16, line 1, strike "may" and insert "shall".

Mrs. DOLE. Mr. President, the underlying DHS appropriations bill makes available $5 million for facilitating 287(g) agreements. As the bill is currently written, the Secretary of DHS could ignore the will of Congress and refuse to use the money to facilitate 287(g) agreements. The current amendment would simply require that the Secretary use this funding for its intended purpose.

I ask unanimous consent that this amendment be temporarily laid aside so that I may call up my second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2449 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I send to the desk my amendment No. 2449.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2449 to amendment No. 2383.

Mrs. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside $75,000,000 of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act)

On page 39, line 21, insert ", of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))" before the semicolon at the end.

Mrs. DOLE. Mr. President, the underlying bill provides over $51 million for training to support implementation of 287(g) agreements. My amendment would make an additional $75 million available for this purpose by providing that a portion of the $294 million already appropriated under the bill for general State and local training grants be used specifically for 287(g) training.

Mr. President, in recent months, I have heard from local law enforcement officials from every corner of my home State of North Carolina who, frankly, have had it. They are fed up. They are fed up because they are powerless to bring justice to illegal aliens who are committing crimes, such as drinking and driving and gang-related activity. They are fed up that Federal agents lack the manpower to help them process these criminals. They are fed up with the catch and release of dangerous individuals. Local law enforcement officers are fed up that when they try to solve these serious problems—that is, they seek authority under a program called 287(g) to process illegal aliens who committed crimes—they are put through the bureaucratic ringer and often turned away.

Why would the Department of Homeland Security deny our local law enforcement agencies the tools that are readily available to them under current law that would help address major challenges in their communities? Most simply, the answer is funding. Immigration and Customs Enforcement, or ICE, does not have the money to train and provide assistance to these local entities that are textbook examples of places that desperately need 287(g) status.

In the aftermath of the immigration debate, it is abundantly clear Americans have no confidence that their Government is taking the critical steps to secure our borders or enforce the laws on the books. The public will continue to distrust and rightly reject any so-called comprehensive immigration reform until they wholeheartedly believe these steps have been taken to keep their communities and families safe.

The 287(g) program is an invaluable tool to achieving these goals, and it should be fully utilized. My amendments will help ensure that it is fully utilized, and without actually increasing the cost of the bill. I repeat, my amendments do not add any cost to this legislation.

I urge my colleagues to support these measures, and I truly hope these commonsense amendments are fully considered.

Mr. President, I ask unanimous consent that my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2476 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, a moment ago, the Senator from Iowa, Mr. GRASSLEY, was speaking and described an amendment to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane. On his behalf, I send that amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRASSLEY, proposes an amendment numbered 2476 to amendment No. 2383.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane)

On page 69, after line 24, add the following:

SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment be set aside for consideration later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2386 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2386 on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2386 to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense)

On page 69, after line 24, add the following:

SEC. ___. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, "Border tunnels and passages", and inserting the following:

"555. Border tunnels and passages.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(6)of title 18, United States Code, is amended by striking "554" and inserting "555".

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking "554" and inserting "555".

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2386.

The amendment (No. 2386) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2387, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2387 on behalf of Senator FEINSTEIN and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2387, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill:

SEC. ___. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER (Mr. SALAZAR). If there is no further debate, the question is on agreeing to amendment No. 2387, as modified.

The amendment (No. 2387), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2430 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2430 on behalf of Senator CORNYN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. CORNYN, proposes an amendment numbered 2430 to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the control and management of Arundo donax, commonly known as "Carrizo cane")

At the appropriate place, insert the following:

SEC. ______. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term "Arundo donax" means a tall perennial reed commonly known as "Carrizo cane", "Spanish cane", "wild cane", and "giant cane".

(2) PLAN.—The term "plan" means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term "River" means the Rio Grande River.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2430.

The amendment (No. 2430) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2425, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2425 on behalf of Senator MCCASKILL and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. MCCASKILL, proposes an amendment numbered 2425, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill:

SEC. _____. REPORTING OF WASTE, FRAUD, AND ABUSE.

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2425, as modified.

The amendment (No. 2425), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2390, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2390 on behalf of Senator CLINTON and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON, proposes an amendment numbered 2390, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. _____. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment No. 2390, as modified.

The amendment (No. 2390), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we have made some progress on the Homeland Security appropriations bill today. We just adopted some amendments and worked our way through several issues today. A number of Senators have offered amendments tonight. I hope that early tomorrow morning we can go to those amendments and get votes on them and begin to move this bill.

The majority leader has made it very clear to all of us that he wants this bill completed this week, and we intend to do that. If any Senators have amendments they would like to offer, we encourage them to come as early as possible tomorrow to get them offered so we can work our way through them and finish this bill in a timely manner.

Mr. KERRY. Mr. President, I ask unanimous consent to have a letter from the Professional Services Council in support of my amendment to apply standard contracting laws to the Transportation Security Administration printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, July 24, 2007.

Hon. JOHN KERRY,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY AND SNOWE: During the Senate's consideration of the fiscal year 2008 Homeland Security Appropriations Act, we understand that you will offer an amendment to repeal the provision in the Aviation and Transportation Security Act (P.L 107–71) that the Transportation Security Administration's procurements are to be governed exclusively by the Federal Aviation Administration's Acquisition Management System (AMS) and are specifically exempt from coverage of most of the Federal procurement laws and the Federal Acquisition Regulations (FAR). This amendment is identical to the provision you offered and the Senate adopted by voice vote last year during the Senate's consideration of the fiscal year 2007 Homeland Security Act; regrettably the provision was not enacted into law.

As you know, the Professional Services Council (PSC) is the principal national trade association for companies providing services to virtually every agency of the Federal government. Many of our member companies now do business with the Transportation Security Administration (TSA) and other components of the Department of Homeland Security. On behalf of the more than 220 member companies, thank you for the invitation to provide our views on this amendment.

On behalf of PSC, we support this amendment. Bringing TSA at least under the common rules applicable to the Department of Homeland Security and to the preponderance of the federal agencies will increase competition, expand opportunities for greater small business participation, provide greater accountability and transparency in their procurement processes, and provide greater options for addressing the challenges of the department's acquisition workforce. Indeed, there are clear advantages for all parties when agencies operate under common rules and procedures. Moreover, as TSA seeks to train its current workforce and further expand its acquisition workforce, the degree of commonality between its acquisition procedures and other federal agency practices will have a real effect on the cost and efficiencies of bringing in skilled professionals.

We appreciate your leadership on this matter. If you have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

ALAN CHVOTKIN, ESQ.,
Senior Vice President and Counsel.

AMENDMENT NO. 2405

Mr. WARNER. Mr. President, I am pleased to join with my colleague Senator ALEXANDER as a cosponsor of his important amendment. I understand that Senator COLLINS and Senator VOINOVICH are also cosponsors.

This amendment is simple. It provides funding—$300 million—for grants to the States for the continued development and implementation of the REAL ID program. This funding is fully offset by an across the board reduction of all discretionary amounts included in the underlying bill.

Mr. President, the REAL ID program is critical for our national security.

We know, from history, that the duplication and falsification of drivers' licenses is a reality, and this fact is a national security concern. As you may recall, all but one of the 9/11 hijackers obtained some form of U.S. identification—some by fraudulent means—which aided them in boarding commercial flights. We need confidence that the individual that displays this card is, in fact, the rightful owner of it. And this card, the REAL ID, will provide that confidence.

The proposed regulation for the REAL ID program sets out common standards for the security and information on the card itself. These standards require: minimum data visible on the card, such as full names; verification of identity documents, such as birth certificates and Social Security numbers; physical security features embedded in the card to protect privacy and make tampering more difficult; security of manufacturing facilities and background checks for employees handling these applications and cards.

In my view, the Federal Government must be a good working partner with the States, and this amendment, which provides funding for the program, is a step in the right direction. We must proceed with this program on a partnership concept of States and the Federal Government working together. For that reason, I am pleased to learn that the National Governors Association supports this amendment. This program is an important step in achieving some type of identification that will help America feel more secure in our daily requirements to identify ourselves and to otherwise conduct our life here at home.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the amendment to be offered by Senator CASEY with regard to homeland security grant timelines. This amendment would lengthen the amount of time available to obligate funds provided in fiscal year 2008 under the State Homeland Security Grant Program and the Rail and Transit Security Grant Program from a maximum of 36 months to a maximum of 48 months.

I am advised that several transit agencies have encountered problems obligating homeland security grant funding within the current timetable, particularly for large and complex projects such as installing underground emergency communications networks in subway tunnels.

The Southeastern Pennsylvania Transit Authority, SEPTA, in particular, has encountered problems which have thus far prevented it from being able to utilize federal homeland security grant dollars to install an emergency communications network in its 20-mile subway tunnel system which runs underneath portions of the city of Philadelphia. The absence of a communications system capable of functioning underground severely limits the ability of SEPTA and first responders to deal with a potential emergency in Philadelphia's subway tunnels and does not provide an adequate level of protection for the traveling public.

Specifically, SEPTA claims that a 3-year period is not sufficient time to coordinate regional interoperability issues with the city of Philadelphia and the surrounding first responder agencies. It is my understanding that preliminary engineering requirements and the time associated with procuring the necessary technology further compound the problem. Finally, SEPTA claims that it does not receive enough homeland security grant funding in a 3-year period to complete such a complex project.

This amendment will provide SEPTA and other transit agencies in similar predicaments with additional time to plan, coordinate, secure technology for and fund important and complex projects such as underground communications systems. I urge my colleagues to support this amendment.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 55 young Americans who have been killed in Iraq since April 28, 2007. This brings to 777 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

PFC Jay-D H. Ornsby-Adkins, 21, died on April 28 in Salman Pak, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle and then encountered small arms fire. Private First Class Ornsby-Adkins was assigned to D Company, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Ione, CA.

1LT Travis L. Manion, 26, died on April 29 while conducting combat operations in Al Anbar Province, Iraq. First Lieutenant Manion was assigned to 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Astor A. Sunsin-Pineda, 20, died on May 2 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Sunsin-Pineda was assigned to A Company, 4th Brigade Special Troops Battalion, 1st Infantry Division, Fort Riley, KS. He was from Long Beach, CA.

SGT Felix G. Gonzalez-Iraheta, 25, died May 3 in Baghdad, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Gonzalez-Iraheta was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Sun Valley, CA.

Cpl Charles O. Palmer II, 36, died May 5 while conducting combat operations in Al Anbar Province, Iraq. Corporal Palmer was assigned to 8th Communication Battalion, II Marine Expeditionary Force Headquarters Group, II MEF, Camp Lejeune, NC. He was from Manteca, CA.

PFC William A. Farrar Jr., 20, died May 11 in Al Iskandariyah, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Farrar was assigned to the 127th Military Police Company, 709th Military Police Battalion, 18th Military Police Brigade, Darmstadt, Germany. He was from Redlands, CA.

SPC Rhys W. Klasno, 20, died May 13 in Haditha, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Specialist Klasno was assigned to the 1114th Transportation Company, Bakersfield, CA. He was from Riverside, CA.

SGT Steven M. Packer, 23, died May 17 in Rushdi Mullah, Iraq, of wounds suffered when his dismounted patrol encountered an improvised explosive device. Sergeant Packer was assigned to the 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from Clovis, CA.

PFC Victor M. Fontanilla, 23, died May 17 in Iskandariya, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Fontanilla was assigned to the 725th Brigade Support Battalion, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Stockton, CA.

SSG Christopher Moore, 28, died May 19 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Moore was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from Alpaugh, CA.

PFC Joseph J. Anzack, Jr., 20, died in Al Taqa, Iraq. Private First Class Anzack was initially reported as Duty Status Whereabouts Unknown on May 12, 2007, when his patrol received small arms fire and explosives. Private First Class Anzack was assigned to D Company, 4th Battalion, 31st Infantry Regiment, 10th Mountain Division, Fort Drum, NY. He was from Torrance, CA.

PFC Daniel P. Cagle, 22, died in Balad, Iraq, died May 23 of wounds suffered when an improvised explosive device detonated near his unit in Ramadi, Iraq. Private First Class Cagle was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Carson, CA.

CPL Victor H. Toledo Pulido, 22, died May 23 in Al Nahrawan, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Corporal Toledo Pulido was assigned to 3d Squadron, 1st Cavalry Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, Mechanized, Fort Benning, GA. He was from Hanford, CA.

SPC Gregory N. Millard, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Specialist Millard was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from San Diego, CA.

SGT Clayton G. Dunn II, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Dunn was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Moreno Valley, CA.

SPC Mark R. C. Caguioa, 21, died on May 24 at the National Naval Medical Center, Bethesda, MD, died of injuries sustained on May 4, 2007, in Baghdad.

Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Caguioa was assigned to B Company, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Stockton, CA.

SGT Nicholas R. Walsh, 27, died May 26 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Sergeant Walsh was assigned to the 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Emmanuel Villarreal, 21, died May 27 from a nonhostile vehicle accident at Kuwait Naval Base, Kuwait. Lance Corporal Villarreal was assigned to Battalion Landing Team 1st Battalion, 11th Marine Regiment, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Thomas M. McFall, 36, died May 28 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his position during a dismounted patrol. Staff Sergeant McFall was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Glendora, CA.

SPC Alexandre A. Alexeev, 23, died on May 28, in Abu Sayda, Iraq when an improvised explosive device detonated near his military vehicle. Specialist Alexeev was assigned to A Troop, 6th Squadron, 9th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Wilmington, CA.

SPC Doonewey White, 26, died on May 29 in Balad, Iraq, of injuries sustained on May 28, 2007, in Baghdad, Iraq, when a vehicle-borne improvised explosive device detonated near his vehicle. Specialist White was assigned to B Troop, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Milpitas, CA.

SPC Romel Catalan, 21, of California, died on June 2 in Ameriyah, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Catalan was assigned to A Company, 1st Battalion, 23rd Infantry Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Shawn E. Dressler, 22, died on June 2, in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Dressler was assigned to A Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Santa Maria, CA.

SSG Greg P. Gagarin, 38, died June 3 in Thania, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Gagarin was assigned to the 1st Battalion, 37th Field Artillery Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Andrews J. Higgins, 28, died June 5 in Baqubah, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Higgins was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Hayward, CA.

PFC Justin A. Verdeja, 20, died June 5 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire. Private First Class Verdeja was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from La Puente, CA.

PFC Cameron K. Payne, 22, died June 11 in Balad, Iraq, of wounds suffered from an improvised explosive device that detonated near his vehicle during combat operations in Baghdad, Iraq. Private First Class Payne was assigned to the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, KS. He was from Corona, CA.

LCpl Johnny R. Strong, 21, died June 12 while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Strong was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

SPC Damon G. LeGrand, 27, died June 12 in Baqubah, Iraq, of wounds suffered when insurgents attacked his unit with anti-tank mines, rocket-propelled grenades and small arms fire in Baghdad, Iraq. Specialist LeGrand was assigned to the 571st Military Police Company, 504th Military Police Battalion, 42nd Military Police Brigade, Fort Lewis, WA. He was from Lakeside, CA.

SPC Josiah W. Hollopeter, 27, died June 14 in Balad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire in Al Muqdadiyah, Iraq. Specialist Hollopeter was assigned to the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Derek T. Roberts, 24, died on June 14, in Kirkuk, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Roberts was assigned to B Company, 2nd Battalion, 35th Infantry regiment, 25th Infantry Division, Schofield Barracks, HI. He was from Gold River, CA.

SSG Stephen J. Wilson, 28, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Staff Sergeant Wilson was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn P. Martin, 30, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Sergeant Martin was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Raymond N. Spencer Jr., 23, died June 21 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using an improvised explosive device and small arms fire. Private First Class Spencer was assigned to the 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Bliss, TX. He was from Carmichael, CA.

PVT Shane M. Stinson, 23, died on June 23, in Baghdad, Iraq, of injuries sustained when his mounted patrol encountered an improvised explosive device and small arms fire. Private Stinson was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Fullerton, CA.

PFC Cory F. Hiltz, 20, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Private First Class Hiltz was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from La Verne, CA.

SGT Giann C. Joya Mendoza, 27, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Joya Mendoza was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from North Hollywood, CA.

SGT Michael J. Martinez, 24, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Martinez was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Chula Vista, CA.

SGT Shin W. Kim, 23, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Kim was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Fullerton, CA.

SPC Victor A. Garcia, 22, died July 1 in Baghdad, Iraq, of wounds suffered from enemy small arms fire. Specialist Garcia was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Rialto, CA.

SSG Michael L. Ruoff Jr., 31, died July 1 in Ta'meem, Iraq, of wounds sustained from enemy small arms fire. Staff Sergeant Ruoff was assigned to the 1st Battalion, 77th Armor Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Yosemite, CA.

LCpl Juan M. Garcia Schill, 20, died July 2 while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Garcia Schill was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Petty Officer First Class Steven Phillip Daugherty, 28, died July 6 as a result of enemy action while conducting combat operations in the vicinity of Baghdad, Iraq. Petty Officer Daugherty was assigned to an East Coast-based SEAL team. He was from Barstow, CA.

MAJ James M. Ahearn, 43, died July 5 when his vehicle struck an improvised explosive device in Baghdad, Iraq. Major Ahearn was assigned to 96th Civil Affairs Battalion, 95th Civil Affairs Brigade, Fort Bragg, NC. He was from Concord, CA.

SPC Roberto J. Causor Jr., 21, died July 7 in Samarra, Iraq, of wounds suffered when insurgents attacked his unit with an improvised explosive device and small arms fire. Specialist Causor was assigned to the 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from San Jose, CA.

PFC Bruce C. Salazar, Jr., 24, died on July 6, in Muhammad Sath, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device. Private First Class Salazar was assigned to B Company, 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Tracy, CA.

LCpl Steven A. Stacy, 23, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Stacy was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jeremy D. Allbaugh, 21, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Allbaugh was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Angel R. Ramirez, 28, died February 21 at Marine Air Ground Combat Center, Twentynine Palms, CA, after being medically evacuated following a non-hostile incident in Al Qaim, Iraq, on December 21, 2006. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. His passing was made public on July 10.

SPC Eric M. Holke, 31, died on July 15, in Tallil, Iraq, when his vehicle overturned. Specialist Holke was assigned to A Company, 1st Battalion, 160th Infantry Regiment, 40th Infantry Division, Army National Guard, Fullerton, CA. He was from Crestline, CA.

LCpl Shawn V. Starkovich, 20, died July 16 in Al Anbar Province, Iraq. Lance Corporal Starkovich was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Ronald L. Coffelt, 36, died July 19 in Baghdad, Iraq, of wounds suffered from an improvised explosive device. Sergeant Coffelt was assigned to the 503rd Military Police Battalion, 16th Military Police Brigade, Airborne, XVIII Airborne Corps, Fort Bragg, NC. He was from Fair Oaks, CA.

SFC Luis E. Gutierrez-Rosales, 38, died on July 18, in Adhamiyah, Iraq, of injuries sustained when his vehicle encountered an improvised explosive device and small arms fire. Sergeant First Class Gutierrez-Rosales was assigned to A Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Bakersfield, CA.

Cpl Christopher G. Scherer, 21, died July 21 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Scherer was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn G. Adams, 21, died July 22, in Owaset, Iraq, of wounds suffered from an improvised explosive device. Sergeant Adams was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK. He was from Dixon, CA.

I would also like to pay tribute to the four soldiers from California who have died while serving our country in Operation Enduring Freedom since April 28.

SSG Joshua R. Whitaker, 23, died May 15 in Qalat, Afghanistan, of wounds suffered from enemy small arms fire. Staff Sergeant Whitaker was assigned to the 1st Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Long Beach, CA.

SGT Charles E. Wyckoff, Jr., 28, died on June 6 in Helmand Province, Afghanistan, of injuries sustained when his dismounted patrol received small arms fire. Sergeant Wyckoff was assigned to C Company, 1st Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Chula Vista, CA.

SGT Thomas P. McGee, 23, died July 6 of wounds sustained when his vehicle struck an improvised explosive device in Wazi Khwa, Afghanistan. Sergeant McGee was assigned to the 546th Military Police Company, 385th Military Police Battalion, Fort Stewart, GA. He was from Hawthorne, CA.

SFC Sean K. Mitchell, 35, died July 7 in Kidal, Mali, of injuries sustained from a non-combat related incident. Sergeant Mitchell was assigned to the 1st Battalion, 10th Special Forces Group, Stuttgart, Germany. He was from Monterey, CA.

PETTY OFFICER FIRST CLASS JEFFREY CHANEY

Mr. HAGEL. Mr. Presdient, I rise to express my sympathy over the loss of U.S. Navy Petty Officer First Class Jeffrey Chaney of Omaha, NE. Petty Officer First Class Chaney was killed on July 17 by an improvised explosive device in Salah Ad Din Province, Iraq. He was 35 years old.

Petty Officer First Class Chaney graduated from Bellevue West High School in 1990. He enlisted in the Navy in 1993 and spent 4 years of his 14-year Navy career as a recruiter. Petty Officer First Class Chaney's passion for serving his country made him a strong recruiter. He was even able to recruit his brother Randy Chaney to the Navy.

Petty Officer First Class Chaney was assigned to Explosive Ordnance Disposal Mobile Unit 11, based at Naval Air Station Whidbey Island, WA. His experience with ordnance disposal led to other experiences. He worked with Secret Service for President George H.W. Bush's 80th birthday celebration in 2004, where he met the former President and former Soviet leader Mikhail Gorbachev. He also assisted Secret Service with security during the 2004 Presidential election and met both President George W. Bush and Senator JOHN KERRY. Petty Officer First Class Chaney had been in Iraq for two months. We are proud of Petty Officer First Class Chaney's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother Randy, Petty Officer First Class Chaney is survived by his daughter Brianna Chaney of Omaha, his father Larry Chaney of Bloomington, MN, his mother Connie Chaney of Omaha, and brother Jim Ecker of Oakland, IA.

I ask my colleagues to join me and all Americans in honoring Petty Officer First Class Jeffrey Chaney.

SERGEANT JACOB SCHMUECKER

Mr. President, I also rise to express my sympathy over the loss of U.S. Army National Guard SGT Jacob Schmuecker of Norfolk, NE. Sergeant Schmuecker was killed on July 21 by an improvised explosive device in Balad, Iraq. He was 27 years old.

Sergeant Schmuecker graduated from West Holt High School in 1999, where he was a linebacker and defensive end on the football team. He attended Northeast Community College before he joined the Nebraska Army National Guard in 2001 as a member of the 134th Infantry Detachment in Lincoln, NE.

He was mobilized for service in Iraq in August 2006 with the Nebraska National Guard's 755th Reconnaissance and Decontamination Company based in O'Neill, NE.

Sergeant Schmuecker was a model leader. He had a strong concern for the men that he led and hoped that if anything were to happen, that it would happen to him. He inspired his brother

Chris Shepperd to enlist and he would go on to serve in Iraq as well. We are proud of Sergeant Schmuecker's service to our country, as well as the thousands of other brave Americans serving in Iraq.

Sergeant Schmuecker is survived by his wife Lisa and their three children, his parents Rodney and Patricia Schmuecker, three brothers, and three sisters.

I ask my colleagues to join me and all Americans in honoring SGT Jacob Schmuecker.

REMEMBERING LADY BIRD JOHNSON

Mr. ROCKEFELLER. Mr. President, when Lady Bird Johnson passed away on the afternoon of July 11, 2007, the United States mourned the loss of a dignified and compassionate First Lady. Even though she is gone, she has left us with the legacy of her beautification of America. Through her diligent efforts, Mrs. Johnson was not only an advocate for the natural beauty of America but also of the beauty and strength of its people. Sharon and I extend our deepest sympathy to her daughters Lynda and Luci, their families, her friends, and all of those whose lives have been touched by her life's work.

As President Lyndon B. Johnson entered the White House in one of our Nation's most harrowing moments, Mrs. Johnson stood by her husband with poise and courage that helped comfort a wounded nation. Her service to our country would go even further as she became a leading voice for preserving and defending America's natural resources. Here in the Nation's Capital, people can't help but be reminded of Mrs. Johnson's vigorous work to adorn Washington, DC, with flowers, giving us an aesthetic that all Americans could take pride in and enjoy.

I have always shared Mrs. Johnson's deeply held love for the beauty of the United States, from the mountains of West Virginia to the plains of Texas. It was because of her commitment to the environment and the splendor of our country that the Beautification Act of 1965 was passed. She strove to line our highways with wildflowers and still found time to enjoy walking through the national parks that she fought to protect.

In addition to her work with the environment, I truly admire her efforts to address poverty in the United States. Under President Johnson, the VISTA program was enacted, sending out volunteers to improve the conditions of impoverished communities. I can proudly say that as a VISTA volunteer in Emmons, WV, I saw firsthand the immense benefits of this program for participants and for the communities they serve.

I will never forget her devotion to her husband, her family, and her country. I will never forget her passion fighting for civil rights and against poverty. Nor will I ever forget her determination to leave a beautiful America for future generations.

Lady Bird Johnson, again, held my sincerest respect and appreciation. To her family and the people of Texas, I offer my deepest sympathies. Mrs. Johnson was a valuable public servant, an inspiration and a friend. More than anything else, she was an irreplaceable First Lady.

MINIMUM WAGE

Mr. MENENDEZ. Mr. President, I rise today to speak on the minimum wage increase, which takes effect today.

Today, millions of hard-working Americans will finally receive the first increase of a $2.10 raise in the Federal minimum wage. Today, we are putting an end to a decade-long stagnant wage that has kept those who are working their hardest at the bottom of the ladder. Today, they are getting the chance that everyone in this country deserves—the opportunity to build a better life.

Now, $2.10 may not sound like much to most Americans. But that small increase will make a difference in the pockets and in the lives of millions of Americans. Those $2.10 add up to more than $4,400 more every year enough to help a low-income family depending on a minimum wage income to afford 2 years of child care, a year and a half in utility bills, or a year of tuition at a public college.

I am also proud that my State of New Jersey has not waited for Congress to do what is right. Instead, New Jersey has taken it upon itself to increase the State minimum wage far in advance of Congress, which now is at $7.15 per hour. New Jersey's minimum wage has given more than a quarter million workers the opportunity to build a better life for themselves and their families.

And today, all Americans earning minimum wage will have that same opportunity to build a better life. In enacting the first minimum wage increase in over a decade, Congress took a critical first step towards correcting a grave injustice. For far too long, we have let some of our hardest working employees—those who prepare our food, clean our offices, treat us at the doctor, and guard our buildings at night—see their wages erode by 10 years of inflation.

Ten years is far too long for those who work round the clock, hoping to save a little extra for groceries, for those working so they can buy school supplies or clothes for their children, or for those saving so one day they can live in a place they are proud to call home.

Today, we should also commit that never again will we let this injustice persist for 10 years. The increase going into effect today is an important improvement, but it is not the end of the battle. An increase in the minimum wage is only part of the solution.

We cannot ignore that the income gap has been widening—and now it has taken on a new twist. We no longer have inequality just between those living comfortably and those struggling to make ends meet. Income is now more concentrated at the top than it has been in the past 70 years. In fact, as the wealthiest 1 percent have seen their income grow by 20 percent or more within the past few years, everyone else has seen their income grow by less than 4 percent.

And that inequality is ever too real for women and minorities, who are more likely to be minimum wage earners.

So while increasing the minimum wage is just one step toward closing the income gap, it is an important step.

Ultimately, a wage increase is about fairness, about ensuring all Americans, not just those at the top, can share in the American dream.

Before today, 13 million minimum wage workers did not have the chance to share in that dream.

Before today, 4 million Latinos and African Americans earned less than $7.25 an hour with no expectation that their wages would rise.

Before today, nearly 7 million women, who make up well over half of minimum wage workers, would not have seen their wages increase.

And before today, a minimum wage earner with a family of three would be making $6,000 below the poverty level. Before today, that family would not have a way out of poverty and into prosperity.

We have changed the course, not just for minimum wage workers but for our country. We have finally taken steps toward providing greater equality and given our hardest workers and their families the chance to earn a wage of dignity and respect.

A wage increase is only a downpayment on our promise to all Americans—it is a preview of what is to come. Democrats pledge to continue to change the course to ensure all Americans and their families have a fair shot at achieving the American dream.

Thank you. I yield the floor

ADDITIONAL STATEMENTS

RECOGNIZING IRVIN L. TRUJILLO

• Mr. DOMENICI. Mr. President, I wish to recognize Mr. Irvin L. Trujillo for receiving the National Endowment for the Arts National Heritage Fellowship Award. He is one of only 11 artists nationally recognized with this award for his work. The chairman of the NEA, Dana Gioia, will personally deliver the award to Mr. Trujillo this Sunday in Santa Fe. Mr. Trujillo, a Chimayo native, is part of the ever-growing population of talented artists that reside in New Mexico. He is a seventh-generation Chimayo weaver.

Art is such a big part of the New Mexican way of life. Artists from all over the world dream of showcasing their art in one of the many New Mexico Art galleries. Art is a great outlet of creativity and emotion for those who experience its beauty and wonder. Art can take up many avenues; it can be a painting or a piece of pottery, a woven rug or even a photograph. New Mexico is home to many galleries featuring such pieces of art. I am proud to represent a State so full of culture and creativity.

I am proud to be from a State with such a rich artistic culture. Taos and Santa Fe are famous for their world-renowned art galleries. Other areas of the State also demonstrate creative ideas. The deep Native American culture of New Mexico's tribes brings ornate turquoise jewelry and handmade pottery. Las Vegas and Ruidoso also have a vibrant art scene. New Mexico continues to be in the forefront of ever-evolving art community.

Congratulations again, Mr. Trujillo, on your prestigious award. Thank you for your continued pledge to explore and demonstrate your artistic abilities for all of us to enjoy.•

RECOGNITION OF CHAIRMAN ALLEN FOREMAN

• Mr. SMITH. Mr. President, I wish to recognize the accomplishments of Chairman Allen Foreman, who has recently retired as chairman of the Klamath tribes in Klamath County, OR.

During Chairman Foreman's 8-year tenure leading the tribe, he was instrumental in furthering the goals and aspirations of the Klamath tribal members. His leadership and vision were critical in the development of the new tribal headquarters in Chiloquin as well as a new dental, medical clinic and pharmacy and the construction of many new homes for tribal members.

Chairman Foreman has shown his dedication to the tribe and to the people of Klamath County in many ways. His focus on rural economic development and his respect for our natural resources have earned him high respect in the community. Chairman Foreman is known as a man who can be trusted and a man who will work with anyone to accomplish a common goal for the good of the community. His devotion to the Klamath tribes is evident in the fact that while he has recently retired as chairman of the tribes, he will remain a member of the Tribal Council at large to continue his service to the tribes.

Mr. President, I am extremely proud of the successes being exhibited by the Klamath tribes and I have thoroughly enjoyed working with Chairman Foreman. The Klamath tribes have a saying that proclaims, "The Klamath Tribes. . . . Respecting the Past. . . . Living the Present. . . . And Together we can work to build a brighter future!" Chairman Allen Foreman has epitomized this mantra, and I am confident that his successor, Chairman Joseph Kirk, will follow in his footsteps and follow the path laid out by their Klamath tribes forefathers.•

TRIBUTE TO MORT BISHOP, JR.

• Mr. SMITH. Mr. President, as a native and resident of Pendleton, OR, I have enjoyed a lifelong affection for the Pendleton Round-Up, which is quite simply America's finest rodeo. Pendleton Woolen Mills locally based and family owned for more than 140 years has sponsored the Round-Up both financially and with merchandise for as long as I can remember. A great deal of credit for the continuing success of both the Round-Up and Woolen Mills is owed to the leadership and vision of C.M. "Mort" Bishop, Jr. This remarkable Oregonian passed away on July 11 at the age of 82. I wish to pay tribute to his life and legacy.

Mort was a proud member of what has been termed the "greatest generation" and, like so many of that generation, he wore our country's uniform into battle during World War II. As a U.S. marine, Mort served with the 5th and 14th Battalions in the Pacific theater and participated in the liberation of Guam in July 1944.

After returning home from the war, Mort joined the family business: Pendleton Woolen Mills. Mort helped guide this iconic Oregon company for nearly 50 years, eventually succeeding his father as company president. Most recently, Mort served next to his brother, 'Brot,' as co-vice chairman.

Even while managing a demanding business, Mort always found time to give back to his community and his State. From the Oregon Historical Society to the Boy Scouts of America, from Willamette University to the Oregon Wildlife Heritage Foundation and the University of Oregon Foundation, Mort generously gave his time, talent, and treasure to countless worthy causes. But let there be no doubt, the cause held closest to Mort's heart was the Pendleton Round Up. I knew that every September I could count on seeing Mort and his wonderful family enjoying the nearly 100-year-old rodeo.

Mort also held a close friendship with the Confederated Tribes of the Umatilla Indian Reservation, who have played an integral role in the annual Round-Up. Indeed, the design inspirations for Pendleton Woolen Mills blankets originate on the Umatilla reservation. In 2001, Mort was honored as the grand marshall for the Round-Up's Westward Ho! Parade. The Umatilla and Nez Perce Indian tribes have also honored him with the Indian name "Caacaa Kuta," which means "just right doer of things." And just 2 months ago, Mort was inducted into the Pendleton Round-Up Hall of Fame.

Mr. President, I am proud to have had Mort Bishop as a friend. I join with many other Oregonians in extending our condolences to Mort's family. Mort is survived by four children, nine grandchildren, two great-grandchildren, and his brother- and sister-in-law. As long as there is a Pendleton Round-Up and as long as there is a Pendleton Woolen Mills, Mort Bishop, Jr., will always be remembered as a "just right doer of things."•

HONORING BACKYARD FARMS

• Ms. SNOWE. Mr. President, I wish to celebrate an exceptional small business from my home State of Maine that is enabling New England consumers to enjoy fresh, locally grown, and healthy tomatoes on a year-round basis. Located in Madison, Backyard Farms is a large-scale tomato producer that has invested over $20 million into what is now Maine's largest building and one of the world's most technologically advanced facilities.

Backyard Farms, which operates the largest greenhouse in New England, employs 115 hard-working individuals who collectively yield an astonishing 1 million tomatoes per week—which adds up to 7,700 tons of tomatoes annually. With New Englanders consuming an average of 300 million fresh tomatoes per year, Backyard Farms has the potential to capture an extensive share of this market. Backyard Farms' tomatoes are certainly fresh, as it sells its product to stores less than 8 hours away. That means that tomatoes picked one day are on store shelves all across Maine and New England the next.

In addition to its magnificent tomatoes, Backyard Farms is striving to make its facility a green—or energy efficient—building by using the most environmentally friendly technology available. The 25-acre greenhouse uses efficient technologies including rainwater reclamation, high-efficiency boilers, and thermal blankets to produce juicy tomatoes. Furthermore, Backyard Farms utilizes natural methods to grow its wonderful produce. Bees take care of the pollination, and tomatoes are kept healthy by implementing biological controls, such as parasitic wraps and ladybugs, rather than pesticides and fungicides. The work of those at Backyard Farms proves that conservation does not necessarily have to hinder effectiveness and efficiency.

Backyard Farms prides itself on the quality of its product. On each box of tomatoes shipped to local stores, it is written, "wicked good tomatoes from right nearby." This motto emphasizes Backyard Farms' local nature and its commitment to the community through its highly sustainable business practices. Backyard Farms plans to build 3 to 4 additional greenhouses on at least 17 more acres. This would allow Backyard Farms to increase its produce output to include cucumbers, peppers, eggplant, and culinary herbs. Such an expansion would have an immensely positive impact on the Maine economy by adding as many as 200 new employees. I look forward to the groundbreaking for this expansion, scheduled to occur later this month.

It is particularly inspirational that Backyard Farms has proven that a region known for its cooler temperatures and short growing season can in fact expand its agricultural production by combining advanced technologies with an innovative entrepreneurial spirit. Backyard Farms provides us with a paragon of smart economic development. I commend chief executive officer Peter Sellew, cofounder Arie van der Giessen, and all of the employees of Backyard Farm and wish them continued success and prosperity in the future.•

RECOGNIZING ZACHARY WEBB

• Mr. THUNE. Mr. President, today I recognize Zachary Webb, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Zack is currently a student at El Segundo High School in El Segundo, CA. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Zack for all of the fine work he has done and wish him continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 10:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES REFERRED

The following bill was read, and referred as indicated:

H.R. 835. An act to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988, for a period not to exceed 60 days.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2689. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirements of a Tolerance; Technical Amendment" (FRL No. 8134-3) received on July 24, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–2691. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission's Rules" ((FCC 07-97)(MB Docket No. 03-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2692. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Wireless Operations in the 3650–3700 MHz Band; Rules for Wireless Broadband Services in the 3650–3700 MHz Band; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band" ((FCC 07-99)(ET Docket No. 04-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2693. A communication from the Acting Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters" (FCC 07-103) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2694. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Redding, Cottonwood, and Shasta Lake, California" (MB Docket No. 05-131) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2695. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Akron, Colorado" (MB Docket No. 05-102) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2696. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Llano, Junction and Goldthwaite, Texas" (MB Docket No. 05-151) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2697. A communication from the Chief of the Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Emergency Alert System" ((FCC

07-109)(EB Docket No. 04-296)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2698. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8445-7) received on July 24, 2007; to the Committee on Environment and Public Works.

EC-2699. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Agent for a Consolidated Group with Foreign Common Parent" ((RIN1545-BF30)(TD 9343)) received on July 24, 2007; to the Committee on Finance.

EC-2700. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

EC-2701. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Indiana Advisory Committee; to the Committee on the Judiciary.

EC-2702. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Pennsylvania Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council (Rept. No. 110-137).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

*James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

*Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

*Clarence H. Albright, of South Carolina, to be Under Secretary of Energy.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

*Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education.

***Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1873. A bill to amend the Public Health Service Act to establish demonstration programs on regionalized systems for emergency care, to support emergency medicine research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mrs. LINCOLN, and Mr. WARNER):

S. 1874. A bill to provide for efficient containment and management of climate change costs; to the Committee on Environment and Public Works.

By Mr. DEMINT:

S. 1875. A bill to amend the Internal Revenue Code of 1986 to provide a refundable and advanceable credit for health insurance, to amend the Social Security Act to provide for improved private health insurance access and affordability, to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of "unlawful enemy combatant" for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1877. A bill to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag; considered and passed.

By Mr. WEBB (for himself and Mr. WARNER):

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. CASEY, his name was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 65, supra.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr.

BAYH) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 969

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1406

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1682

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1682, a bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. TESTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 276

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 276, supra.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2395

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2395 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

Mr. ENSIGN. Mr. President, in the November 2004 elections, Nevadans entered a new frontier for casting their votes. We became the first State in the Nation to require that voter-verified paper audit trail printers be used with touch-screen voting machines.

Despite what critics of these machines might tell you, Nevada's elections were a success. The machines worked well and were well-received by voters. During a post-election audit, Nevada compared 60,000 electronic ballots with their corresponding voter-verified paper record and found that they matched with 100 percent consistency. As a result, all Nevadans who used these machines can be confident that their votes were counted accurately.

I understand better than most the importance of the integrity of the ballot box. I was at the mercy of a paperless-machine election in my 1998 race for the U.S. Senate. When the votes were tallied with a difference of only a few hundred, I asked for a recount in Clark County, the only county at the time using electronic voting machines. The result of the recount was identical to the first count. That is because there was nothing to recount. After rerunning a computer program, the computer predictably produced the same exact tally.

I conceded that race and was elected to Nevada's other Senate seat in 2000. But that experience made me realize the importance of ensuring Americans that their votes will count, it is absolutely fundamental to our democracy.

That is why I led the fight for voter verification paper trails in the Help America Vote Act, known as HAVA, which President Bush signed into law in 2002. When Congress passed HAVA, we expressed our commitment to the principle of "one person, one vote." One important component of HAVA provided States with funds to replace aging voting machines which had a tendency to malfunction. A voting machine that fails to record a vote properly affects voters in the same way as if the voters were denied access to the voting booth. Either way their vote is not counted.

Despite these gains, HAVA falls short in one critical area. It does not require that electronic voting machines produce a paper trail of each ballot. A voter-verified paper trail would allow voters to review a physical printout of their ballot and correct any errors before leaving the voting booth. This printout would be preserved at the polling place for use in any recounts. This is exactly what Nevadans experienced when they voted in November. This technology is important.

It increases voter confidence. With the close elections America has seen recently, it is important that each American trust the outcome of our elections. Machines that allow voters to review a separate paper record of their ballots give voters confidence that their votes have been cast and will be counted accurately.

Paper-trail technology ensures that no votes will be lost if a voting machine fails. The paper record can be used as the ballot of record if a machine malfunctions and fails to record the votes that were cast prior to a machine failing. This technology also gives State election officials a necessary backup to verify results. Nevada's post-election audit ensures that each machine operated properly. This type of audit guarantees accuracy in a way that cannot be guaranteed otherwise.

Unfortunately, the language that is contained in HAVA has not resolved this issue for most other States. Now, I am working to ensure voting integrity across the country. In introducing the Voting Integrity and Verification Act, I want to ensure that HAVA is clear—voters must be assured that their votes will be accurate and will be counted properly. My bill requires that all voting systems purchased after December 31, 2012 have an individual permanent paper record for each ballot cast.

Additionally, this bill will help to advance technology for persons with disabilities to ensure that disabled voters enjoy the same independence when exercising their right to vote as non-disabled voters enjoy.

Technology has transformed the way we do many things, including voting. But we cannot simply sit on the sidelines and assume that our democracy will withstand such changes. Our continued work to ensure that each vote counts here in the U.S. underscores the idea that we must always be vigilant in protecting democracy, whether it is brand new or more than 200 years old. The Voting Integrity and Verification Act protects democracy by protecting the sanctity of our vote.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, in light of recent U.S. Supreme Court decisions, today I am introducing legislation to affirm Federal jurisdiction over the waters of the U.S. as Congress intended when it passed the Clean Water Act in 1972. I want to thank Senators LAUTENBERG, LEVIN, KERRY, LIEBERMAN, BOXER, MENENDEZ, SANDERS, CARDIN, DURBIN, REED, DODD, KOHL, WHITEHOUSE, STABENOW, CARPER, WYDEN, LEAHY, BROWN, and SCHUMER for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act, to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and fish habitat, has broad public support not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We have made considerable progress towards ensuring the Nation's waters are drinkable, fishable, and swimmable. However, today, the Clean Water Act, one of our Nation's bedrock environmental laws, faces new and unprecedented challenges.

Two controversial, closely divided U.S. Supreme Court rulings have reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protections and disregarding Congress' intent when it originally passed the Clean Water Act.

At the heart of the issue is the statutory definition of "waters of the United States." Though recent court decisions have focused on dredge and fill permits under section 404, this definition is integral to the Federal Government's jurisdiction under the Clean Water Act as a whole. This definition is the linchpin for state water quality standards under section 302 and section 303, national performance standards under section 306, toxic and pretreatment standards under section 307, oil and hazardous substance liability under section 311, aquaculture standards under section 318, State water quality certifications under section 401, and national pollution discharge permitting requirements under section 402.

In the 2001 case Solid Waste Agency of Northern Cook County v. Army Corps of Engineers, SWANCC, in a 5 to 4 decision, the U.S. Supreme Court limited the authority of Federal agencies to extend Clean Water Act protections to commercially nonnavigable, intrastate, "isolated" waters based solely on their use by migratory birds. While the Court's decision was narrow, the effect of the decision has been much broader: for example, according to the Environmental Protection Agency, 20 percent of the Nation's wetlands outside Alaska are now at risk of losing Federal protections.

Last June, the U.S. Supreme Court announced a sharply divided decision in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers that jeopardizes many more of our Nation's waters. Four justices joined an opinion that said only permanent or "continuously flowing" rivers and streams and by implication, the wetlands next to them are protected by the Clean Water Act, ignoring the act's text and purpose. This line of reasoning would leave more than half of our Nation's waters without Federal protections. To put these bodies of water into perspective, according to the Environmental Protection Agency, 110 million Americans get their drinking water from sources that include the very intermittent and ephemeral bodies of water that the four justices said were not protected by the Clean Water Act.

Fortunately, five Justices rejected this radical rewrite of the act. However, Justice Kennedy, who provided the fifth vote to send the cases back to the lower courts, offered an entirely different test; one requiring EPA and the corps to show a "significant nexus" between a stream, river, or wetland and a navigable water in order for the stream, river, or wetland to be protected. At best, this test is confusing, will be resource-intensive to implement, and is likely to result in many waters Congress always included under the Clean Water Act being left unprotected from pollution.

Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency, Russell Train, Douglas Costle, William Reilly, and Carol Browner; 9 current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs in the most recent Supreme Court case, expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the U.S.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that my colleagues will join me in reaffirming Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the act.

The issue before us is simple: Does Congress support restoring historic clean water protections as they existed for nearly 30 years prior to the Supreme Court cases? If so, Congress must act. In 1972, Congress established protections for all "waters of the United States" and I am pleased to lead the charge in the Senate to reaffirm those protections.

The Clean Water Restoration Act would reestablish protection for all waters historically covered by the Clean Water Act, prior to the SWANCC and Rapanos decisions. The bill could not be more straight-forward. It makes it clear that the Clean Water Act has always covered a myriad of interstate and intrastate waters, by codifying the regulatory definition of "waters of the United States" that has been in use since the 1970s. In fact, 30 years ago this month, the Environmental Protection Agency finalized the act's regulations, properly establishing the scope of waters needing to be protected by the Clean Water Act in order to meet the national objective. The Clean Water Restoration Act would codify the regulations the federal agencies have used to enforce the Clean Water Act for over 30 years. This is necessary to prevent the judicial branch from redefining "navigable waters" as something other than the "waters of the United States."

The bill's "findings" make it clear that Congress' primary concern in 1972 was to protect the Nation's waters from pollution rather than just sustain the navigability of waterways, and it reinforces that original intent. It also asserts Congress' constitutional authority, which extends beyond the Commerce Clause to the Property Clause, Treaty Clause, and Necessary and Proper Clause, to protect the Nation's waters.

While the Clean Water Restoration Act is critical to preventing the courts from rewriting the law and thus further reducing the protections afforded to our Nation's waters under the Clean Water Act, the bill is remarkably simple and does not do many things.

The bill does not prohibit development or other activities that discharge pollutants into waters. Complying with the Clean Water Act requires following a process that seeks to evaluate proposed activities and minimize impacts by ensuring certain pollution standards or environmental criteria are met. The vast majority of permit requests are granted, and most are granted through expedited "general" permits rather than individual permits that require site-specific determinations.

The bill does not change the existing permitting process. Rather, the bill will provide much-needed clarity. The Supreme Court decisions have caused a lot of confusion, and the Corps of Engineers nationally has around 20,000 jurisdictional determinations pending. The regulated community, as well as state and federal agencies, will once again have a clear understanding that Clean Water Act protections extend to the same waters covered by the act for over thirty years.

The bill does not change the EPA and Corps' existing regulations or any aspect of the regulatory programs, in fact, as stated above, the bill defines waters of the U.S. based on the regulations that have been in place since the early 1970s.

The bill does not change the activities that are regulated. This means it does not change or overrule current exemptions related to farming, forestry, ranching, and infrastructure maintenance that have been in place since 1977. Activities such as plowing, seeding, cultivating, and harvesting; and constructing and maintaining farm or stock ponds, irrigation ditches, and farm or forest roads have been exempted from permitting requirements and will remain so under this bill.

The bill does not create duplicative State and Federal permitting processes. The Clean Water Act created an important Federal-State partnership, and States can choose to assume from the Corps the dredge and fill permitting program, Section 404, or the EPA's NPDES permitting program for point sources, Section 402.

The bill does not preempt state and local authority under the Clean Water Act. However, without the bill many State programs are in jeopardy because many States developed their own clean water laws so that they hinge entirely on the Federal Clean Water Act, and do not have separate state programs to fully address any voids left by the removal of Federal clean water protections. Also, some states prohibit their state laws from being any more protective than the Federal law. This means that if the Federal Clean Water Act's protections are curtailed, then the State's protections are also reduced.

Statements that this bill would "expand the scope of the Clean Water Act" are disingenuous at best. For over 30 years, all "waters of the United States" have been regulated and Congress should not stand by while the courts and certain special interests roll back the critical protections afforded by the Clean Water Act.

Congress must provide the needed leadership to clarify the intent of the Clean Water Act. Such action must ensure that all waters of the U.S., waters that are valuable for drinking, fishing, swimming, and a host of other economically vital uses, not just navigability, remain protected. After decades of progress, now is not the time to turn back the clock. I hope my colleagues will join me in reaffirming an important clean water pledge to the America people.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Restoration Act of 2007".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (commonly known as the "Clean Water Act").

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) Through prior enactments, Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States. Since the 1970s, the definitions of "waters of the United States" in the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers' regulations have properly established the scope of waters needed to be protected by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet the national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral and seasonal streams, comprise the majority of all stream miles in the United States and serve critical biological and hydrological functions that affect entire watersheds. These waters reduce the introduction of pollutants to large streams and rivers, provide and purify drinking water supplies, and are especially important to the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of intrastate waters is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including streams and wetlands, provide protection from flooding. Draining or filling intrastate wetlands and channelizing or filling intrastate streams can cause or exacerbate flooding that causes billions of dollars of damages annually, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on streams, wetlands, and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing small or intermittent streams provide water to public drinking water supplies serving more than 110 million Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate hundreds of billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 14,000 facilities with individual permits issued in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including industrial plants and municipal sewage treatment systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and

(3) by adding at the end the following:

"(24) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.".

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking "navigable waters of the United States" each place it appears and inserting "waters of the United States";

(2) in section 304(l)(1) by striking "NAVIGABLE WATERS" in the heading and inserting "WATERS OF THE UNITED STATES"; and

(3) by striking "navigable waters" each place it appears and inserting "waters of the United States".

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed as affecting the authority of the Administrator of the Environmental Protection Agency or the Secretary of the Army under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of return flows from irrigated agriculture.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from certain oil, gas, and mining operations composed entirely of flows from precipitation runoff conveyances, which are not contaminated by or in contact with specified materials.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites, which do not include placement of fill material into the waters of the United States.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment in accordance with best management practices.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State

has an approved program under section 208(b)(4) of such Act meeting the requirements of subparagraphs (B) and (C) of that section.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I am pleased to join my colleagues Senators SNOWE, ROCKEFELLER, WARNER, and CANTWELL in introducing the Unemployment Insurance Modernization Act, a bipartisan proposal to reform our unemployment insurance system.

In today's troubled economy, too many working families are just one pink slip away from falling into poverty. The most recent recession hit workers particularly hard, wiping out millions of good jobs, many of which never came back. Today, almost 7 million Americans are unemployed.

Fundamental shifts in the economy, including globalization and jobs being shipped overseas have caused declines in entire industries, with the result that large numbers are losing their long-time jobs and struggling to find new opportunities for work. But their options for new jobs are limited, and nearly one in six unemployed Americans are out of work for longer than 6 months. Another 1.5 million unemployed workers aren't even counted in the official unemployment statistics, because they have become frustrated and have given up their job search.

The Federal Unemployment Insurance program was created in the Depression-era to help keep workers out of poverty between jobs. It has been a bedrock of security for working families in difficult times, providing much needed benefits to millions of workers each year. It has helped them pay the rent and put food on the table when they lose their job and face long periods of unemployment. It also has helped reduce economic fluctuations by building up a reserve of funds in good economic times that can be used as a cushion to soften the blow of job losses during recessions.

The problem is that the current unemployment insurance system has not kept pace with the changing economy and left millions of Americans without benefits. In 2006, just 35 percent of unemployed Americans received unemployment benefits. In addition, today's much more mobile workforce means that employees are now at greater risk of suffering unemployment.

These problems particularly affect low-wage workers. According to the Government Accountability Office, low-wage workers are only half as likely to receive UI benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed.

Modernizing unemployment insurance cannot single-handedly overcome all of the economic challenges facing our Nation, but it's a critical step in dealing with the hardships so many working families are facing.

The current unemployment insurance program was designed as a partnership between states and the Federal Government. States are given extraordinary flexibility to tailor the program's benefits to their unique situations, and many of them have been the laboratories of democracy in improving their unemployment insurance systems. Their experiments have often been successful in making the system more responsive to workers' needs.

Some have improved coverage for low-wage and part-time workers. Others have made their systems more family-friendly, or have helped dislocated workers expand their skills through training.

Our Unemployment Insurance Modernization Act builds on these successes by offering States strong financial incentives to adopt the best of the new programs.

First, the bill encourages States to cover more low-wage workers. In 30 states, many unemployed low-wage workers are not eligible for UI benefits because their most recent earnings are not counted. But failure to count these earnings may deny benefits altogether to some workers, and reduces the amount that many other workers receive. Our bill provides incentives for States to fix this unfair practice.

Changing family life has also left many workers unable to collect unemployment benefits. Today, two-wage earner families are the norm, not the exception. When a parent moves to a different city to take a new job, the spouse usually has to quit work as well to keep their family together. But spouses cannot collect unemployment benefits in most States, nor can victims of domestic violence, if they have to leave work to find safety elsewhere, out of reach of their abuser. Our legislation encourages States to provide benefits in these cases as well.

In addition to expanding the eligibility for benefits, our bill also supports state efforts to reemploy workers laid off by declining industries. Currently, the Trade Adjustment Assistance Program offers retraining benefits to some workers directly affected by trade, so that they can learn new skills and find worthwhile jobs in other industries. But employees who are only indirectly affected by trade often receive no benefits. Our bill helps close that gap by encouraging States to offer additional benefits to unemployed workers attending State-approved training programs.

Finally, our legislation provides needed funds to States to manage their unemployment insurance programs and reach out to workers. Many States are now forced to shut their unemployment offices because they can't afford to keep them open, leaving unemployed workers without any counseling to find new work or learn about the benefits available to them. These employment offices also provide a way for other programs, such as Trade Adjustment Assistance, to reach out to affected workers.

The Unemployment Insurance Modernization Act will provide greater security to countless working families who are being left in the cold today. It will help long-term unemployed workers get the training they need to find new jobs. It will give States the resources and flexibility they need to revitalize their programs and serve working families more effectively.

I commend my colleagues on both sides of the aisle who are joining to introduce this important legislation. We all agree that now is the time for these reforms. In the global economy, it is more urgent than ever for every American worker to be able to contribute to the economy. To achieve that goal, we need to make sure that all unemployed workers have the support they need to get back on their feet and rejoin the workforce. Our future prosperity depends on it.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Safety Net Improvement Act of 2007".

SEC. 2. REVENUE COUNTER-CYCLICAL PROGRAM.

Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended to read as follows:

"SEC. 1104. REVENUE COUNTER-CYCLICAL PROGRAM.

"(a) IN GENERAL.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make revenue counter-cyclical payments available to producers on a farm in a State for a crop year for a covered commodity if—

"(1) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b); is less than

"(2) the revenue counter-cyclical program guarantee for the crop year for the covered commodity in the State determined under subsection (c).

"(b) ACTUAL STATE REVENUE.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

"(A) the actual State yield for each planted acre for the crop year for the covered commodity determined under paragraph (2); and

"(B) the revenue counter-cyclical program harvest price for the crop year for the covered commodity determined under paragraph (3).

"(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (c)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity in a State shall equal—

"(A) the quantity of the covered commodity that is produced in the State, and reported to the Secretary, during the crop year; divided by

"(B) the number of acres that are planted or considered planted to the covered commodity in the State, and reported to the Secretary, during the crop year.

"(3) REVENUE COUNTER-CYCLICAL PROGRAM HARVEST PRICE.—For purposes of paragraph (1)(B), the revenue counter-cyclical program harvest price for a crop year for a covered commodity shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(c) REVENUE COUNTER-CYCLICAL PROGRAM GUARANTEE.—

"(1) IN GENERAL.—The revenue counter-cyclical program guarantee for a crop year for a covered commodity in a State shall equal 90 percent of the product obtained by multiplying—

"(A) the expected State yield for each planted acre for the crop year for the covered commodity in a State determined under paragraph (2); and

"(B) the revenue counter-cyclical program pre-planting price for the crop year for the covered commodity determined under paragraph (3).

"(2) EXPECTED STATE YIELD.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity in a State shall equal the projected yield for the crop year for the covered commodity in the State, based on a linear regression trend of the yield per acre planted to the covered commodity in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

"(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity in a State in accordance with subparagraph (A), the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity in similar States.

"(3) REVENUE COUNTER-CYCLICAL PROGRAM PRE-PLANTING PRICE.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the revenue counter-cyclical program pre-planting price for a crop year for a covered commodity shall equal the average price that is used to determine crop insurance guarantees for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) during the crop year and the preceding 2 crop years.

"(B) MINIMUM AND MAXIMUM PRICE.—The revenue counter-cyclical program pre-planting price for a crop year for a covered commodity under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

"(d) PAYMENT AMOUNT.—If revenue counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the revenue counter-cyclical payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

"(1) the difference between—

"(A) the revenue counter-cyclical program guarantee for the crop year for the covered commodity in the State determined under subsection (c); and

"(B) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b);

"(2) the acreage planted or considered planted to the covered commodity for harvest on the farm in the crop year;

"(3) the quotient obtained by dividing—

"(A) the actual production history on the farm; by

"(B) the expected State yield for the crop year, as determined under subsection (c)(2); and

"(4) 90 percent.

"(e) RECOURSE LOANS.—For each of the 2008 through 2012 crops of a covered commodity, the Secretary shall make available to producers on a farm recourse loans, as determined by the Secretary, on any production of the covered commodity.".

SEC. 3. IMPACT ON CROP INSURANCE PROGRAMS.

(a) RATING.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Risk Management Agency shall carry out a study to identify such actions as are necessary to ensure, to the maximum extent practicable, that all policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) are properly rated to take into account a rebalancing of risk as a result of the enactment of this Act and the amendments made by this Act.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out the actions identified under paragraph (1).

(b) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall work together to ensure, to the maximum extent practicable, that producers on a farm are not compensated through the revenue counter-cyclical program established under section 1104 of the Farm Security and Rural Investment Act of 2002 (as amended by section 2) and under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the same loss, including by reducing crop insurance indemnity payments by the amount of the revenue counter-cyclical payments.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 166(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286(a)) is amended by striking "B and".

(b) Section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901) is amended—

(1) by striking paragraphs (3), (6), (8), and (15);

(2) by redesignating paragraphs (4), (5), (7), (9), (10), (11), (12), (13), (14), and (16) as paragraphs (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13), respectively;

(3) in paragraph (7) (as so redesignated), by striking "and counter-cyclical payments";

(4) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking "(A) IN GENERAL.—"; and

(B) by striking subparagraph (B);

(5) by inserting after paragraph (9) (as so redesignated) the following:

"(10) REVENUE COUNTER-CYCLICAL PAYMENTS.—The term 'revenue counter-cyclical payments' means a payment made to producers on a farm under section 1104.".

(c) The subtitle heading of subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. prec. 7911) is amended by inserting "**Revenue**" before "**Counter-Cyclical**".

(d) Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended by striking "and counter-cyclical payments" each place it appears in subsections (a)(1) and (e)(2).

(e) Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking "and counter-cyclical payments"; and

(2) by striking subsection (e).

(f) Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by striking "2007" each place it appears and inserting "2012".

(g) Section 1105 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7915) is amended—

(1) in the section heading, by inserting "REVENUE" before "COUNTER-CYCLICAL"; and

(2) by inserting "revenue" before "counter-cyclical" each place it appears.

(h) Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is repealed.

(i) Subtitles C through F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7951 et seq.) are amended by striking "2007" each place it appears and inserting "2012".

(j) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957)(a)(6)) is amended in the first sentence by striking "2006" and inserting "2011".

(k) Section 1601(d)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)(1)) is amended by striking "and counter-cyclical payments under subtitle A and subtitle C" and inserting "under subtitle A".

(l) Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(m) Section 1615(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7998(2)) is amended—

(1) in subparagraph (B), by striking "Loan" and inserting "Covered"; and

(2) in subparagraph (C), by striking "loan" and inserting "covered".

(n) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (c)(1), by inserting "revenue" before "counter-cyclical"; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) in paragraph (2)—

(i) by striking "(2) OTHER COMMODITIES.—";

(ii) in subparagraph (A), by striking ", wool, mohair, or honey under subtitle B or" and inserting "under subtitle";

(iii) in subparagraph (B), by striking ", peanuts, wool, mohair, and honey under those subtitles" and inserting "under that subtitle"; and

(iv) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of "unlawful enemy combatant" for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. One of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, and respecting individual rights and civil liberties. To fight terrorist organizations whose tactics include blending into our cities and communities and attacking civilian populations engaged in the activities of everyday life, we must have robust and agile intelligence capabilities. Rendition, detaining a terrorist operative in one foreign country and transfering him to the United States or to another foreign country to face justice, has proved to be one effective means of taking terrorists off the streets and collecting valuable intelligence.

Despite its effectiveness, however, the U.S. Government's use of rendition has been controversial. Foreign governments have criticized the practice as ungoverned by law and on the basis of its alleged use to transfer suspects to countries that torture or mistreat them or to secret, extraterritorial prisons. The toll the rendition program, as currently practiced, has had on relationships with some of our closest foreign partners is evident from their responses.

Italy has indicted 26 Americans for their alleged role in a rendition. Germany has issued arrest warrants for an additional 13 U.S. intelligence officers. A Canadian Government commission has censured the United States for rendering a Canadian/Syrian dual citizen to Syria. The Council of Europe and the European Union have each issued reports critical of the U.S. Government's rendition program and European countries' involvement or complicity in it. Sweden and Switzerland have each initiated investigations as well. Today, the United Kingdom issued a report predicting that the U.S. Government's rendition program would have "serious implications" for the intelligence relation between the U.S. and U.K., one of our most important foreign partners. Rendition, as currently practiced, is undermining our moral credibility and standing abroad and weakening the coalitions with foreign governments that we need to effectively combat international terrorism.

The controversial aspects of the U.S. Government's use of rendition have also not escaped the notice of the propagandists and recruiters who fuel and sustain international terrorist organizations with a constant stream of new recruits. Allegations of lawlessness and mistreatment by the U.S. make their job easier, adding a refrain to their recruitment pitch and increasing the receptivity of their target audience.

Our counterterrorism authorities should not only thwart attacks, take dangerous terrorists off the streets, and bring them to justice; these authorities should also strengthen international coalitions, draw Muslim populations around the world closer to us, and deprive terrorists of a recruitment narrative. In our long term effort to stem the tide of international terrorism, our commitments to the rule of law and to individual rights and civil liberties are among our most formidable weapons. They are what unite foreign governments behind us in effective counterterrorism coalitions. They are what unite public opinion in support of our counterterrorism efforts and in condemnation of the terrorists and their tactics. They are what prevent the recruitment of the next generation of international terrorists.

This bill maintains rendition as a robust and agile tool in our fight against international terrorism, but it brings that tool within the rule of law, provides additional safeguards against error, and prohibits rendering individuals to countries that will torture or mistreat them or to secret, extra-territorial prisons.

The bill establishes a classified application and order process, presided over by the FISA court that: 1. ensures that each rendition is preceded by a searching inquiry into the identity of the individual to be rendered and his role in international terrorism and 2. prohibits rendition to countries that torture or mistreat detainees or to secret, extraterritorial prisons beyond the reach of law. It ensures that citizens of, and individuals lawfully admitted to, the U.S. receive the due process and individual rights guaranteed by the Constitution. It ensures that a terrorist suspect detained by the U.S. has the opportunity, through a writ of habeas corpus, to argue in a court of law that he is being held in error.

This bill also closes a hole intentionally left open by the President's recent Executive Order on the treatment of detainees. The President's order is notably silent on some of the more controversial techniques the CIA has allegedly used in the past, such as waterboarding, extreme sleep deprivation, extreme sensory deprivation, and extremes of heat and cold. When we countenance this treatment of detainees, we diminish our ability to argue that the same techniques should not be used against our own troops.

We cannot continue to equivocate and dissemble on this matter. We need to send a clear message that torture, inhumane, and degrading treatment of detainees is unacceptable and is not permitted by U.S. law. Period. Therefore, my bill prohibits all officers and agents of the United States from using techniques of interrogation not authorized by and listed in the U.S. Army Field Manual on Intelligence Interrogation.

As I said at the outset, this bill grapples with one of the defining issues of our age, how to effectively combat terrorism without sacrificing our national values and abandoning the rule of law. If we continue to pursue a rendition program ungoverned by law, without sufficient safeguards and oversight, we will perpetuate a short term solution that exacerbates the long term problem. We will take individual terrorists off the streets at the expense of the foreign coalitions that are essential to our efforts to combat international terrorism, at the expense of facilitating the recruitment of a new generation of terrorists who are just as dangerous and far more numerous.

This is not a trade-off we have to make. We can have a robust and agile rendition capability governed by the rule of law and subject to sufficient safeguards and oversight. That is what the National Security with Justice Act creates. I invite my colleagues on both sides of the aisle and in the other branches of Government to work with me to refine this legal framework so that we not only take today's terrorists off the streets, we strengthen our standing and credibility among foreign governments and the global community, and we prevent tomorrow's terrorists from being recruited.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security with Justice Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "aggrieved person"—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this Act; and

(B) does not include any individual who is an international terrorist;

(2) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4));

(3) the term "extraterritorial detention" means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term "international terrorist" means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms "international terrorism" and "United States person" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term "officer or agent of the United States" includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms "render" and "rendition", relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 104.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

Sec. 101. Prohibition on extraterritorial detention.
Sec. 102. Prohibition on rendition.
Sec. 103. Application for an order of rendition.
Sec. 104. Issuance of an order of rendition.
Sec. 105. Authorizations and orders for emergency detention.
Sec. 106. Uniform Standards for the Interrogation of Individuals Detained by the Government of the United States.
Sec. 107. Protection of United States Government Personnel Engaged in an Interrogation.
Sec. 108. Monitoring and reporting regarding the treatment, conditions of confinement, and status of legal proceedings of individuals rendered to foreign governments.
Sec. 109. Report to Congress.
Sec. 110. Civil liability.
Sec. 111. Additional resources for foreign intelligence surveillance court.
Sec. 112. Rule of construction.
Sec. 113. Authorization of appropriations.

TITLE II—ENEMY COMBATANTS

Sec. 201. Modification of definition of "unlawful enemy combatant" for purposes of military commissions.

TITLE III—HABEAS CORPUS

Sec. 301. Extending statutory habeas corpus to detainees.

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

SEC. 101. PROHIBITION ON EXTRATERRITORIAL DETENTION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 104 or an emergency authorization under section 105;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190-8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

SEC. 102. PROHIBITION ON RENDITION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 104;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

SEC. 103. APPLICATION FOR AN ORDER OF RENDITION.

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this title for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

"(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 104 of the National Security with Justice Act of 2007.".

SEC. 104. ISSUANCE OF AN ORDER OF RENDITION.

(a) IN GENERAL.—Upon filing of an application under section 103, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 103(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

SEC. 105. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this title, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 104(a) exists.

(b) NOTICE AND APPLICATION.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this title is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) EMERGENCY RENDITION PROHIBITED.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 104 authorizing the rendition of that individual has been obtained.

(d) NONDELEGATION.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

SEC. 106. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2-22.3, entitled "Human Intelligence Collector Operations".

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

SEC. 107. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 106.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) PROVISION OF COUNSEL.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

SEC. 108. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 104.

(b) APPLICABILITY.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104 during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 104 and ending on the date that individual is released from custody by that foreign legal jurisdiction.

SEC. 109. REPORT TO CONGRESS.

The Attorney General shall—

(1) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report that contains—

(A) the total number of applications made for an order of rendition under section 104;

(B) the total number of such orders granted, modified, or denied;

(C) the total number of emergency authorizations issued under section 105; and

(D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this title.

SEC. 110. CIVIL LIABILITY.

(a) IN GENERAL.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this title and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of $1,000 for each day of the violation;

(2) punitive damages; and

(3) reasonable attorney's fees.

(b) JURISDICTION.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

SEC. 111. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by inserting "at least" before "seven of the United States judicial circuits";

(3) by striking "If any judge so designated" and inserting the following:

"(3) If any judge so designated"; and

(4) by inserting after paragraph (1), as so designated, the following:

"(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 103 of the National Security with Justice Act of 2007 for orders of rendition under section 104 of that Act. Any judge designated under this paragraph shall be designated publicly.".

(b) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 103 for orders of rendition under section 104 approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 112. RULE OF CONSTRUCTION.

Nothing in this title may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title and the amendments made by this title.

TITLE II—ENEMY COMBATANTS

SEC. 201. MODIFICATION OF DEFINITION OF "UNLAWFUL ENEMY COMBATANT" FOR PURPOSES OF MILITARY COMMISSIONS.

Section 948a(1)(A) of title 10, United States Code, is amended—

(1) in the matter preceding clause (i), by striking "means"; and

(2) by striking clauses (i) and (ii) and inserting the following:

"(i) means a person who is not a lawful enemy combatant and who—

"(I) has engaged in hostilities against the United States; or

"(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

"(ii) does not include any person who is—

"(I) a citizen of the United States or legally admitted to the United States; and

"(II) taken into custody in the United States.".

TITLE III—HABEAS CORPUS

SEC. 301. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

"(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

"(A) determined by the United States to have been properly detained as an enemy combatant; or

"(B) detained by the United States for more than 90 days without such a determination.

"(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: "Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission."; and

(ii) in subsection (c), by striking ", the United States Court of Appeals for the District of Columbia, and the Supreme Court,";

(C) in section 950j—

(i) by striking "(a) FINALITY.—"; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109-148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking "Paragraphs (2) and (3)" and inserting "Paragraph (2)"; and

(II) by striking "one of such paragraphs" and inserting "that paragraph".

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking "Paragraphs (2) and (3)" and inserting "Paragraph (2)"; and

(II) by striking "one of such paragraphs" and inserting "that paragraph".

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190-8 (1997) or any successor, as certified by the Secretary of Defense.

By Mr. WEBB (for himself and Mr. WARNER):

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Mr. President, I rise today to introduce legislation with my colleague Senator WARNER which will authorize a one-time capital grant by the National Archives to establish a Presidential library to honor the life of Woodrow Wilson. Virginia is fortunate to have 8 native sons that went on to become President of the U.S. This is a distinction that has led our fair Commonwealth to be known as the "Mother of Presidents." The bipartisan bill we introduce today honors the most recent of the eight and a native of Staunton, Virginia: Woodrow Wilson.

Woodrow Wilson was one of the most influential statesmen, scholars, and Presidents in American history. His impact on domestic and international affairs is undeniable. Only now, nearly 100 years after his presidency, are we able to fully appreciate the contributions President Wilson made to the U.S. and to the world.

As a professor and President of Princeton University, Wilson created a more accountable system for higher education. Through curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world.

As a scholar, Wilson wrote numerous books and became an accomplished essayist. Highly regarded for his work in political science, Wilson's dissertation, entitled Congressional Government, is still admired today as a study of federal lawmaking. He did this notwithstanding the fact that he could not read until he was ten years old and may have suffered from a learning disability such as dyslexia.

As a statesman and President, Wilson compiled a record of domestic legislation that set the groundwork for modern America and reflected his belief in the ideal that: "Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action." He spearheaded groundbreaking reform in finance, trade, industry and labor, including anti-trust and child labor laws and women's suffrage. During his two terms in office, he oversaw the birth of the Federal Reserve System and the Federal Trade Commission.

In spite of Wilson's significant contributions to American history and his instrumental role in shaping the framework of the modern international landscape, there exists no authorized Presidential library dedicated to his achievements.

For the last 70 years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of Wilson's papers and artifacts, dedicating itself to the preservation of Wilson's legacy. But it has done so without the resources afforded to other Presidential libraries in the Federal system. Over time, the Foundation has outgrown its current space and facilities. Now, with each day that passes, the prevailing physical infrastructure severely limits educational capabilities and opportunities to share the profound legacy of President Wilson. Indeed, the foundation has even become reluctant to take on many new major new Wilson collections because its current controlled archival system is filled to capacity and cannot protect additional collections in the absence of the new facility.

Accordingly, the Woodrow Wilson Presidential Library Authorization Act authorizes a one-time capital grant from the National Archives for the establishment of an independent Woodrow Wilson Presidential Library. This library will serve as the center for education and study of Woodrow Wilson's life and legacies, and will enable people from this country and abroad to learn more about the life and work of our Nation's 28th President. To be clear, this bill would establish the Woodrow Wilson Presidential Library as an independent, privately-run institution operating outside the existing Presidential Library System.

The Woodrow Wilson Presidential Library Foundation will use the Federal funds to offset costs associated with the construction of a 29,000 square foot Presidential library honoring President Wilson. As planned, the library would include a research library, archives, lecture hall, reception hall, orientation theater, ceremonial space, and exhibit hall. These funds authorized under this legislation represent the full Federal share of the project. Significantly, the bill does not authorize ongoing operating subsidies on any other ongoing expenses. This is a one time authorization.

The foundation's endeavor to construct the Woodrow Wilson Presidential Library will create the only site in the country dedicated to the exploration of the full life and legacies of the 28th President, at his birthplace in Staunton, VA. A new library will alleviate stress on existing foundation facilities and to allow for increased educational outreach to the benefit of students in Virginia and across the U.S. Construction of the Woodrow Wilson Presidential Library would achieve the following objectives:

Make possible collaboration with the National Archives and other presidential libraries, thereby fostering increased awareness and study of American history and the institution of the Presidency. Integrate cutting-edge digital archive development. Promote tourism to Staunton and the Commonwealth of Virginia to the benefit of all local economies.

Sensitive to the budgetary constraints faced by the National Archives, let me reiterate we have crafted this legislation to minimize and cap the financial burden on the Federal Government posed by this project. First, the bill ensures the existence of a strong public-private sponsorship by mandating that any Federal dollars are matched two-for-one by the Woodrow Wilson Presidential Library Foundation and only after the nonfederal funds are certified to be in possession of the nonprofit entity, an arrangement that Congress has used in the past.

This legislation States that the Federal Government shall have no role or responsibility for the operation of the library and guarantees that the Woodrow Wilson Presidential Library will operate outside the existing Presidential Library System. This is not an effort by the nonprofit foundation to secure annual operating subsidies along the lines of what Congress provides all Presidential Libraries in the existing system.

This legislation enjoys broad, bipartisan, bicameral support in Congress and broad support among individuals, organizations and officials across the country. This bill is identical to legislation approved by the House of Representatives by voice vote in the 109th Congress on September 28, 2006, and which the entire Virginia House delegation has reintroduced in the 110th Congress. I would note that the Governor of Virginia has written Senator WARNER and me to endorse the project. So too have other regional officials, historians, and representatives of other Presidential sites throughout the Commonwealth of Virginia, including Monticello, Poplar Forest, Montpelier, Ash-Lawn, and Mount Vernon.

This project has the potential to benefit not only the greater Staunton region, but Virginia and the Nation as a whole, both from a historical/educational sense and by strengthening an important cultural asset in Virginia's Shenandoah Valley. We are advised that a new building will be an open, welcoming forum for the hundreds of thousands of American and foreign visitors who will visit each year to learn about Woodrow Wilson and his democratic legacies. The project sponsors believe that the country's best museum designers will work with historians to turn the story of Woodrow Wilson into an unforgettable experience that is fun, educational, and permanently memorable.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the U.S., I urge my colleagues to support this legislation to ensure that Wilson's legacy is more accessible and available for a wider audience for years to come. I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation favorably and that we can enact it during the remainder of this Congressional session. With the 100th anniversary of his election just 5 years away, this is the time for Congress to accept its responsibility to help preserve President Woodrow Wilson's legacy and to improve its accessibility for generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

Mr. WARNER. Mr. President, I rise today, along with Senator JIM WEBB, to introduce legislation that seeks to establish the Woodrow Wilson Presidential Library.

President Woodrow Wilson was born in Staunton, VA, in 1856. He was first elected to the Presidency in 1912 and was reelected in 1916. Throughout his lifetime, Wilson advocated engagement with other nations in the search for peace, expansion of economic opportunities to more Americans, commitment to democratic principles at home and abroad, and protection of the Nation's people and institutions. He created the Federal Reserve and was President when women were finally granted the right to vote. President Wilson's legacy and historical significance are forever linked with his profound efforts in World War I and its aftermath, particularly with his attempts to broker a lasting peace in a fractured Europe. He was a man of ideals, always maintaining a "simple faith in the freedom of democracy." It is the utter strength of his faith in democracy that continues to inspire our Nation today.

During my time in the Senate, I have witnessed the growth and development of the Woodrow Wilson Presidential Library and have seen firsthand the benefits it has provided for its community, the Commonwealth, and the country. The library has done remarkable work in preserving and protecting historical documents related to Woodrow Wilson's life. Equally remarkable has been its ability to share his life with communities around the world.

As you know, Virginia is often referred to as the "Birthplace of Presidents," as it has produced more Presidents than any other State in the Union, eight in total. I want to respectfully acknowledge our most recent President from the Commonwealth of Virginia through the recognition of this Presidential library. I can think of no better place to preserve his life's work than where his life began.

I thank you for the opportunity to speak on behalf of this important legislation. I urge my colleagues to honor President Wilson's legacy by joining me in support of this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2402. Mr. REID (for Mr. Levin (for himself, Mr. Akaka, Mr. McCain, Mr. Warner, Mrs. Murray, Mr. Graham, Mr. Kennedy, Mr. Sessions, Mr. Rockefeller, Ms. Collins, Mr. Byrd, Mr. Chambliss, Mr. Obama, Mrs. Dole, Mr. Lieberman, Mr. Cornyn, Mr. Sanders, Mr. Thune, Mr. Reed, Mr. Martinez, Mr. Brown, Mr. Nelson, of Florida, Mr. Tester, Mr. Nelson, of Nebraska, Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, Mrs. McCaskill, Mr. Durbin, Ms. Stabenow, Ms. Mikulski, Mr. Cardin, Mr. Biden, Mr. Bingaman, Mr. Harkin, Mr. Bond, Mr. Isakson, Mr. Salazar, Ms. Klobuchar, Mr. Whitehouse, Mr. Lott, Mr. Dodd, Mrs. Hutchison, Mr. Coleman, Mr. Inhofe, Ms. Landrieu, Mr. Specter, Mr. Menendez, Mr. Hagel, Mr. Schumer, and Mr. Dorgan)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

SA 2403. Mr. CASEY (for himself and Mr. Specter) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 2404. Mr. MARTINEZ (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2405. Mr. ALEXANDER (for himself, Ms. Collins, Mr. Voinovich, and Mr. Warner) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra.

SA 2406. Mr. BAUCUS (for himself, Mr. Sununu, Mr. Leahy, Mr. Tester, and Mr. Akaka) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2407. Mr. LIEBERMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2408. Mr. LIEBERMAN (for himself, Ms. Collins, and Mr. Carper) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2410. Mr. KERRY (for himself and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2412. Mr. GRAHAM (for himself, Mr. Gregg, Mr. Sessions, Mr. Kyl, Mr. Cornyn, Mr. McConnell, Mr. Domenici, Mr. McCain, Mr. Sununu, Mr. Martinez, Mr. Coleman, and Mr. Specter) proposed an amendment to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2414. Mr. VOINOVICH (for himself, Mr. Akaka, Mr. Levin, Mr. Carper, and Mrs. McCaskill) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2415. Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. Graham (for himself, Mr. Gregg, Mr. Sessions, Mr. Kyl, Mr. Cornyn, Mr. McConnell, Mr. Domenici, Mr. McCain, Mr. Sununu, Mr. Martinez, Mr. Coleman, and Mr. Specter) to the amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra.

SA 2416. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra.

SA 2417. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2418. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2419. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. Vitter (for himself, Mr. Nelson of Florida, and Ms. Stabenow) and intended to be proposed to the amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2420. Ms. COLLINS (for herself and Mr. Grassley) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2421. Mr. DOMENICI (for himself and Mr. Dorgan) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2422. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2423. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2424. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2425. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra.

SA 2426. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2428. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2429. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2430. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2431. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2432. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2433. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2434. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2435. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2436. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2437. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2438. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2440. Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2441. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2442. Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2443. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2444. Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2445. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2446. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2447. Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2448. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2449. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2450. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2451. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2452. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2453. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2454. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2455. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2456. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2457. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2458. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2459. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2461. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2462. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2463. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2464. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2465. Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2466. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2467. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2468. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2469. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2470. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2471. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2472. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2473. Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2474. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2475. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2476. Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr . COCHRAN) to the bill H.R. 2638, supra.

TEXT OF AMENDMENTS

SA 2402. Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dignified Treatment of Wounded Warriors Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WOUNDED WARRIOR MATTERS

Sec. 101. General definitions.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

Sec. 111. Comprehensive policy on care, management, and transition of members of the Armed Forces with serious injuries or illnesses.
Sec. 112. Consideration of needs of women members of the Armed Forces and veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

Sec. 121. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.
Sec. 122. Reimbursement of certain former members of the uniformed services with service-connected disabilities for travel for follow-on specialty care and related services.

PART II—CARE AND SERVICES FOR DEPENDENTS

Sec. 126. Medical care and services and support services for families of members of the Armed Forces recovering from serious injuries or illnesses.
Sec. 127. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

Sec. 131. Comprehensive plans on prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.
Sec. 132. Improvement of medical tracking system for members of the Armed Forces deployed overseas.
Sec. 133. Centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder.
Sec. 134. Review of mental health services and treatment for female members of the Armed Forces and veterans.
Sec. 135. Funding for improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder.
Sec. 136. Reports.

PART IV—OTHER MATTERS

Sec. 141. Joint electronic health record for the Department of Defense and Department of Veterans Affairs.
Sec. 142. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.
Sec. 143. Personnel shortages in the mental health workforce of the Department of Defense, including personnel in the mental health workforce.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

Sec. 151. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
Sec. 152. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.
Sec. 153. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.
Sec. 154. Pilot programs on revised and improved disability evaluation system for members of the Armed Forces.
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PART II—OTHER DISABILITY MATTERS

Sec. 161. Enhancement of disability severance pay for members of the Armed Forces.
Sec. 162. Traumatic Servicemembers' Group Life Insurance.
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Subtitle D—Improvement of Facilities Housing Patients

Sec. 171. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients.
Sec. 172. Reports on Army action plan in response to deficiencies identified at Walter Reed Army Medical Center.
Sec. 173. Construction of facilities required for the closure of Walter Reed Army Medical Center, District of Columbia.

Subtitle E—Outreach and Related Information on Benefits

Sec. 181. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle F—Other Matters

Sec. 191. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

TITLE II—VETERANS MATTERS

Sec. 201. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
Sec. 202. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
Sec. 203. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
Sec. 204. Research, education, and clinical care program on severe traumatic brain injury.
Sec. 205. Pilot program on assisted living services for veterans with traumatic brain injury.
Sec. 206. Research on traumatic brain injury.
Sec. 207. Age-appropriate nursing home care.
Sec. 208. Extension of period of eligibility for health care for combat service in the Persian Gulf war or future hostilities.
Sec. 209. Mental health: service-connection status and evaluations for certain veterans.
Sec. 210. Modification of requirements for furnishing outpatient dental services to veterans with a service-connected dental condition or disability.
Sec. 211. Demonstration program on preventing veterans at-risk of homelessness from becoming homeless.
Sec. 212. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.

TITLE I—WOUNDED WARRIOR MATTERS

SEC. 101. GENERAL DEFINITIONS.

In this title:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term "family member", with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term "medical hold or medical holdover status" means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term "serious injury or illness", in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 111. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a "covered servicemembers").

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 154.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and non-medical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the number of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001, and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 112. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 111, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 121. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the

Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term "severe injury or illness" means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

SEC. 122. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 126. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 101(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

SEC. 127. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

"(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

"(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and that renders a member of the uniformed services dependant upon a caregiver.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 131. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 132.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-

traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 132. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "MENTAL HEALTH"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 133. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

"(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

"(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

"(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

"(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(15) Such other responsibilities as the Secretary shall specify.".

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

"§1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

"(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

"(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

"(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(14) Such other responsibilities as the Secretary shall specify.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

"1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.".

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, **$10,000,000**, of which—

(1) **$5,000,000** shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) **$5,000,000** shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 134. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 135. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 136. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 141. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the "Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record" (in this section referred to as the "Office").

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office

shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term "joint electronic health record" means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 142. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

"§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

"(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

"(2) Each strategy under paragraph (1) shall—

"(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

"(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

"1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.".

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 143. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) Elements.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) Recruitment.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 151. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) Retirement of Regulars and Members on Active Duty for More Than 30 Days.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

"(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);".

(b) Separation of Regulars and Members on Active Duty for More Than 30 Days.—Section 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed under section 1208 of this title" and inserting ", the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)".

SEC. 152. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) In General.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§1216a. Determinations of disability: requirements and limitations on determinations

"(a) Utilization of VA Schedule for Rating Disabilities in Determinations of Disability.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

"(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

"(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

"(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

"(b) Consideration of All Medical Conditions.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

SEC. 153. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) Board Required.—

(1) In general.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

"§1554a. Review of separation with disability rating of 20 percent disabled or less

"(a) In General.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

"(2) The Board shall consist of not less than three members appointed by the Secretary.

"(b) Covered Individuals.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

"(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

"(2) are found to be not eligible for retirement.

"(c) Review.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

"(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

"(d) Authorized Recommendations.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

"(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

"(2) The recharacterization of the separation of such individual to retirement for disability.

"(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

"(4) The issuance of a new disability rating for such individual.

"(e) Correction of Military Records.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

"(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

"(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

"(f) Regulations.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

"(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

"1554a. Review of separation with disability rating of 20 percent disabled or less.".

(b) Implementation.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 154. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) Pilot Programs.—

(1) In general.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) Required pilot programs.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 111.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 152 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 155. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 161. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "his years of service, but not more than 12, computed under section 1208 of this title" in the matter preceding subparagraph (A) and inserting "the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

"(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

"(B) Three years in the case of any other member.

"(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.".

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting "(1)" after "(d)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

"(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 162. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 163. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 164. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 171. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such

standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) Investment.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) Report.—

(1) In general.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) Elements.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 172. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) Reports Required.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) Elements of Report.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) Posting on Internet.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 173. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) Assessment of Acceleration of Construction of Facilities.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note).

(b) Development and Implementation of Plan for Construction of Facilities.—

(1) In general.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) Submittal of plan.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) Certifications.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) Environmental Laws.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 181. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) Information on Available Compensation and Benefits.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) Update.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) Provision to Members.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) Provision to Representatives.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 191. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

TITLE II—VETERANS MATTERS

SEC. 201. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 202. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitation care from the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

"(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

"(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

"(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—

"(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

"(B) the family education and family support needs of such individual after discharge from inpatient care.

"(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

"(A) A neurologist.

"(B) A rehabilitation physician.

"(C) A social worker.

"(D) A neuropsychologist.

"(E) A physical therapist.

"(F) A vocational rehabilitation specialist.

"(G) An occupational therapist.

"(H) A speech language pathologist.

"(I) A rehabilitation nurse.

"(J) An educational therapist.

"(K) An audiologist.

"(L) A blind rehabilitation specialist.

"(M) A recreational therapist.

"(N) A low vision optometrist.

"(O) An orthotist or prostetist.

"(P) An assistive technologist or rehabilitation engineer.

"(Q) An otolaryngology physician.

"(R) A dietician.

"(S) An opthamologist.

"(T) A psychiatrist.

"(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

"(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

"(A) the individual covered by such plan requests such collaboration; or

"(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.".

SEC. 203. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 202 of this Act, the following new section:

"§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

"(1) who is described in section 1710C(a) of this title; and

"(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

"(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

"(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

"(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 202 of this Act, the following new item:

"1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting "the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services," after "extended care services,".

SEC. 204. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

"§ 7330A. Severe traumatic brain injury research, education, and clinical care program

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

"(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

"(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Severe traumatic brain injury research, education, and clinical care program.".

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 205. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term "eligible veteran" means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 206. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on

complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 207. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 208. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking "2 years" and inserting "5 years".

SEC. 209. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking "psychosis" and inserting "mental illness"; and

(2) in the heading, by striking "**psychosis**" and inserting "**mental illness**".

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 210. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking "90-day" and inserting "180-day".

SEC. 211. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 212. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

TITLE III

SEC. . FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SA 2403. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 18 and 19, insert after "executed" the following: ": *Provided further*, That, notwithstanding any other provision of law, funds awarded through grants under subparagraph (F) and available for transit security may be available for expenditure for a period of 4 years".

SA 2404. Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _______. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 180 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.

"(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.".

SA 2405. Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

SA 2406. Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SA 2407. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike "$3,030,500,000" and insert "$3,130,500,000".

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

SA 2408. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for the United States Fire Administration is increased by $1,000,000 of which not to exceed $1,000,000 shall be available to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.

(b) The amount appropriated by title I under the heading "ANALYSIS AND OPERATIONS" is increased by $250,000, of which not to exceed $250,000 shall be used to pay salaries and expenses associated with maintaining rotating State and local fire service representation in the National Operations Center.

(c) The total amount appropriated by title II under the heading "TRANSPORTATION SECURITY ADMINISTRATION" to provide for civil aviation security services pursuant to the Aviation and Transportation Security Act is reduced by $1,250,000 of which $1,250,000 shall be from the amount appropriated for screening operations: *Provided*, That the total amount of such reductions shall be from the amounts available for privatized screening airports.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ASYLUM AND DETENTION SAFEGUARDS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Secure and Safe Detention and Asylum Act".

SEC. ___02. DEFINITIONS.

In this title:

(1) CREDIBLE FEAR OF PERSECUTION.—The term "credible fear of persecution" has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term "detainee" means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term "detention facility" means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term "reasonable fear of persecution or torture" has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term "standard" means any policy, procedure, or other requirement.

SEC. ___03. RECORDING EXPEDITED REMOVAL INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary, in the Secretary's discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___04. OPTIONS REGARDING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(ii) in the second sentence by striking "Attorney General" and inserting "Secretary";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "Attorney General" and inserting "Secretary"; and

(II) by striking "or" at the end;

(ii) in subparagraph (B), by striking "but" at the end; and

(iii) by inserting after subparagraph (B) the following:

"(C) the alien's own recognizance; or

"(D) a secure alternatives program as provided for in this section; but";

(2) in subsection (b), by striking "Attorney General" and inserting "Secretary";

(3) in subsection (c)—

(A) by striking "Attorney General" and inserting "Secretary" each place it appears; and

(B) in paragraph (2), by inserting "or for humanitarian reasons," after "such an investigation,"; and

(4) in subsection (d)—

(A) in paragraph (1), by striking "Attorney General" and inserting "Secretary";

(B) in paragraph (1), in subparagraphs (A) and (B), by striking "Service" each place it appears and inserting "Department of Homeland Security"; and

(C) in paragraph (3), by striking "Service" and inserting "Secretary of Homeland Security".

SEC. ___06. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological wellbeing.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

SEC. ___06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

SEC. ___07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___08. OFFICE OF DETENTION OVERSIGHT.

(a) Establishment of the Office.—

(1) In general.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the "Office").

(2) Head of the office.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) Schedule.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) Responsibilities of the Office.—

(1) Inspections of detention centers.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) Investigations.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) Report to congress.—

(A) In general.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) Contents of report.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this title; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) Cooperation With Other Offices and Agencies.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) Program Requirements.—

(1) Nationwide implementation.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) Utilization of alternatives.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) Aliens eligible for secure alternatives program.—

(A) In general.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) Design of programs.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) Continued evaluation.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) Contracts and other considerations.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) Construction.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) Criteria.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) Facilities for Families With Children.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) Placement in Nonpunitive Facilities.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) Procedures and Standards.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) No Private Right of Action.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this title.

(b) Effective Date.—This title and the amendments made by this title shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 2410. Mr. KERRY (for himself and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IG REPORT ON RISK-BASED GRANT PROGRAM.

Not later than 180 days after the date of enactment, of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of

2002 (6 U.S.C. 101(2))) which assesses the criteria the Department uses in its grant programs to determine the risk of an applicant to a terrorist attack and whether it is following Congressional directive related to the distribution of funds based on risk. The report shall include—

(1) an analysis of the Department's policy of ranking states, cities, and other grantees by tiered groups;

(2) an analysis of whether the grantees within those tiers are at a similar level of risk;

(3) examples of how the Department applied its risk methodologies to individual locations;

(4) recommendations to improve the Department's grant programs; and

(5) any other information the Inspector General finds relevant.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 7, insert ", whether or not located in high-threat, high-density urban areas," after "code)".

SA 2412. Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Border Security First Act of 2007".

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109-367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States and for employment eligibility verification improvements. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

TITLE XI—BORDER CONTROL ENHANCEMENTS

Subtitle A—Assets for Controlling United States Borders

SEC. 1101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

"(1) 2,000 in fiscal year 2007;

"(2) 2,400 in fiscal year 2008;

"(3) 2,400 in fiscal year 2009;

"(4) 2,400 in fiscal year 2010;

"(5) 2,400 in fiscal year 2011; and

"(6) 2,400 in fiscal year 2012.

"(b) NORTHERN BORDER.—In each of the fiscal years 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.".

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the "Secretary"), to establish new units of Customs Patrol Officers (commonly known as "Shadow Wolves") during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this

Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

SEC. 1102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SEC. 1103. INFRASTRUCTURE.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) FENCING NEAR SAN DIEGO, CALIFORNIA.—In carrying out subsection (a), the Secretary shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.".

(C) in paragraph (2), as redesignated—

(i) in the header, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SEC. 1104. PORTS OF ENTRY.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104-208, is amended by the addition, at the end of that section, of the following new subsection:

"(e) CONSTRUCTION AND IMPROVEMENTS.—The Secretary is authorized to—

"(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

"(2) make necessary improvements to the ports of entry.".

SEC. 1105. INCREASED BORDER PATROL TRAINING CAPACITY.

(a) IN GENERAL.—If the Secretary of Homeland Security, in his discretion, determines that existing capacity is insufficient to meet Border Patrol training needs, the Secretary of Homeland Security shall acquire sufficient training staff and training facilities to increase the capacity of the Department of Homeland Security to train 2,400 new, full-time, active duty Border Patrol agents per year for fiscal years 2008 through 2012.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 1106. INCREASED IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) REMOVAL PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time active duty forensic auditors, intelligence officers, and investigators in United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to or are subject to removal from the United States, or have overstayed their nonimmigrant visas.

(b) INVESTIGATION PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time investigators in United States Immigration and Customs Enforcement to investigate immigration fraud and enforce workplace violations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

Subtitle B—Other Border Security Initiatives

SEC. 1107. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225 (d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsections (a) and (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary may waive the application of subsection (a)(7)(C) for an individual alien or class of aliens.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 and 2009 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 1108. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

Section 758 of title 18, United States Code, is amended to read as follows:

"SEC. 758. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

"(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly, or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

"(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

"(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

"(A) in excess of the applicable or posted speed limit;

"(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel; or

"(C) in an otherwise dangerous or reckless manner;

"(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

"(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

"(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

"(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

"(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

"(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

"(g) DEFINITIONS.—For purposes of this section—

"(1) The term 'checkpoint' includes, but is not limited to, any customs or immigration inspection at a port of entry.

"(2) The term 'lawful command' includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication.

"(3) The term 'law enforcement agent' means any Federal, State, local or tribal official authorized to enforce criminal law, and, when conveying a command covered under subsection (b) of this section, an air traffic controller.

"(4) The term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation.

"(5) The term 'serious bodily injury' has the meaning given in section 2119(2) of this title.".

SEC. 1109. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.

(a) IN GENERAL.—Section 1703 of title 19, United States Code is amended:

(1) by amending the title of such section to read as follows:

"SEC. 1703. SEIZURE AND FORFEITURE OF VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC.";

(2) by amending the title of subsection (a) to read as follows:

"(a) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC SUBJECT TO SEIZURE AND FORFEITURE.—";

(3) by amending the title of subsection (b) to read as follows:

"(b) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC DEFINED.—";

(4) by inserting ", vehicle, other conveyance, or instrument of international traffic" after the word "vessel" everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

"(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE OR INSTRUMENT OF INTERNATIONAL TRAFFIC ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display light as required by law; and

"(2) in the case of a vehicle, other conveyance, or instrument of international traffic, the fact that a vehicle, other conveyance, or instrument of international traffic has any compartment or equipment that is built or fitted out for smuggling.".

(b) CLERICAL AMENDMENT.—The table of sections for Chapter 5 in title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

"Sec. 1703. Seizure and forfeiture of vessels, vehicles, other conveyances and instruments of international traffic.".

Subtitle C—Other Measures

SEC. 1110. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 1111. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased United States Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for United States Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) ANALYSIS OF DAMAGE TO PROTECTED LANDS.—The Secretary and Secretaries concerned shall develop an analysis of damage to protected lands relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than 1 year from the date of enactment, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation, and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects the homeland, including—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 1112. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 1113. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aircraft systems for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1114. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(B) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 1115. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 1116. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 1115.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 1107 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 1117. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 1118. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2008, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 1119. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor

and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 1120. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all United States Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the United States Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all United States Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 1121. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 1122. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services, in consultation with United States Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by United States Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 3422; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 1123. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 1124. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the United States Customs and Border Protection.

SEC. 1125. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the United States Immigration and Customs Enforcement and the United States Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 1126. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1127. UNITED STATES-MEXICO BORDER ENFORCEMENT REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established an independent commission to be known as the United States-Mexico Border Enforcement Review Commission (referred to in this section as the "Commission").

(2) PURPOSES.—The purposes of the Commission are—

(A) to study the overall enforcement strategies, programs, and policies of Federal agencies along the United States-Mexico border; and

(B) to make recommendations to the President and Congress with respect to such strategies, programs, and policies.

(3) MEMBERSHIP.—The Commission shall be composed of 17 voting members, who shall be appointed as follows:

(A) The Governors of the States of California, New Mexico, Arizona, and Texas shall each appoint 4 voting members of whom—

(i) 1 shall be a local elected official from the State's border region;

(ii) 1 shall be a local law enforcement official from the State's border region; and

(iii) 2 shall be from the State's communities of academia, religious leaders, civic leaders, or community leaders.

(B) 2 nonvoting members, of whom—

(i) 1 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the Attorney General; and

(iii) 1 shall be appointed by the Secretary of State.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be—

(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, cross-border trade, and commerce or other pertinent qualifications or experience; and

(ii) representative of a broad cross section of perspectives from the region along the international border between the United States and Mexico;

(B) POLITICAL AFFILIATION.—Not more than 2 members of the Commission appointed by each Governor under paragraph (3)(A) may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed as a voting member to the Commission may not be an officer or employee of the Federal Government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by such date, the Commission shall carry out its duties under this section without the participation of such member.

(6) TERM OF SERVICE.—The term of office for members shall be for life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall

be filled in the same manner in which the original appointment was made.

(8) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) QUORUM.—Nine members of the Commission shall constitute a quorum.

(10) CHAIR AND VICE CHAIR.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) DUTIES.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—

(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;

(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;

(3) the adequacy of the complaint process within the agencies and programs of the Department that are employed when an individual files a grievance;

(4) the effect of the operations, technology, and enforcement infrastructure along such border on the—

(A) environment;

(B) cross-border traffic and commerce; and

(C) the quality of life of border communities;

(5) local law enforcement involvement in the enforcement of Federal immigration law; and

(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions. The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for reasonable travel expenses and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

(e) REPORT.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—

(1) findings with respect to the duties of the Commission;

(2) recommendations regarding border enforcement policies, strategies, and programs;

(3) suggestions for the implementation of the Commission's recommendations; and

(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) SUNSET.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date the Commission submits the report described in subsection (e).

SEC. 1128. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000, for the Department of Defense.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 shall be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

TITLE XII—ENFORCEMENT ENHANCEMENTS

SEC. 1201. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

"(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.".

SEC. 1202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) AMENDMENTS.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" the first place it appears, except for the first reference in subsection (a)(4)(B)(i), and inserting "Secretary of Homeland Security";

(2) by striking "Attorney General" any other place it appears and inserting "Secretary";

(3) in paragraph (1)—

(A) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.";

(B) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(C) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(4) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(5) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(6) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(7) by redesignating paragraph (7) as paragraph (10); and

(8) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien; and

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced. to an aggregate term of imprisonment of not less than 1 year.

"(F) ATTORNEY GENERAL REVIEW.—If the Secretary authorizes an extension of detention under subparagraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

"(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(H) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(I) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(J) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(K) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (H).

"(M) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to—

(A) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless —

(i) that order was issued and the alien was subsequently released or paroled before the enactment of this Act and

(ii) the alien has complied with and remains in compliance with the terms and conditions of that release or parole; and

(B) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(c) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

"(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.".

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (d) the following:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241."; and

(C) in subsection (f), as redesignated by subparagraph (A), by adding at the end the following: "Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.".

(d) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

SEC. 1203. DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

"(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States if the alien knowingly, or with reason to know exceeded, for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

"(2) REASON TO KNOW.—An alien shall be deemed to have reason to know that they exceeded the period of authorized admission if their passport is stamped with the expected departure date, or if the code section under which the visa they applied for contains a length of time for which the visa can be issued.

"(3) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien or the Secretary determines a waiver is necessary for humanitarian purposes.".

SEC. 1204. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by striking subsections (a) through (c) and inserting the following:

"(a) REENTRY AFTER REMOVAL.—An alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.".

SEC. 1205. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, and to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivism or other enhancements, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ", (c)," after "924(b)" and by striking "or" at the end; and

(B) by adding at the end the following new clauses:

"(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

"(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);"; and

(7) by amending subparagraph (F) to read as follows:

"(F) either—

"(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense); or

"(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law, for which the term of imprisonment is at least 1 year;".

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

SEC. 1206. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS AND OTHER CRIMINALS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

"(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

"(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

"(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

"(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

"(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

"(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

"(iv) a felony crime of violence as defined in section 16 of title 18, United States Code;

"(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

"(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

"(vii) a conspiracy to commit an offense described in clause (i) through (vi).".

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J); and

(2) by inserting after subparagraph (E) the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.".

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable.".

(d) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking ", Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subsection (c)(2)(B)—

(A) in clause (i), by striking "or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "or"; and

(C) by adding at the end the following:

"(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, the activities of a criminal gang."; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking "Subject to paragraph (3), such" and inserting "Such"; and

(ii) by striking "(under paragraph (3))";

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.".

(e) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer to sale, exchange, use, own, possess, or carry, any weapon, part, or accessory, which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(K) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

"(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

"(I) the alien was acting in self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.

"(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.".

(2) in subsection (h)—

(A) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), and (K) of subsection (a)(2)"; and

(B) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment; and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 1207. IMMIGRATION INJUNCTION REFORM.

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

SEC. 1208. DEFINITION OF GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting "regardless of whether the crime was classified as an aggravated felony under subsection (a)(43) at the time of conviction, unless the Secretary of Homeland Security or Attorney General, in his discretion, determine that this paragraph shall not apply to a person who completed the term of imprisonment or sentence (whichever is later) more than 10 years prior to the date of application"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not a person of good moral character." and inserting "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited solely to the period during which good moral character is required.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

SEC. 1209. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.

"(a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States or is removable; and

"(B) if the individual is an alien who is removable or who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(b) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(e) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION BY A STATE, OR A POLITICAL SUBDIVISION OF A STATE, AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS BELIEVED TO NOT BE LAWFULLY PRESENT.—There are authorized to be appropriated **$850,000,000** for fiscal year **2008** and each subsequent fiscal year to reimburse States, and political divisions of States, for the up to 72 hour detention and transportation to Federal custody aliens believed to not be lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 1210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated **$300,000,000** for fiscal year **2008** to carry out the Institutional Removal Program.

SEC. 1211. AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.

(a) AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States;

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody; or

(3) transport the alien (including the transportation across State lines to detention centers) to a location where transfer to Federal custody can be effectuated.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated **$500,000,000** per year to reimburse the expenses incurred by States, or political subdivisions of a state, in the detention or transportation of criminal aliens to Federal custody.

SEC. 1212. STRENGTHENING THE DEFINITION OF CONVICTION.

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

"(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.".

SEC. 1213. PERMITTING STATE AND LOCAL GRANTS FOR 287(G) TRAINING EXPENSES AND DETENTION AND TRANSPORTATION EXPENSES.

State and local program grants provided in the amount of **$294,500,000** in this Act for "training, exercises, technical assistance, and other programs" may be used for the initial payment of, or reimbursement of, state and local expenses related to the implementation of agreements between the Department of Homeland Security and state and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and for the initial payment of, or reimbursement of, state and local expenses related to the costs incurred to detain and transport criminal aliens after the completion of their state and local criminal sentences for the purpose of facilitating transfer to Federal custody."

SEC. 1214. IMPROVEMENTS TO EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary of Homeland Security shall improve the Basic Pilot Program (as described in section 403(a) of division C of title IV of Public Law 104–208) to—

(1) respond to inquiries made by participating employers through the Internet concerning an individual's identity and whether the individual is authorized to be employed in the United States;

(2) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document, so that an employer can compare the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security to verify employment authorization or identity;

(3) maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

(4) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

(5) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(6) allow for auditing use of the system to detect fraud and identify theft, and to preserve the security of the information in the Program, including—

(A) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(B) the development and use of algorithms to detect misuse of the system by employers and employees;

(C) the development of capabilities to detect anomalies in the use of the Program that may indicate potential fraud or misuse of the Program; and

(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(b) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of the Department of Homeland Security, in consultation with appropriate State and local officials, shall—

(1) ensure that such state and local programs have sufficient access to the federal government's Employment Eligibility Verification (EEV) system and ensure that the EEV has sufficient capacity to—

(A) register employers of states with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into Memoranda of Understanding with states to ensure responses to subparagraphs (A) and (B);

(2) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the Basic Pilot Program, including appropriate privacy and security training for State employees.

(c) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—For purposes of preventing identity theft, protecting employees, and reducing burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(1) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or to death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, or identity theft, or to affect the proper functioning of the Basic Pilot Program;

(2) work to correct any errors identified under subclause (A); and

(3) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(d) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the Basic Pilot Program and the efficiency, accuracy, and security of that Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for fiscal year 2008 to carry out this section.

SEC. 1215. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term "authorized official" means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term "covered activity" means any suspicious transaction, activity, or occurrence that involves, or is directed against, a mass transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) MASS TRANSPORTATION.—The term "mass transportation"—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term "mass transportation system" means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term "vehicle" has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike "which shall" and all that follows through "3714):" on line 26 and insert the following: "which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

"(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:".

SA 2414. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall—

"(A) serve for a term of 5 years; and

"(B) be subject to removal by the President if the President—

"(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

"(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

SA 2415. Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

SA 2416. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

SA 2417. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

"(L) To fund fire prevention programs, including the development and implementation of community wildfire protection plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)).".

SA 2418. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT REGARDING MAJOR DISASTERS IN RURAL AND URBAN AREAS.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency;

(2) the term "major disaster" has the meaning give that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the term "next appropriate Federal agency" means the department or agency of the Federal Government that will be assisting in the recovery from the effects of a major disaster in an area after the period during which the Federal Emergency Management Agency will provide such assistance in that area; and

(4) the terms "rural" and "rural area" have the meanings given those terms in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(b) STUDY.—The Administrator, in conjunction with State and local governments, shall conduct a study of the differences between the response to major disasters occurring in rural and urban areas, including—

(1) identifying the differences in the response mechanisms available for major disasters occurring in rural and urban areas;

(2) identifying barriers (including regulations) that limit the ability of the Administrator to respond to major disasters occurring in rural areas, as compared with major disasters occurring in urban areas;

(3) evaluating the need to designate a specific official of the Federal Emergency Management Agency to act as a coordinator between the Federal Emergency Management Agency and the next appropriate Federal agency;

(4) assessing the feasibility of providing partial reimbursement to individuals who provide assistance, without compensation, in recovering from the effects of a major disaster for costs to such individuals relating to such assistance; and

(5) evaluating ways to improve consultation with State and local governments to identify and resolve any problems in coordinating efforts to respond to major disasters occurring in rural areas.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report regarding the study conducted under subsection (b) that—

(1) details the results of that study;

(2) provides a plan to address the differences, if any, in the response to major disasters occurring in rural and urban areas; and

(3) incorporates a description of best management practices to ensure that the Federal Emergency Management Agency incorporates necessary programmatic and other improvements identified during the response to a major disaster occurring in a rural area in responding to subsequent major disasters.

SA 2419. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike all after "Sec. 536." and insert the following:

None of the funds made available in this Act for fiscal year 2008 for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2420. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 21, strike the period and insert the following: ": *Provided further*, That of the total, $5,000,000 shall not be available until the Director of the United States Citizenship and Immigration Services submits to Congress the fraud risk assessment related to the H-1B program that was started more than a year ago."

SA 2421. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—During each of fiscal years 2008 through 2012, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106-319, accompanying Public Law 106-58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108-86, accompanying Public Law 108-90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State, and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least 1 voluntary program involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the international borders of the United States. The program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of the enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security along the southern border.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal and State agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 603, such sums as may be necessary for the fiscal years 2008 through 2012;

(2) to carry out the provisions of section 604—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2008 through 2012; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2008 through 2012; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 606—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2008, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2008; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(4) to carry out the provisions of section 607, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 2422. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

SA 2423. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) SHORT TITLE.—This section may be cited as the "Laser Visa Extension Act of 2007".

(b) IN GENERAL.—Except as provided under subsection (c), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(c) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and New Mexico if the Secretary determines that the national—

(1) was previously admitted into the United States as a nonimmigrant; and

(2) violated the terms and conditions of the national's nonimmigrant status.

SA 2424. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress describing the actions taken by the United States and Mexico pursuant to this section.

SA 2425. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORTING OF WASTE, FRAUD, AND ABUSE.

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

SA 2426. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike "$3,030,500,000" and insert "$3,080,500,000".

On page 36, line 22, strike "$1,836,000,000" and insert "$1,886,000,000".

On page 38, line 8, strike "and".

On page 38, strike lines 9 and 10 and insert the following:

(J) $15,000,000 shall be for Citizens Corps; and

(K) $50,000,000 shall be used to provide grants, after consultation with the Administrator of the Environmental Protection Agency, to any treatment works or public water system that—

(i) as of the date of enactment of this Act, uses any chemical, toxin, or other substance that, if transported, or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise targeted by terrorists (referred to in this section as an "extremely hazardous material"), including—

(I) any substance included in table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

(II) any other substances, as determined by the Secretary; and

(ii) agrees to use funds from the grant to transition to the use of a technology, product, raw material, or practice, the use of which, as compared to a currently-used technology, product, raw material, or practice, reduces or eliminates—

(I) the possibility of release of an extremely hazardous material; and

(II) the hazards to public health associated with such a release:

SA 2427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON LANDOWNER'S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

"(i) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

"(A) such owner has been found negligent by a Federal or State court in any tort litigation;

"(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

"(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

"(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

"(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

"(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

"(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

"(B) maintaining an attractive nuisance;

"(C) gross negligence; or

"(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.".

SA 2428. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) Recapture of Unused Employment-Based Immigrant Visas.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

"(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1999 through 2004" and inserting "1994, 1996 through 1998, 2001 through 2004, and 2006"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) Distribution of Visas.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

"(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

"(II) The visas remaining from the total made available under subclause (I) shall be allocated to employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).".

(b) H-1B Visa Availability.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking "and" at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) 65,000 in each of fiscal years 2004 through 2007;

"(viii) 115,000 in fiscal year 2008; and".

SA 2429. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERIODS OF ADMISSION.

(a) Short Title.—This section may be cited as the "Secure Border Crossing Card Entry Act of 2007".

(b) Periods of Admission.—Section 214(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(2)) is amended by adding at the end the following:

"(C)(i) Except as provided under clauses (ii) and (iii), the initial period of admission to the United States of an alien who possesses a valid machine-readable biometric border crossing identification card issued by a consular officer, has successfully completed required background checks, and is admitted to the United States as a nonimmigrant under section 101(a)(15)(B) at a port of entry at which such card is processed through a machine reader, shall not be short than the initial period of admission granted to any other alien admitted to the United States under section 101(a)(15)(B).

"(ii) The Secretary of Homeland Security may prescribe, by regulation, the length of the initial period of admission described in clause (i), which period shall be—

"(I) a minimum of 6 months; or

"(II) the length of time provided for under clause (iii)

"(iii) The Secretary may, on a case-by-case basis, provide for a period of admission that is shorter or longer than the initial period described in clause (ii)(I) if the Secretary finds good cause for such action.

"(iv) An alien who possesses a valid machine-readable biometric border crossing identification card may not be admitted to the United States for the period of admission specified under clause (i) or granted extensions of such period of admission if—

"(I) the alien previously violated the terms and conditions of the alien's nonimmigrant status;

"(II) the alien is inadmissible as a nonimmigrant; or

"(III) the alien's border crossing card has not been processed through a machine reader at the United States port of entry or land border at which the person seeks admission to the United States.".

(c) Rulemaking.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendment made by subsection (b).

(2) Waiver of APA.—In promulgating regulations under paragraph (1), the Secretary may waive any provision of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedures Act") or any other law relating to rulemaking if the Secretary determines that compliance with such provision would impede the timely implementation of this Act.

SA 2430. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ______. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) Definitions.—In this section:

(1) Arundo donax.—The term "Arundo donax" means a tall perennial reed commonly known as "Carrizo cane", "Spanish cane", "wild cane", and "giant cane".

(2) Plan.—The term "plan" means the plan for the control and management of Arundo donax developed under subsection (b).

(3) River.—The term "River" means the Rio Grande River.

(4) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(b) Development of Plan.—

(1) In general.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) Components.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) Consultation.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

SA 2431. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 5___. DHS IMPLEMENTATION PLANS FOR BORDER FENCE CONSTRUCTION.

Not later than 45 days after the date of enactment of this Act, the Department of Homeland Security (referred to in this section as the "Department") shall submit to Congress a report on the construction of physical barriers on the southwest border of the United States that details the type of land (such as Federal, State, tribal, or private land) in which the Department shall seek to acquire interests, via contract or purchase, to construct a fence along the border or at any other location determined by the Department to be necessary to exercise the power of eminent domain and condemn property for such construction: *Provided*, That the report shall include the actual locations of the land (as demonstrated by geological and topological maps), the identity and addresses of private landowners who may be affected by action carried out under this section, and steps the Department has taken or intends to take to consult with affected parties, and, if condemnation is required, to compensate landowners for the property: *Provided further*, That the report shall contain detailed timelines for construction of the fence (including monthly and quarterly timelines), the environmental assessment of the impact of the construction, and a description of the ways in which the Department intends to coordinate the construction with the Corps of Engineers.

SA 2432. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

SA 2433. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada or Mexico if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2434. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 proposed by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, insert "or Mexico" after "Canada".

SA 2435. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate and the Committees on Homeland Security and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SA 2436. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 69, after line 24, add the following:

TITLE VI—PROTECTION OF UNACCOMPANIED ALIEN CHILDREN

SEC. 601. SHORT TITLE.

This title may be cited as the "Unaccompanied Alien Child Protection Act of 2007".

SEC. 602. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this title;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DIRECTOR.—The term "Director" means the Director of the Office.

(3) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(4) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(5) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained 18 years of age; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained 18 years of age; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this title, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

Subtitle A—Custody, Release, Family Reunification, and Detention

SEC. 611. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 615; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this title.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 612(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 615, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 612. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 613(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 613. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 612(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 612(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 614. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children

in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 615. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this title or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 616. EFFECTIVE DATE.

This subtitle shall take effect on the date which is 90 days after the date of the enactment of this Act.

Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

SEC. 621. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 622. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 611(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 612(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this title, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this title may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 623. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this subtitle.

Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

SEC. 631. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

"(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

"(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

"(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.".

(2) RULE OF CONSTRUCTION.—Nothing in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and".

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the

State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of the enactment of this Act.

SEC. 632. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 611(a)(2)(A).

SEC. 633. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this title;

(3) data regarding the provision of child advocate and counsel services under this title; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

Subtitle D—Children Refugee and Asylum Seekers

SEC. 641. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its "Guidelines for Children's Asylum Claims", issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children", issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children" and the "Guidelines for Children's Asylum Claims" to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the "Guidelines for Children's Asylum Claims" to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 642. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking "and" after "countries,"; and

(2) by inserting ", and instruction on the needs of unaccompanied refugee children" before the period at the end.

SEC. 643. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section 611(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child."; and

(2) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.".

Subtitle E—Amendments to the Homeland Security Act of 2002

SEC. 651. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention.".

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

"(A) contract with service providers to perform the services described in sections 612, 613, 621, and 622 of the Unaccompanied Alien Child Protection Act of 2007; and

"(B) compel compliance with the terms and conditions set forth in section 613 of such Act, by—

"(i) declaring providers to be in breach and seek damages for noncompliance;

"(ii) terminating the contracts of providers that are not in compliance with such conditions; or

"(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.".

SEC. 652. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 651, is further amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.".

SEC. 653. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

Subtitle F—Prison Sexual Abuse Prevention

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Prison Sexual Abuse Prevention Act of 2007".

SEC. 662. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

Subtitle G—Authorization of Appropriations

SEC. 671. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SA 2437. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—VISA AND PASSPORT SECURITY

SEC. 601. SHORT TITLE.

This title may be cited as the "Passport and Visa Security Act of 2007".

Subtitle A—Reform of Passport Fraud Offenses

SEC. 611. TRAFFICKING IN PASSPORTS.

Section 1541 of title 18, United States Code, is amended to read as follows:

"§1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.".

SEC. 612. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

Section 1542 of title 18, United States Code, is amended to read as follows:

"§1542. False statement in an application for a passport

"(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) VENUE.—

"(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

"(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

"(B) in which or to which the application was mailed or presented.

"(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

"(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.".

SEC. 613. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

Section 1543 of title 18, United States Code, is amended to read as follows:

"§1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who knowingly—

"(1) forges, counterfeits, alters, or falsely makes any passport; or

"(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

"(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 614. MISUSE OF A PASSPORT.

Section 1544 of title 18, United States Code, is amended to read as follows:

"§1544. Misuse of a passport

"Any person who knowingly—

"(1) uses any passport issued or designed for the use of another;

"(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 615. SCHEMES TO DEFRAUD ALIENS.

Section 1545 of title 18, United States Code, is amended to read as follows:

"§1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

"(1) defraud any person; or

"(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 616. IMMIGRATION AND VISA FRAUD.

Section 1546 of title 18, United States Code, is amended to read as follows:

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

"(2) an identification document knowing (or having reason to know) that the document is false; or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.".

SEC. 617. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "(other than an offense under section 1545)";

(2) in paragraph (1), by striking "15" and inserting "20"; and

(3) in paragraph (2), by striking "20" and inserting "25".

SEC. 618. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

"§ 1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§ 1549. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§ 1550. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91-452; 84 Stat. 933).

"§ 1551. Definitions

"As used in this chapter:

"(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

"(2) The term 'false statement or representation' includes a personation or an omission.

"(3) The term 'immigration document'—

"(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

"(4) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

"(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(6) The term 'passport' means—

"(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

"(B) any instrument purporting to be a document described in subparagraph (A).

"(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

"(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

"(A) any officially authorized use;

"(B) use to travel;

"(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

"(D) use to seek or maintain employment; or

"(E) use in any matter within the jurisdiction of the Federal government or of a State government.".

SEC. 619. CLERICAL AMENDMENT.

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Alternative imprisonment maximum for certain offenses.
"1548. Attempts and conspiracies.
"1549. Additional jurisdiction.
"1550. Authorized law enforcement activities.
"1551. Definitions.".

Subtitle B—Other Reforms

SEC. 621. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United

States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 622. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

"(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

"(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

"(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

"(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

"(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

"(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under chapter 75 of this title.".

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SEC. 623. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

SEC. 624. DIPLOMATIC SECURITY SERVICE.

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;".

SEC. 625. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§3291. Immigration, passport, and naturalization offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, passport, and naturalization offenses".

SA 2438. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHARED BORDER MANAGEMENT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

SA 2439. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

SA 2440. Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 20, before the period, insert the following: ": *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region and make recommendations relating to that investigation, including recommendations on any disciplinary or other personnel actions and recommendations regarding any additional training necessary for employees in the Office of General Counsel of the Federal Emergency Management Agency to remedy institutionalized biases that affect disaster victims, the feasability of, and need for, developing a systematic process by which the Federal Emergency Management Agency collects, reports, and responds to occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Inspector General should review complaints received by the Federal Emergency Management Agency to facilitate early detection of problems and effective mitigation and responsiveness: *Provided further*, That the investigation under the previous proviso shall include any other decision where the Inspector General determines that the Office of General Counsel of the Federal Emergency Management Agency prioritized insulating the Federal Emergency Management Agency from possible legal liability over public safety".

On page 35, line 15, before the period, insert the following: "; *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall update training practices for all customer service employees of the Federal Emergency Management Agency and establish an appropriate continuing education requirement for employees in the Office of General Counsel of the Federal Emergency Management Agency relating to addressing health concerns of disaster victims".

On page 40, line 24, before the period, insert the following: "; *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, in response to the reports of possible health impacts due to formaldehyde exposure in certain trailers provided by the Federal Emergency Management Agency, which shall include a description of any disciplinary or other personnel actions taken in response to those possible health impacts and a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials): *Provided further*, That the Administrator shall provide for indoor air quality testing and root cause determination, (including such testing and determination relating to formaldehyde) of occupied and unoccupied trailers provided by the Federal Emergency Management Agency, which shall be reviewed or conducted by a third party with a proven record of scientifically based environmental and epidemiological testing: *Provided further*, That the Administrator shall work with the heads of other appropriate Federal departments and agencies (including components of the Department of Homeland Security), impacted States, and disaster victims to make available safe alternatives for living conditions based on the results of the testing and determinations under the previous proviso: *Provided further*, That the previous proviso shall not be construed to limit the authority of the Administrator to make accommodations for occupants requesting relocation assistance due to potential health hazards in that housing prior to receipt of such test results: *Provided further*, That the Administrator and the Administrator of General Services, in conjunction with the heads of other appropriate Federal departments and agencies, including components of the Department of Homeland Security, shall develop a policy for surplus trailers to mitigate the health impacts for potential occupants".

SA 2441. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. Notwithstanding any other provision of law, the Administrator of the Transportation Security Administration shall continue to prohibit any butane lighters from being taken into an airport sterile area or onboard an aircraft until the Administrator provides to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General of the United States shall report on its assessment of the report submitted by the Transportation Security Administration within 180 days of the date the report is submitted. The Administrator shall not take action to allow butane lighters into an airport sterile area or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2442. Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2443. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

(1) IN GENERAL.—The Secretary of Homeland Security shall improve the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to—

(A) respond to inquiries made by participating employers through the Internet to help confirm an individual's identity and determine whether the individual is authorized to be employed in the United States;

(B) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document to allow an employer to verify employment authorization or identity by comparing the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security;

(C) maximize the reliability and ease of use of the basic pilot program by employers, while insulating and protecting the privacy and security of the underlying information;

(D) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed in the United States;

(E) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(F) allow for auditing the use of the system to detect fraud and identify theft, and to preserve the security of the information collected through the basic pilot program, including—

(i) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(ii) the development and use of algorithms to detect misuse of the system by employers and employees;

(iii) the development of capabilities to detect anomalies in the use of the basic pilot program that may indicate potential fraud or misuse of the program; and

(iv) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(2) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of Homeland Security, in consultation with appropriate State and local officials, shall—

(A) ensure that State and local programs have sufficient access to the Federal Government's Employment Eligibility Verification System and ensure that such system has sufficient capacity to—

(i) register employers in States with employer verification requirements;

(ii) respond to inquiries by employers; and

(iii) enter into memoranda of understanding with States to ensure responses to clauses (i) and (ii); and

(B) permit State law enforcement authorities to access data maintained by the basic pilot program through a written or electronic inquiry to the Chief Privacy Officer of the Department of Homeland Security; and

(C) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(3) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—In order to prevent identity theft, protect employees, and reduce the burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(A) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, identity theft, or affect the proper functioning of the basic pilot program;

(B) work to correct any errors identified under subparagraph (A); and

(C) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(4) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the basic pilot program and the efficiency, accuracy, and security of such program.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for fiscal year 2008 for the expansion and base operations of the Employment Eligibility Verification Basic Pilot Program.

SA 2444. Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SA 2445. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

SA 2446. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 20, strike "$3,030,500,000" and insert "$3,080,500,000".

On page 36, line 22, strike "$1,836,000,000" and insert "$1,886,000,000".

On page 37, line 20, strike "$400,000,000" and insert "$450,000,000".

On page 37, line 24, insert ", of which $50,000,000 shall be available for Amtrak security upgrades, including infrastructure protection, securing tunnels and stations, hiring and training Amtrak police officers, deploying additional canine units, operating and capital costs associated with security awareness, preparedness, and response, and other activities that enhance the security of Amtrak infrastructure, employees, and passengers" before the semicolon at the end.

SA 2447. Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49, line 22, strike the period at the end and all that follows through "2010:" on page 50, line 2, and insert the following: ", of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

"SYSTEMS ACQUISITION

"For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:".

SA 2448. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

SA 2449. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 39, line 21, insert ", of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))" before the semicolon at the end.

SA 2450. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. The Administrator of the United States Fire Administration may obligate and expend any unobligated funds made available in fiscal year 2006 to the United States Fire Administration to perform deferred annual maintenance at the National Emergency Training Center in Emmitsburg, Maryland.

SA 2451. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology";

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109-367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology".

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 2452. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike "$1,000,000,000, to remain available until expended: *Provided* ," and insert "$2,480,800,000, to remain available until expended, of which $1,548,800,00 shall be designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006; *Provided*,".

SA 2453. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike "$1,000,000,000, to remain available until expended: *Provided*," and insert "$2,480,800,000, to remain available until expended: *Provided*, that not less than $1,548,800,000 shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109-367); *Provided further*,".

At the appropriate place, insert the following:

SEC. ___. OFFSETTING LANGUAGE.

All discretionary amounts made available under this Act, other than the amounts appropriated under the subheadings related to funding of customs and border patrol salaries and expenses, immigration and customs enforcement salaries and expenses, United States Coast Guard salaries and expenses, United States Visitor and Immigrant Status Indicator Technology project, disaster relief, flood map modernization fund, national flood insurance fund, national flood mitigation fund, national predisaster mitigation fund, emergency food and shelter, and Federal law enforcement training center salaries and expenses, shall be reduced on a pro rata basis by $1,548,800,000.

SA 2454. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 24, insert "*Provided further*, That grants provided under paragraph (3) may be used for State and local expenses relating to the implementation of agreements between the Department of Homeland Security and State and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))." before the period at the end.

SA 2455. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien who is unlawfully present or removable for the purpose of assisting in the enforcement of the immigration laws of the United States, including laws related to visa overstay, in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law. This State authority to detain or arrest shall not last longer than 72 hours unless the Secretary of Homeland Security requests that the State, or political subdivision of the State, continue to detain or arrest the alien to facilitate transfer to Federal custody. This State authority shall terminate if the State, or political subdivision of the State, is directed by the Secretary of Homeland Security to release the alien.

(b) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. 537. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3)(C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice, and the head of the National Crime Information Center shall input into the National Crime Information Center Database, the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States or removable from the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or lawfully permitted to remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 2456. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike "$6,601,058,000;" and insert "$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;".

On page 69, after line 24, add the following:

SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367), the Governor of a State, upon the approval of the Secretary of Defense, shall order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term "nondeadly force" means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term "State along the southern border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367).

SA 2457. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike "$6,601,058,000;" and insert "$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;".

On page 69, after line 24, add the following:

SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367), the Governor of a State, upon the approval of the Secretary of Defense, may order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term "nondeadly force" means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term "State along the southern border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367).

SA 2458. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL ALIEN PROGRAM PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall use funds appropriated for the Criminal Alien Program of United States Immigration and Customs Enforcement to implement a pilot project to evaluate technology that can—

(1) effectively analyze information on jail and prison populations; and

(2) automatically identify incarcerated illegal aliens in a timely manner before their release from detention.

(b) MINIMUM REQUIREMENTS.—The pilot project implemented under subsection (a) shall involve not fewer than 2 States and shall provide for the daily collection of data from not fewer than 15 jails or prisons.

(c) REPORT.—Not later than July 1, 2008, the Secretary shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that describes—

(1) the status of the pilot project implemented under subsection (a);

(2) the impact of the pilot project on illegal alien management; and

(3) the Secretary's plans to integrate the technology evaluated under the pilot project into future enforcement budgets and operating procedures.

SEC. ___. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for fiscal year 2008 to carry out the Institutional Removal Program.

SEC. ___. STRENGTHENING DEFINITION OF CONVICTION.

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

"(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.".

SA 2459. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF ZERO TOLERANCE POLICY TO PROSECUTE ALL ILLEGAL ALIENS WHO ILLEGALLY ENTER THE UNITED STATES ALONG THE SOUTHERN LAND BORDER IN THE TUCSON, ARIZONA OR SAN DIEGO, CALIFORNIA SECTOR.

(a) IN GENERAL.—The Secretary of the Homeland Security shall work with the United States Attorney offices assigned to the judicial district located in the Tucson, Arizona and San Diego, California sectors along the southern land border of the United States to implement a zero tolerance policy of prosecuting all undocumented aliens attempting to enter the United States along the southern land border in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325). This policy was successfully implemented in the Del Rio, Texas sector in a program known as Operation Streamline.

(b) REQUIREMENT.—Until the zero tolerance program described in subsection (a) is fully implemented, the Secretary of Homeland Security shall refer all undocumented aliens who are apprehended while attempting to enter the United States in the Tucson, Arizona or San Diego, California sector along the southern land border in violation of section 275 of such Act to the United States Attorneys offices assigned to the judicial district located in such sectors. Such offices shall provide a formal acceptance or declination for prosecution of such undocumented aliens.

SA 2460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO STUDY OF EFFECT OF AFFIDAVIT OF SUPPORT ON MEANS-TESTED PUBLIC BENEFITS.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study examining—

(1) the number of immigrants with a sponsor who submitted an Affidavit of Support (I-864) on the immigrant's behalf to the Department of Homeland Security or the former Immigration and Naturalization Service;

(2) the number of immigrants described in paragraph (1) who received Federal means-tested public benefits (except those public benefits specified in section 403(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c))) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(3) the number of immigrants described in paragraph (1) who received State means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(4) the number of immigrants described in paragraph (1) who received local means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(5) the efforts taken by Federal, State, and local agencies that provided means-tested public benefits described in paragraph (2), (3), or (4) to immigrants to determine whether such immigrants were covered by a sponsor's obligation as contracted in an Affidavit of Support; and

(6) the efforts taken by the Federal, State, and local agencies described in paragraph (5) to obtain repayment from the sponsors who were obligated to reimburse such agencies for the benefits described in paragraph (2), (3), or (4) received by sponsored immigrants.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 2461. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 2, line 11, strike "$100,000,000" and insert "$94,000,000".

On page 18, line 2, strike "$5,039,559,000" and insert "$5,045,559,000".

On page 18, line 10, strike "$964,445,000" and insert "$970,445,000".

On page 18, line 20, strike "$2,329,334,000" and insert "$2,335,344,000".

SA 2462. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, line 1, strike "may" and insert "shall".

SA 2463. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 2464. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 25, insert after "in advance" the following: ", and the Secretary posts on the Department's website whether the grant or contract recipient has been the subject of any civil, criminal, or administrative proceedings initiated or concluded by the Federal Government or any State government during the most recent five-year period".

SA 2465. Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading "INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY" is hereby reduced by $2,000,000.

(c) The amount appropriated by title I under the heading "ANALYSIS AND OPERATIONS" is hereby reduced by $3,000,000.

SA 2466. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SA 2467. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), and not later than 30 days after the date that the President determines whether to declare a major disaster because of an event, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall include all data used to determine whether—

(1) to declare a major disaster; or

(2) a State will be eligible for assistance under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SA 2468. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

SA 2469. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 472) shall not be subject to any precertification requirements.

SA 2470. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after "operations;" the following: of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports with the greatest average annual number of arriving foreign visitors to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;"

SA 2471. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after "operations;" the following: "of which such sums shall hire and deploy 200 additional CBP officers at domestic airports receiving significant numbers of international passengers to alleviate wait times at such airports;"

SA 2472. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of funds made available in this or any other Act for fiscal year 2008 may be used to enforce section 4025(1) of Public Law 108-458 until the Assistant Secretary (Transportation Security Administration) submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including analysis in support of the conclusions reached. The Comptroller General of the United States shall report on the Comptroller General's assessment of the report submitted by the Transportation Security Administration to the Committees within 180 days of its submission. The Assistant Secretary (Transportation Security Administration) shall not take any action to allow butane lighters into airport sterile areas or onboard commercial aircraft until at least 60 days after the

Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2473. Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $2 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability or that the contractor or grantee has entered into an installment agreement or other plan approved by the Internal Revenue Service to repay any outstanding past due Federal tax liability. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SA 2474. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 6, before the period, insert the following: ": *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service".

SA 2475. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after "operations;" the following: "of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;"

SA 2476. Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a staff-led public roundtable entitled "Reauthorization of the Small Business Innovation Research Programs: National Academies' Findings and Recommendations," on August 1, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on August 1, 2007, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1054 and H.R. 122, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; S. 1475 and H.R. 1526, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to: Gina Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to explore the U.S.-China trading relationship, with analysis of the current status of trade between the two nations and the impact of U.S.-China trade on U.S. manufacturers, consumers, and workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, July 25, at 11:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building in order to hear testimony regarding the nominations of Dr. Tevi David Troy to be Deputy Secretary of Health and Human Services, Department of Health and Human Services; The Honorable David H. McCormick to be Under Secretary for International Affairs, U.S. Department of the Treasury; Mr. Kerry N. Weems to be Administrator of the Centers for Medicare and Medicaid Services; Mr. Peter B. McCarthy to be Assistant Secretary for Management and Chief Financial Officer, U.S. Department of the Treasury; and Mr. Charles E.F. Millard to be Director of the Pension Benefit Guaranty Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 9:30 a.m., to hold a hearing on the Peace Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m. to hold a hearing on Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 25, 2007 at 10 a.m. in SD-106 and on Thursday, July 26, 2007, at 10 a.m. in SR-325. We will be considering the following:

1. S. 625, Family Smoking Prevention and Tobacco Control Act
2. S. 1183, Christopher and Dana Reeve Paralysis Act
3. S. 579, Breast Cancer and Environmental Research Act of 2007
4. S. 898, Alzheimer's Breakthrough Act of 2007
5. S. ____, Newborn Screening Saves Lives Act of 2007
6. The Following Nominations: Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education;

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences; and

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts.

Any nominations cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 25, 2007, at 10 a.m. to consider the nomination of Dennis R. Schrader to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in order to conduct a hearing to receive testimony on S. 1487, the Ballot Integrity Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Oversight: Gulf Coast Disaster Loans and the Future of the Disaster Assistance Program," on Wednesday, July 25, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, in order to conduct a hearing on VA health care funding. The hearing will begin at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, "A Local Look at the National Foreclosure Crisis: Cleveland Families, Neighborhoods, Economy Under Siege from the Subprime Mortgage Fallout", in room 216 of the Hart Senate Office Building, Wednesday, July 25, 2007, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Wednesday, July 25, 2007, at 3 p.m. in order to conduct a hearing entitled "The Road Ahead II: Views from the Postal Workforce on Implementing Postal Reform,"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Health be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Oversight of EPA's Environmental Justice Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHER EDUCATION AMENDMENTS OF 2007

On Tuesday, July 24, 2007, the Senate passed S. 1642, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Amendments of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. Additional definitions.
Sec. 102. General definition of institution of higher education.
Sec. 103. Definition of institution of higher education for purposes of title IV programs.
Sec. 104. Protection of student speech and association rights.
Sec. 105. Accreditation and Institutional Quality and Integrity Advisory Committee.
Sec. 106. Drug and alcohol abuse prevention.
Sec. 107. Prior rights and obligations.
Sec. 108. Transparency in college tuition for consumers.
Sec. 109. Databases of student information prohibited.
Sec. 110. Clear and easy-to-find information on student financial aid.
Sec. 110A. State higher education information system pilot program.
Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.
Sec. 112. Procurement flexibility.
Sec. 113. Institution and lender reporting and disclosure requirements.
Sec. 114. Employment of postsecondary education graduates.
Sec. 115. Foreign medical schools.
Sec. 116. Demonstration and certification regarding the use of certain Federal funds.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality partnership grants.
Sec. 202. General provisions.

TITLE III—INSTITUTIONAL AID

Sec. 301. Program purpose.
Sec. 302. Definitions; eligibility.
Sec. 303. American Indian tribally controlled colleges and universities.
Sec. 304. Alaska Native and Native Hawaiian-serving institutions.
Sec. 305. Native American-serving, nontribal institutions.
Sec. 306. Part B definitions.
Sec. 307. Grants to institutions.
Sec. 308. Allotments to institutions.
Sec. 309. Professional or graduate institutions.
Sec. 310. Authority of the Secretary.
Sec. 311. Authorization of appropriations.
Sec. 312. Technical corrections.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 401. Federal Pell Grants.
Sec. 402. Academic competitiveness grants.
Sec. 403. Federal Trio Programs.
Sec. 404. Gaining early awareness and readiness for undergraduate programs.
Sec. 405. Academic achievement incentive scholarships.
Sec. 406. Federal supplemental educational opportunity grants.
Sec. 407. Leveraging Educational Assistance Partnership program.
Sec. 408. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 409. Robert C. Byrd Honors Scholarship Program.
Sec. 410. Child care access means parents in school.
Sec. 411. Learning anytime anywhere partnerships.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 421. Federal payments to reduce student interest costs.
Sec. 422. Federal Consolidation Loans.
Sec. 423. Default reduction program.
Sec. 424. Reports to consumer reporting agencies and institutions of higher education.
Sec. 425. Common forms and formats.
Sec. 426. Student loan information by eligible lenders.
Sec. 427. Consumer education information.
Sec. 428. Definition of eligible lender.
Sec. 429. Discharge and cancellation rights in cases of disability.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 441. Authorization of appropriations.
Sec. 442. Allowance for books and supplies.
Sec. 443. Grants for Federal work-study programs.
Sec. 444. Job location and development programs.
Sec. 445. Work colleges.

PART D—FEDERAL PERKINS LOANS

Sec. 451. Program authority.
Sec. 451A. Allowance for books and supplies.
Sec. 451B. Perkins loan forbearance.
Sec. 452. Cancellation of loans for certain public service.

PART E—NEED ANALYSIS

Sec. 461. Cost of attendance.
Sec. 462. Definitions.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

Sec. 471. Definitions.
Sec. 472. Compliance calendar.
Sec. 473. Forms and regulations.
Sec. 474. Student eligibility.
Sec. 475. Statute of limitations and State court judgments.
Sec. 476. Institutional refunds.
Sec. 477. Institutional and financial assistance information for students.
Sec. 478. Entrance counseling required.
Sec. 479. National Student Loan Data System.
Sec. 480. Early awareness of financial aid eligibility.
Sec. 481. Program participation agreements.
Sec. 482. Regulatory relief and improvement.
Sec. 483. Transfer of allotments.
Sec. 484. Purpose of administrative payments.
Sec. 485. Advisory Committee on student financial assistance.
Sec. 486. Regional meetings.
Sec. 487. Year 2000 requirements at the Department.

PART G—PROGRAM INTEGRITY

Sec. 491. Recognition of accrediting agency or association.
Sec. 492. Administrative capacity standard.
Sec. 493. Program review and data.
Sec. 494. Timely information about loans.
Sec. 495. Auction evaluation and report.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Authorized activities.
Sec. 502. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 503. Applications.
Sec. 504. Cooperative arrangements.
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SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.";

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

"(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.";

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

"(6) DISTANCE EDUCATION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

"(i) to deliver instruction to students who are separated from the instructor; and

"(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

"(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

"(i) the Internet;

"(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

"(iii) audio conferencing; or

"(iv) video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii)."; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

"(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.".

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking "to the Committee on Appropriations" and all that follows through "House of Representatives" and inserting "to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees";

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking "House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources" and inserting "authorizing committees";

(B) in the matter following paragraph (2) of subsection (g), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(C) in subsection (n)(4), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(5) in section 428A(c) (20 U.S.C. 1078-1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";

(B) in paragraph (3), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees"; and

(C) in paragraph (5), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking "the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate" and inserting "either of the authorizing committees"; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(8) in section 439 (20 U.S.C. 1087-2)—

(A) in subsection (d)(1)(E)(iii), by striking "advise the Chairman" and all that follows through "House of Representatives" and inserting "advise the members of the authorizing committees";

(B) in subsection (r)—

(i) in paragraph (3), by striking "inform the Chairman" and all that follows through "House of Representatives," and inserting "inform the members of the authorizing committees";

(ii) in paragraph (5)(B), by striking "plan, to the Chairman" and all that follows through "Education and Labor" and inserting "plan, to the members of the authorizing committees";

(iii) in paragraph (6)(B)—

(I) by striking "plan, to the Chairman" and all that follows through "House of Representatives" and inserting "plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

(ii) in subparagraph (E), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(3) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

"(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

"(A) 2 years for members appointed under paragraph (1)(A);

"(B) 4 years for members appointed under paragraph (1)(B); and

"(C) 6 years for members appointed under paragraph (1)(C).

"(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

"(c) FUNCTIONS.—The Committee shall—

"(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

"(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

"(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

"(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

"(5) advise the Secretary with respect to the relationship between—

"(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

"(B) State licensing responsibilities with respect to such institutions; and

"(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

"(d) MEETING PROCEDURES.—

"(1) SCHEDULE.—

"(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

"(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

"(2) AGENDA.—

"(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

"(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

"(3) SECRETARY'S DESIGNEE.—

"(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

"(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

"(e) REPORT AND NOTICE.—

"(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

"(A) a list containing, for each member of the Committee—

"(i) the member's name;

"(ii) the date of the expiration of the member's term of office; and

"(iii) the individual described in subsection (b)(1) who appointed the member; and

"(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

"(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

"(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

"(B) a list of the date and location of each meeting during the preceding fiscal year;

"(C) a list of the members of the Committee and appropriate contact information; and

"(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

"(f) TERMINATION.—The Committee shall terminate on September 30, 2012.".

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 30 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

"(B) determine the number of drug and alcohol-related incidents and fatalities that—

"(i) occur on the institution's property or as part of any of the institution's activities; and

"(ii) are reported to the institution;

"(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and".

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2008 and for each succeeding fiscal year"; and

(2) in paragraph (2), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2008 and for each succeeding fiscal year".

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

"SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

"(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

"(b) HIGHER EDUCATION PRICE INDEX.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

"(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

"(A) 4-year public degree-granting institutions of higher education.

"(B) 4-year private degree-granting institutions of higher education.

"(C) 2-year public degree-granting institutions of higher education.

"(D) 2-year private degree-granting institutions of higher education.

"(E) Less than 2-year institutions of higher education.

"(F) All types of institutions described in subparagraphs (A) through (E).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(c) REPORTING.—

"(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

"(2) COMPILATION.—

"(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

"(i) 4-year public institutions of higher education.

"(ii) 4-year private, nonprofit institutions of higher education.

"(iii) 4-year private, for-profit institutions of higher education.

"(iv) 2-year public institutions of higher education.

"(v) 2-year private, nonprofit institutions of higher education.

"(vi) 2-year private, for-profit institutions of higher education.

"(vii) Less than 2-year public institutions of higher education.

"(viii) Less than 2-year private, nonprofit institutions of higher education.

"(ix) Less than 2-year private, for-profit institutions of higher education.

"(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

"(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

"(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

"(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

"(A) be known as the 'Higher Education Price Increase Watch Lists';

"(B) report the full price of tuition and fees at the institution and the net price;

"(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

"(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

"(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

"(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

"(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

"(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

"(d) NET PRICE CALCULATOR.—

"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

"(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

"(A) 4-year public institutions of higher education.

"(B) 4-year private, nonprofit institutions of higher education.

"(C) 4-year private, for-profit institutions of higher education.

"(D) 2-year public institutions of higher education.

"(E) 2-year private, nonprofit institutions of higher education.

"(F) 2-year private, for-profit institutions of higher education.

"(G) Less than 2-year public institutions of higher education.

"(H) Less than 2-year private, nonprofit institutions of higher education.

"(I) Less than 2-year private, for-profit institutions of higher education.

"(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

"(A) based on a model calculator developed by the Department; or

"(B) developed by the institution of higher education.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

"(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

"(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

"(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

"(A) A statement of the institution's mission and specialties.

"(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

"(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

"(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

"(E) Percentage of male and female undergraduate students enrolled at the institution.

"(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

"(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

"(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

"(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

"(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

"(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

"(L) The undergraduate major areas of study with the highest number of degrees awarded.

"(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

"(N) Percentage of faculty at the institution with the highest degree in their field.

"(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

"(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

"(i) full-time undergraduate students living on campus;

"(ii) full-time undergraduate students living off-campus; and

"(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

"(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

"(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

"(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

"(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

"(U) The average net price for all undergraduate students enrolled at the institution.

"(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

"(W) Information on the policies of the institution related to transfer of credit from other institutions.

"(X) Information on campus safety required to be collected under section 485(f).

"(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

"(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

"(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(g) GAO REPORT.—The Comptroller General of the United States shall—

"(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

"(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

"(B) present recommendations for reducing such burden;

"(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

"(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.".

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

"SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

"(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

"(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

"(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.".

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

"SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

"(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

"(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

"(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

"(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.".

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

"SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

"(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

"(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State higher education system; or

"(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

"(c) COMPETITIVE GRANTS.—

"(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

"(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

"(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

"(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

"(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

"(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

"(2) how the activities funded by the grant will be supported after the 3-year grant period.

"(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

"(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

"(2) improve the capacity of institutions of higher education to analyze and use student data;

"(3) select and define common data elements, data quality, and other elements that will enable the data system to—

"(A) serve the needs of institutions of higher education for institutional research and improvement;

"(B) provide students and the students' families with useful information for decision-making about postsecondary education;

"(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

"(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

"(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

"(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

"(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

"(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "operational" and inserting "administrative and oversight"; and

(B) in paragraph (2)(D), by striking "of the operational functions" and inserting "and administration";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "the information systems administered by the PBO, and other functions performed by the PBO" and inserting "the Federal student financial assistance programs authorized under title IV"; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) assist the Chief Operating Officer in identifying goals for—

"(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

"(ii) the updating of such systems to current technology."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "administration of the information and financial systems that support" and inserting "the administration of Federal";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "of the delivery system for Federal student assistance" and inserting "for the Federal student assistance programs authorized under title IV";

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

"(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;";

(III) in clause (iii), by striking "delivery" and inserting "administration";

(IV) in clause (iv)—

(aa) by inserting "the" after "supporting"; and

(bb) by striking "and" after the semicolon;

(V) in clause (v), by striking "systems that support those programs." and inserting "the administration of the Federal student assistance programs authorized under title IV; and"; and

(VI) by adding at the end the following:

"(vi) ensuring the integrity of the student assistance programs authorized under title IV."; and

(iii) in subparagraph (B), by striking "operations and services" and inserting "activities and functions"; and

(3) in subsection (c)—

(A) in the subsection heading, by striking "PERFORMANCE PLAN AND REPORT" and inserting "PERFORMANCE PLAN, REPORT, AND BRIEFING";

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking "information and delivery"; and

(ii) in clause (iv)—

(I) by striking "Developing an" and inserting "Developing"; and

(II) by striking "delivery and information system" and inserting "systems";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "the" after "PBO and"; and

(ii) in subparagraph (B), by striking "Officer" and inserting "Officers";

(D) in paragraph (3), by inserting "students," after "consult with"; and

(E) by adding at the end the following:

"(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).";

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (4)"; and

(ii) in subparagraph (C), by striking "this";

(5) in subsection (f)—

(A) in paragraph (2), by striking "to borrowers" and inserting "to students, borrowers,"; and

(B) in paragraph (3)(A), by striking "(1)(A)" and inserting "(1)";

(6) in subsection (g)(3), by striking "not more than 25";

(7) in subsection (h), by striking "organizational effectiveness" and inserting "effectiveness";

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking ", including transition costs".

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "for information systems supporting the programs authorized under title IV"; and

(ii) by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) through the Chief Operating Officer—

"(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

"(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.";

(2) by striking subsection (c)(2) and inserting the following:

"(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.";

(3) in subsection (d)(2)(B), by striking "on Federal Government contracts";

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking "SOLE SOURCE.—" and inserting "SINGLE-SOURCE BASIS.—"; and

(ii) by striking "sole-source" and inserting "single-source"; and

(B) in paragraph (7), by striking "sole-source" and inserting "single-source";

(5) in subsection (h)(2)(A), by striking "sole-source" and inserting "single-source"; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

"(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.".

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

"SEC. 151. DEFINITIONS.

"In this part:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

"(2) COVERED INSTITUTION.—The term 'covered institution'—

"(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

"(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

"(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

"(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

"(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

"(B) which arrangement or agreement—

"(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

"(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

"(5) LENDER.—The term 'lender'—

"(A) means—

"(i) any lender—

"(I) of a loan made, insured, or guaranteed under part B of title IV; and

"(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

"(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

"(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

"SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

"(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

"(b) DISCLOSURES.—

"(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

"(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

"(A) of the interest rates of the educational loan being offered;

"(B) showing sample educational loan costs, disaggregated by type;

"(C) that describes, with respect to each type of educational loan being offered—

"(i) the types of repayment plans that are available;

"(ii) whether, and under what conditions, early repayment may be made without penalty;

“(iii) when and how often interest on the loan will be capitalized;

“(iv) the terms and conditions of deferments or forbearance;

“(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

“(vi) the collection practices in the case of default; and

“(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

“(D) of such other information as the Secretary may require in regulations.

“(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

“(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

“(A) the amount of each specific instance in which the lender provided such reimbursement;

“(B) the name of the financial aid official or other employee to whom the reimbursement was made;

“(C) the dates of the activity for which the reimbursement was made; and

“(D) a brief description of the activity for which the reimbursement was made.

“(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

“SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

“(a) SECRETARY DUTIES.—

“(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall—

“(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

“(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

“(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

“(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

“(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

“(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

“(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

“(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

“(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

“(C)(i) submit the report and model format to the authorizing committees; and

“(ii) make the report and model format available to covered institutions, lenders, and the public.

“(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

“(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

“(B) covered institutions to use such format in preparing the information report under subsection (c).

“(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

“(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

“(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

“(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

“(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

“(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.”.

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for-profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SEC. 115. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking "60" and inserting "75".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SEC. 116. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY PARTNERSHIP GRANTS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

"(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

"(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

"(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

"(B) a State licensed or regulated child care program or school; or

"(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

"(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a high-need local educational agency;

"(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

"(iii) a partner institution;

"(iv) a school, department, or program of education within such partner institution; and

"(v) a school or department of arts and sciences within such partner institution; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

"(xi) A school or department within the partner institution that focuses on psychology and human development.

"(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

"(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

"(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

"(ii) that serves not fewer than 10,000 children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

"(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

"(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

"(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

"(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

"(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

"(A) High-quality teacher mentoring.

"(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

"(C) The application of empirically based practice and scientifically valid research on instructional practices.

"(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

"(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

"(F) Faculty who—

"(i) model the integration of research and practice in the classroom; and

"(ii) assist new teachers with the effective use and integration of technology in the classroom.

"(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

"(I) Regular evaluation of the new teacher.

"(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

"(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 205(b); and

"(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

"(B) that requires—

"(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

"(ii) each student in the program preparing to become a teacher to become highly qualified; and

"(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

"(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

"(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

"(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

"(C) includes, appropriate to the research being conducted—

"(i) use of systematic, empirical methods that draw on observation or experiment;

"(ii) use of data analyses that are adequate to support the general findings;

"(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

"(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

"(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

"(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

"(vii) use of research designs and methods appropriate to the research question posed.

"(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

"(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

"(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

"(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

"(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

"(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

"(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

"(i) teaching and learning;

"(ii) assessment of student learning;

"(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

"(iv) the improvement of the mentees' capacity to measurably advance student learning; and

"(F) includes—

"(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

"(ii) joint professional development opportunities.

"(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

"(A) increase student learning, achievement, and the ability to apply knowledge;

"(B) effectively convey and explain academic subject matter;

"(C) employ strategies grounded in the disciplines of teaching and learning that—

"(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

"(ii) are specific to academic subject matter; and

"(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

"(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

"(E) effectively manage a classroom;

"(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

"(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

"(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

"(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

"(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

"(C) acquires effective teaching skills; and

"(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

"SEC. 202. PARTNERSHIP GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

"(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

"(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

"(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

"(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

"(5) a resource assessment that describes the resources available to the partnership, including—

"(A) the integration of funds from other related sources;

"(B) the intended use of the grant funds;

"(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

"(6) a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

"(C) the partnership's evaluation plan under section 204(a);

"(D) how the partnership will align the teacher preparation program with the—

"(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

"(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

"(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

"(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

"(G) the in-service professional development strategies and activities to be supported; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

"(7) with respect to the induction program required as part of the activities carried out under this section—

"(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

"(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

"(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

"(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

"(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

"(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

"(1) REFORMS.—

"(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

"(i) preparing—

"(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

"(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

"(III) as applicable, early childhood educators to be highly competent; and

"(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

"(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

"(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

"(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

"(I) can understand and implement research-based teaching practices in classroom-based instruction;

"(II) have knowledge of student learning methods;

"(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

"(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

"(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

"(bb) differentiate instruction for such students; and

"(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

"(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

"(iv) developing and implementing an induction program; and

"(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

"(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

"(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

"(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

"(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

"(C) Provide high-quality teacher mentoring.

"(D)(i) Be offered over the course of a program of teacher preparation;

"(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

"(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

"(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

"(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

"(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

"(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

"(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

"(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

"(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

"(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

"(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

"(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

"(C) Ensuring that teaching residents that participated in the teaching residency program receive—

"(i) effective preservice preparation as described in paragraph (2);

"(ii) teacher mentoring;

"(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

"(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

"(2) TEACHING RESIDENCY PROGRAMS.—

"(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

"(i) The integration of pedagogy, classroom practice, and teacher mentoring.

"(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

"(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

"(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

"(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

"(III) who may have full relief from teaching duties as a result of such additional responsibilities.

"(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

"(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

"(II) Appropriate instruction that engages students with different learning styles.

"(III) Collaboration with colleagues to improve instruction.

"(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

"(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

"(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

"(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

"(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

"(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

"(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

"(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

"(II) submit an application to the teaching residency program.

"(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

"(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

"(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

"(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

"(C) STIPEND AND SERVICE REQUIREMENT.—

"(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

"(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

"(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

"(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

"(g) CONSULTATION.—

"(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

"(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

"(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

"(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

"(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 203. ADMINISTRATIVE PROVISIONS.

"(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

"(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

"(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

"(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

"(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

"(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 204. ACCOUNTABILITY AND EVALUATION.

"(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

"(1) student achievement for all students as measured by the eligible partnership;

"(2) teacher retention in the first 3 years of a teacher's career;

"(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

"(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

"(B) the percentage of such teachers who are members of under represented groups;

"(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

"(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

"(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

"(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

"(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

"(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

"(1) successful practices developed by eligible partnerships under this part; and

"(2) information regarding such practices that were found to be ineffective.

"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

"(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

"(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

"(ii) the percentage of all such students who passed each such assessment;

"(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

"(iv) the average scaled score for all students who took each such assessment;

"(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

"(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

"(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

"(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

"(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

"(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

"(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

"(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

"(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

"(D) For each of the assessments used by the State for teacher certification or licensure—

"(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

"(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

"(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

"(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

"(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

"(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

"(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

"(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

"(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

"(i) area of certification or licensure;

"(ii) academic major; and

"(iii) subject area for which the teacher has been prepared to teach.

"(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

"(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

"(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

"(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

"(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

"(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 205A. TEACHER DEVELOPMENT.

"(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

"(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

"(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

"(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

"(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

"(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

"(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

"(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

"(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

"SEC. 206. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

"(b) Termination of Eligibility.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department;

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

"(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

"(c) Negotiated Rulemaking.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

"(d) Application of the Requirements.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

"SEC. 207. GENERAL PROVISIONS.

"(a) Methods.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

"(b) Special Rule.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

"(c) Release of Information to Teacher Preparation Programs.—

"(1) In general.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

"(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

"(B) is possessed, controlled, or accessible by the State educational agency.

"(2) Content of information.—The information described in paragraph (1)—

"(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

"(B) may include—

"(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

"(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—GENERAL PROVISIONS

"SEC. 231. LIMITATIONS.

"(a) Federal Control Prohibited.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

"(b) No Change in State Control Encouraged or Required.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(c) National System of Teacher Certification or Licensure Prohibited.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.".

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "351" and inserting "391"; and

(B) in paragraph (3)(F), by inserting ", including services that will assist in the education of special populations" before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting ", including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.";

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking "distance learning academic instruction capabilities" and inserting "distance education technologies"; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking "subsection (c)" and inserting "subsection (b) and section 391".

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking "subsection (c) of this section" and inserting "subsection (d)"; and

(2) in subsection (d)(2), by striking "subdivision" and inserting "paragraph".

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

"(3) Tribal college or university.—The term 'Tribal College or University' means an institution that—

"(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

"(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).";

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: "and the acquisition of real property adjacent to the campus of the institution";

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

"(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;";

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

"(M) developing or improving facilities for Internet use or other distance education technologies; and"; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking "subparagraphs (A) through (K)" and inserting "subparagraphs (A) through (M)"; and

(3) by striking subsection (d) and inserting the following:

"(d) Application, Plan, and Allocation.—

"(1) Institutional eligibility.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) Application.—

"(A) In general.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(B) Streamlined process.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

"(3) Allocations to institutions.—

"(A) Construction grants.—

"(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

"(B) ALLOTMENT OF REMAINING FUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

"(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

"(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

"(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

"(4) SPECIAL RULES.—

"(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

"SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

"(b) DEFINITIONS.—In this section:

"(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

"(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

"(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

"(B) is not a Tribal College or University (as defined in section 316).

"(c) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

"(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

"(D) curriculum development and academic instruction;

"(E) the purchase of library books, periodicals, microfilm, and other educational materials;

"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

"(G) the joint use of facilities such as laboratories and libraries; and

"(H) academic tutoring and counseling programs and student support services.

"(d) APPLICATION PROCESS.—

"(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

"(2) APPLICATIONS.—

"(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

"(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

"(C) CONTENT.—An application submitted under subparagraph (A) shall include—

"(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

"(ii) such other information and assurances as the Secretary may require.

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting ", in consultation with the Commissioner for Education Statistics" before "and the Commissioner".

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "360(a)(2)" and inserting "399(a)(2)";

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

"(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

"(1) enrolled Federal Pell Grant recipients in the preceding academic year;

"(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

"(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.".

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting ", and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement" after "services";

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

"(5) tutoring, counseling, and student service programs designed to improve academic success;

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;";

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking "establish or improve" and inserting "establishing or improving";

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking "assist" and inserting "assisting"; and

(ii) by striking "and" after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(10) other activities proposed in the application submitted under subsection (d) that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after "the following";

(ii) in subparagraph (Q), by striking "and" at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(S) Alabama State University qualified graduate program;

"(T) Coppin State University qualified graduate program;

"(U) Prairie View A & M University qualified graduate program;

"(V) Fayetteville State University qualified graduate program;

"(W) Delaware State University qualified graduate program;

"(X) Langston University qualified graduate program;

"(Y) West Virginia State University qualified graduate program;

"(Z) Kentucky State University qualified graduate program; and

"(AA) Grambling State University qualified graduate program.";

(B) in paragraph (2)(A)—

(i) by inserting "in law or" after "instruction"; and

(ii) by striking "mathematics, or" and inserting "mathematics, psychometrics, or";

(C) in paragraph (3)—

(i) by striking "1998" and inserting "2007"; and

(ii) by striking "(Q) and (R)" and inserting "(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)";

(3) in subsection (f)—

(A) in paragraph (1), by striking "(P)" and inserting "(R)";

(B) in paragraph (2), by striking "(Q) and (R)" and inserting "(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)"; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "(R)" and inserting "(AA)";

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

"(i) allocates from institutional resources;

"(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

"(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

"(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.";

(iii) in subparagraph (C), by striking "(or the equivalent) enrolled in the eligible professional or graduate school" and all that follows through the period and inserting "enrolled in the qualified programs or institutions listed in paragraph (1).";

(iv) in subparagraph (D)—

(I) by striking "students" and inserting "Black American students or minority students"; and

(II) by striking "institution" and inserting "institution or program"; and

(v) by striking subparagraph (E) and inserting the following:

"(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year."; and

(4) in subsection (g), by striking "1998" and inserting "2007".

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking "and" after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.".

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ",," and inserting ",";

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting "SALE OF QUALIFIED BONDS.—" before "Notwithstanding";

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking "support" and inserting "supports";

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)";

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking "eligible institutions under part A institutions" and inserting "eligible institutions under part A"; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking "360" and inserting "399".

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "2004" and inserting "2013"; and

(ii) in the second sentence, by striking ",," and inserting ","; and

(B) in paragraph (3), by striking "this subpart" and inserting "this section";

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $5,400 for academic year 2008–2009;

"(ii) $5,700 for academic year 2009–2010;

"(iii) $6,000 for academic year 2010–2011; and

"(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.";

(B) by striking paragraph (3);

(C) in paragraph (5), by striking "$400, except" and all that follows through the period and inserting "10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level."; and

(D) by striking paragraph (6) and inserting the following:

"(6) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year."; and

(3) in subsection (c), by adding at the end the following:

"(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

"(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

"(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "academic"; and

(B) in paragraph (2), by striking "third or fourth academic" and inserting "third, fourth, or fifth";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "full-time" and all that follows through "is made" and inserting "student who";

(B) by striking paragraph (1) and inserting the following:

"(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;";

(C) by striking paragraph (2) and inserting the following:

"(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and"; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "academic" and all that follows through "higher education" and inserting "year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)"; and

(II) in clause (ii)—

(aa) by striking "academic"; and

(bb) by striking "or" after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking "academic";

(II) by striking "four" and inserting "4";

(III) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

"(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

"(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

"(aa) 4 years of study in mathematics; and

"(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

"(ii) offered such curriculum prior to February 8, 2006; or

"(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

"(i) is pursuing a major in—

"(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

"(II) a critical foreign language; and

"(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "The" and inserting "IN GENERAL.—The";

(II) in clause (ii), by striking "or" after the semicolon at the end;

(III) in clause (iii), by striking "subsection (c)(3)(C)." and inserting "subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or"; and

(IV) by adding at the end the following:

"(iv) $4,000 for an eligible student under subsection (c)(3)(E)."; and

(ii) in subparagraph (B)—

(I) by striking "Notwithstanding" and inserting "LIMITATION; RATABLE REDUCTION.—Notwithstanding";

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

"(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);";

(B) by striking paragraph (2) and inserting the following:

"(2) LIMITATIONS.—

"(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

"(B) NUMBER OF GRANTS.—

"(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

"(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

"(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

"(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study."; and

(C) by adding at the end the following:

"(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.";

(5) by striking subsection (e)(2) and inserting the following:

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.";

(6) in subsection (f)—

(A) by striking "at least one" and inserting "not less than 1"; and

(B) by striking "subsection (c)(3)(A) and (B)" and inserting "subparagraphs (A) and (B) of subsection (c)(3)"; and

(7) in subsection (g), by striking "academic" and inserting "award".

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "4" and inserting "5";

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.";

(2) in subsection (c)—

(A) in paragraph (2), by striking "service delivery" and inserting "high quality service delivery, as determined under subsection (f),";

(B) in paragraph (3)(B), by striking "is not required to" and inserting "shall not"; and

(C) in paragraph (5), by striking "campuses" and inserting "different campuses";

(3) in subsection (e), by striking "(g)(2)" each place the term occurs and inserting "(h)(4)";

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

"(f) OUTCOME CRITERIA.—

"(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

"(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

"(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

"(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

"(i) the delivery of service to a total number of students served by the program;

"(ii) the continued secondary school enrollment of such students;

"(iii) the graduation of such students from secondary school;

"(iv) the enrollment of such students in an institution of higher education; and

"(v) to the extent practicable, the postsecondary education completion of such students.

"(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

"(ii) such students' school performance, as measured by the grade point average, or its equivalent;

"(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

"(iv) the retention in, and graduation from, secondary school of such students; and

"(v) the enrollment of such students in an institution of higher education.

"(C) For programs authorized under section 402D—

"(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

"(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

"(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

"(aa) the completion of a degree or certificate by such students; and

"(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

"(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

"(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

"(ii) the provision of appropriate scholarly and research activities for the students served by the program;

"(iii) the acceptance and enrollment of such students in graduate programs; and

"(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

"(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

"(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

"(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

"(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.";

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking "$700,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years."; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

"(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

"(A) is geographically apart from the main campus of the institution;

"(B) is permanent in nature; and

"(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

"(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

"(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

"(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.";

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking "or" after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days."; and

(D) in paragraph (6), by striking "subparagraph (A) or (B) of paragraph (3)" and inserting "subparagraph (A), (B), or (C) of paragraph (5)".

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "to identify qualified youths with potential for education at the postsecondary level and to encourage such youths" and inserting "to encourage eligible youths";

(B) in paragraph (2), by inserting ", and facilitate the application for," after "the availability of"; and

(C) in paragraph (3), by striking ", but who have the ability to complete such programs, to reenter" and inserting "to enter or reenter, and complete";

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

"(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

"(1) personal and career counseling or activities;

"(2) information and activities designed to acquaint youths with the range of career options available to the youths;

"(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

"(4) workshops and counseling for families of students served;

"(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

"(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system."; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking "talent search projects under this chapter" and inserting "projects under this section".

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary and postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.";

(2) in subsection (c)—

(A) in the subsection heading, by striking "REQUIRED SERVICES" and inserting "ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS"; and

(B) by striking "upward bound project assisted under this chapter" and inserting "project assisted under this section";

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

"(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

"(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

"(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

"(3) on-campus residential programs;

"(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

"(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

"(6) special services to enable veterans to make the transition to postsecondary education; and

"(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

"(e) PRIORITY.—In providing assistance under this section the Secretary—

"(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

"(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.";

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking "upward bound projects under this chapter" and inserting "projects under this section"; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking "during June, July, and August" each place the term occurs and inserting "during the summer school recess, for a period not to exceed 3 months"; and

(B) by striking "(b)(10)" and inserting "(d)(5)".

(7) by adding at the end the following:

"(h) ADDITIONAL FUNDS.—

"(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

"(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

"(ii) receive a grant score above 70 on the applicant's application.

"(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.".

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) by striking paragraph (3) and inserting the following:

"(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system."; and

(C) by adding at the end the following:

"(4) to improve the financial literacy and economic literacy of students, including—

"(A) basic personal income, household money management, and financial planning skills; and

"(B) basic economic decisionmaking skills.";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

"(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in postsecondary course selection;

"(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

"(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

"(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

"(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

"(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

"(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

"(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

"(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

"(5) mentoring programs involving faculty or upper class students, or a combination thereof;

"(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

"(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act

(42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) Postbaccalaureate Achievement Program Authority.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''Required'' before ''Services'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) Permissible Services.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) Educational Opportunity Centers.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) Staff Development Activities.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) Reports, Evaluations, and Grants for Project Improvement and Dissemination.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) Reports to the Authorizing Committees.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) Practices.—

''(A) In general.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) Primary purpose.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) Dissemination and use of evaluation findings.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) Recruitment.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.''.

(i) Additional Amendment to Postbaccalaureate Achievement Program.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) Early Intervention and College Awareness Program Authorized.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) Program Authorized.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.'';

(2) by striking subsection (b)(2)(A) and inserting the following:

''(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;''; and

(3) in subsection (b), by adding at the end the following:

''(3) Carry over.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

(4) by striking subsection (c)(2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more degree granting institutions of higher education; and

"(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.".

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

"(a) FUNDING RULES.—

"(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

"(A) the geographic distribution of such awards; and

"(B) the distribution of such awards between urban and rural applicants.

"(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.";

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

"(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.".

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking "**ELIGIBLE ENTITY PLANS**" and inserting "**APPLICATIONS**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "PLAN" and inserting "APPLICATION";

(B) in paragraph (1)—

(i) by striking "a plan" and inserting "an application"; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

"(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

"(B) describe how the eligible agency will meet the requirements of section 404E;

"(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

"(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

"(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

"(i) how vacancies in the program under this chapter will be filled; and

"(ii) how the eligible entity will serve students attending different secondary schools;

"(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

"(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

"(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.";

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking "a plan" and inserting "an application"; and

(B) by striking "such plan" and inserting "such application"; and

(4) in subsection (c)(1), by striking "paid to students from State, local, institutional, or private funds under this chapter" and inserting "obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,";

(5) in subsection (c)(1), by striking the semicolon at the end and inserting "including—

"(A) the amount contributed to a student scholarship fund established under section 404E; and

"(B) the amount of the costs of administering the scholarship program under section 404E;".

(6) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.".

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

"SEC. 404D. ACTIVITIES.

"(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

"(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

"(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

"(3) Support activities designed to improve the number of participating students who—

"(A) obtain a secondary school diploma; and

"(B) complete applications for and enroll in a program of postsecondary education.

"(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

"(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

"(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

"(3) Providing supportive services to eligible students.

"(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

"(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

"(A) meeting challenging academic standards;

"(B) successfully applying for postsecondary education;

"(C) successfully applying for student financial aid; and

"(D) developing graduation and career plans.

"(6) Providing support for scholarships described in section 404E.

"(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

"(8) Providing an intensive extended school day, school year, or summer program that offers—

"(A) additional academic classes; or

"(B) assistance with college admission applications.

"(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

"(A) the identification of at-risk children;

"(B) after-school and summer tutoring;

"(C) assistance to at-risk children in obtaining summer jobs;

"(D) academic counseling;

"(E) volunteer and parent involvement;

"(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

"(G) skills assessments;

"(H) personal counseling;

"(I) family counseling and home visits;

"(J) staff development; and

"(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

"(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

"(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

"(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

"(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

"(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing technical assistance to—

"(A) middle schools or secondary schools that are located within the State; or

"(B) partnerships described in section 404A(c)(2) that are located within the State.

"(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

"(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

"(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

"(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

"(B) Identifying and disseminating information on best practices with respect to—

"(i) increasing parental involvement; and

"(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

"(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

"(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

"(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

"(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

"(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

"(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

"(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

"(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.".

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—

"(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

"(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.";

(4) in subsection (d) (as redesignated by paragraph (2)), by striking "the lesser of" and all that follows through the period at the end of paragraph (2) and inserting "the minimum Federal Pell Grant award under section 401 for such award year.";

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

"(e) PORTABILITY OF ASSISTANCE.—

"(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

"(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

"(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

"(B) enrolled in an institution of higher education.

"(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

"(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

"(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

"(4) RETURN OF FUNDS.—

"(A) REDISTRIBUTION.—

"(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

"(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

"(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter."; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking "1993" and inserting "2001"; and

(B) in paragraph (4), by striking "early intervention component required under section 404D" and inserting "activities required under section 404D(a)".

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking "404H" and inserting "404G";

(2) in section 404B(a)(1), by striking "404H" and inserting "404G"; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking "404H" and inserting "404G".

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking "$450" and inserting "$600".

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking "such institution" and all that follows through the period and inserting "such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).".

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.”.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking “not in excess of $5,000 per academic year” and inserting “not to exceed the lesser of $12,500 or the student's cost of attendance per academic year”; and

(2) by striking paragraph (10) and inserting the following:

“(10) provides notification to eligible students that such grants are—

“(A) Leveraging Educational Assistance Partnership grants; and

“(B) funded by the Federal Government, the State, and other contributing partners.”.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

“(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

“(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

“(A) carry out activities under this section; and

“(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

“(2) provide need-based grants for access and persistence to eligible low-income students;

“(3) provide early notification to low-income students of the students' eligibility for financial aid; and

“(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

“(b) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

“(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

“(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

“(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

“(i) If a State applies for an allotment under this section in partnership with—

“(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

“(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

“(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

“(ii) If a State applies for an allotment under this section in partnership with—

“(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

“(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

“(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

“(B) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

“(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

“(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

“(c) APPLICATION FOR ALLOTMENT.—

“(1) IN GENERAL.—

“(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

“(i) A description of the State's plan for using the allotted funds.

“(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

“(I) The State shall specify the methods by which non-Federal share funds will be paid, and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

“(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

“(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

“(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

“(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

“(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

“(I) Leveraging Educational Assistance Partnership Grants; and

“(II) funded by the Federal Government, the State, and other contributing partners.

“(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

“(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

“(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

“(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

“(C) not less than 1—

“(i) philanthropic organization located in, or that provides funding in, the State; or

“(ii) private corporation located in, or that does business in, the State.

“(4) ROLES OF PARTNERS.—

“(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) serve as the primary administrative unit for the partnership;

“(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

“(III) encourage each institution of higher education in the State to participate in the partnership;

“(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

“(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

“(ii) may provide early information and intervention, mentoring, or outreach programs.

“(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

“(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

“(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and "(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

"(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

"(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

"(B) AMOUNT OF GRANTS.—

"(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

"(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded to a student by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used toward the cost of attendance at an institution of higher education located in the State.

"(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded to students by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student).

"(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded to a student by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used by the student to attend an institution of higher education located in the State.

"(C) SPECIAL RULES.—

"(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

"(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

"(2) EARLY NOTIFICATION.—

"(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

"(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

"(i) shall include—

"(I) information about early information and intervention, mentoring, or outreach programs available to the student;

"(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

"(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

"(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

"(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

"(aa) meet the requirement under paragraph (3);

"(bb) graduate from secondary school; and

"(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

"(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

"(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

"(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

"(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

"(II) annual Federal and State appropriations; and

"(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

"(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

"(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

"(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

"(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

"(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

"(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

"(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

"(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

"(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

"(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

"(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

"(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

"(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

"(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

"(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

"(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

"(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.".

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d-2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking "parents" and inserting "immediate family";

(B) in paragraph (3)(B), by inserting "(including preparation for college entrance examinations)" after "college program";

(C) in paragraph (5), by striking "weekly";

(D) in paragraph (7), by striking "and" after the semicolon;

(E) in paragraph (8)—

(i) by inserting "(such as transportation and child care)" after "services"; and

(ii) by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(9) other activities to improve persistence and retention in postsecondary education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "parents" and inserting "immediate family"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "to improve placement, persistence, and retention in postsecondary education," after "services"; and

(II) in clause (i), by striking "and career" and inserting "career, and economic education or personal finance";

(iii) in subparagraph (E), by striking "and" after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

"(F) internships; and"; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking "support services" and inserting "essential supportive services (such as transportation and child care)" ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ", and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and"; and

(iii) by adding at the end the following:

"(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.";

(3) in subsection (e), by striking "section 402A(c)(1)" and inserting "section 402A(c)(2)";

(4) in subsection (f)—

(A) in paragraph (1), by striking "$150,000" and inserting "$180,000"; and

(B) in paragraph (2), by striking "$150,000" and inserting "$180,000";

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

"(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).";

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

"(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

"(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

"(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

"(3) make such report available to the public."; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking "$15,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years."; and

(B) in paragraph (2), by striking "$5,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d-36(a)) is amended by inserting "(or a home school, whether treated as a home school or a private school under State law)" after "public or private secondary school".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d-41) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking "A grant" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), a grant"; and

(2) by adding at the end the following:

"(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.".

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

"(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

"(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

"(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

"(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

"(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking "and" after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

"(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

"(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

"(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

"(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

"(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education."; and

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.";

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking "and" after the semicolon;

(II) in subclause (IV), by striking "and" after the semicolon; and

(III) by adding at the end the following:

"(V) the effective date of the transfer;

"(VI) the date the current servicer will stop accepting payments; and

"(VII) the date at which the new servicer will begin accepting payments."; and

(C) by striking paragraph (3) and inserting the following:

"(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

"(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

"(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

"(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

"(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

"(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

"(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

"(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department."; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking "preclaims" and inserting "default aversion"; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking "and" after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

"(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

"(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

"(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

"(II) the fact that interest will accrue on the loan for the period of forbearance;

"(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

"(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

"(V) the borrower's option to discontinue the forbearance at any time.".

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

"(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

"(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

"(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

"(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

"(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

"(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

"(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

"(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

"(I) the borrower will lose all interest-free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

"(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

"(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

"(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

"(vi) the consequences of default on the consolidation loan; and

"(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and".

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking "428C(b)(1)(F)" and inserting "428C(b)(1)(H)".

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: "Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history."; and

(B) by adding at the end the following:

"(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan."; and

(2) by adding at the end the following:

"(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.".

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking "**CREDIT BUREAUS**" and inserting "**CONSUMER REPORTING AGENCIES**"; and

(2) in subsection (a)—

(A) in the first sentence, by striking "with credit bureau organizations" and inserting "with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))";

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

"(1) the type of loan made, insured, or guaranteed under this title;";

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

"(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)";

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(6) any other information required to be reported by Federal law.".

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: "Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.".

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

"(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

"(g) LOAN BENEFIT DISCLOSURES.—

"(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

"(A) by repaying the loan by automatic payroll or checking account deduction;

"(B) by completing a program of on-time repayment; and

"(C) under any other interest rate reduction program.

"(2) INFORMATION.—Such borrower information shall include—

"(A) any limitations on such options;

"(B) explicit information on the reasons a borrower may lose eligibility for such an option;

"(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

"(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

"(E) information on borrower recertification requirements.".

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

"SEC. 433A. CONSUMER EDUCATION INFORMATION.

"Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.".

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

"(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

"(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

"(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

"(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

"(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

"(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

"(i) is also employed by the lender for other purposes; and

"(ii) made all appropriate disclosures regarding such employment;"; and

(2) by adding at the end the following:

"(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

"(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

"(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

"(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

"(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

"(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

"(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

"(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

"(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.".

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting ", or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months" after "of the Secretary),"; and

(2) by adding at the end the following: "The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

"(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

"(A) receives a loan made, insured or guaranteed under this title; or

"(B) has earned income in excess of the poverty line; or

"(2) the Secretary determines necessary.".

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking "or if he" and inserting "if the borrower"; and

(B) by inserting ", or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months" after "the Secretary"; and

(2) by adding at the end the following:

"(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

"(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

"(i) receives a loan made, insured or guaranteed under this title; or

"(ii) has earned income in excess of the poverty line; or

"(B) the Secretary determines necessary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking "$1,000,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking "this subparagraph if" and all that follows through "institution;" and inserting "this subparagraph if—

"(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

"(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;".

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking "$50,000" and inserting "$75,000".

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking "work-learning" and inserting "work-learning-service";

(2) in subsection (b)—

(A) in paragraph (1), by striking "under subsection (f)" and inserting "for this section under section 441(b)"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "pursuant to subsection (f)" and inserting "for this section under section 441(b)";

(ii) in subparagraph (A), by striking "work-learning program" and inserting "comprehensive work-learning-service program";

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

"(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and";

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking "work-learning" each place the term occurs and inserting "work-learning-service"; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking "work service learning" and inserting "work-learning-service";

(3) in subsection (c), by striking "by subsection (f) to use funds under subsection (b)(1)" and inserting "for this section under section 441(b) or to use funds under subsection (b)(1),";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "4-year, degree-granting" after "nonprofit";

(ii) in subparagraph (B), by striking "work-learning" and inserting "work-learning-service";

(iii) by striking subparagraph (C) and inserting the following:

"(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and"; and

(iv) in subparagraph (D), by striking "work-learning" and inserting "work-learning-service"; and

(B) by striking paragraph (2) and inserting the following:

"(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

"(A) is an integral and stated part of the institution's educational philosophy and program;

"(B) requires participation of all resident students for enrollment and graduation;

"(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

"(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

"(E) recognizes the educational role of work-learning-service supervisors; and

"(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program."; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking "$250,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 2008 through 2012.".

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking ", upon written request," and inserting ", as documented in accordance with paragraph (2),";

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting "(1)" after "FORBEARANCE.—"; and

(D) by adding at the end the following:

"(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

"(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

"(B) recording the terms in the borrower's file."; and

(2) in subsection (j), by striking "(e)(3)" and inserting "(e)(1)(C)".

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "Head Start Act which" and inserting "Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that";

(B) in subparagraph (H), by striking "or" after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

"(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

"(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

"(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting "(D)," after "(C),"; and

(ii) by striking "or (I)" and inserting "(I), (J), (K), or (L)";

(B) in clause (ii), by inserting "or" after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

"(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting ", except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded" before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting "and that measures program length in credit hours or clock hours" after "baccalaureate degree".

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

"(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

"(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

"(2) the required recipients of each report or disclosure;

"(3) any required method for transmittal or dissemination of each report or disclosure;

"(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

"(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

"(6) any other information which is pertinent to the content or distribution of the report or disclosure.".

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

"(1) IN GENERAL.—

"(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

"(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

"(2) PAPER FORMAT.—

"(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

"(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

"(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

"(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

"(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

"(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

"(C) PHASE-OUT OF FULL PAPER FAFSA.—

"(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

"(I) phase out the printing of the full paper version of FAFSA;

"(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

"(III) provide a printed copy of the full paper version of FAFSA upon request.

"(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

"(3) ELECTRONIC VERSIONS.—

"(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

"(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

"(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

"(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

"(i) require applicants to complete data required by any State other than the applicant's State of residence; and

"(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

"(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

"(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

"(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

"(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

"(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

"(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

"(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

"(4) STREAMLINED REAPPLICATION PROCESS.—

"(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

"(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

"(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

"(5) STATE REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

"(i) which data items each State requires to award need-based State aid; and

"(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

"(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

"(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

"(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

"(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

"(ii) not require any resident of such State to complete any data items previously required by that State under this section.

"(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

"(i) by the applicant's State; or

"(ii) by the Secretary.

"(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

"(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

"(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

"(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

"(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

"(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.";

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "that is authorized" and all that follows through the period at the end and inserting "or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.";

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

"(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

"(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

"(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

"(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

"(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

"(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

"(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

"(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

"(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms."; and

(5) by adding at the end the following:

"(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

"(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

"(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the

Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

“(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

“(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

“(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

“(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

“(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

“(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

“(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

“(i) expected family contribution for the first year of the student's planned enrollment; and

“(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

“(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

“(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

“(A) States selected through the application process described in paragraph (5);

“(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

“(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

“(i) advertising the availability of the program;

“(ii) identifying students who might be interested in participating in the program;

“(iii) encouraging such students to apply; and

“(iv) participating in the evaluation of the program.

“(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

“(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

“(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

“(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

“(ii) estimates of State financial aid awards to other dependent students participating in the program;

“(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

“(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

“(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

“(ii) serve different populations of students;

“(iii) in the case of institutions of higher education—

“(I) to the extent possible, are of varying types and control; and

“(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

“(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

“(bb) estimates of institutional awards to other participating dependent students; and

“(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

“(E) a commitment to participate in the evaluation conducted by the Secretary; and

“(F) such other information as the Secretary may require.

“(6) SPECIAL PROVISIONS.—

“(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

“(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

“(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

“(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

“(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

“(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

“(C) determine what operational changes would be required to implement the program on a larger scale;

“(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

“(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

“(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

“(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

“(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

“(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

“(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

“(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

“(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

“(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

“(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

"(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

"(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

"(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

"(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

"(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

"(C) whether data provided by the Internal Revenue could be used to—

"(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

"(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

"(D) the extent to which the use of income data from 2 years prior to a student's planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

"(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

"(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

"(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

"(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

"(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

"(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

"(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

"(iii) whether data are required by State law, State regulations, or policy directives;

"(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

"(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

"(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

"(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

"(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

"(A) Program costs.

"(B) Redistributive effects on students.

"(C) Accuracy of aid determinations.

"(D) Reduction of burden to the FAFSA filers.

"(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

"(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

"(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.".

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

"(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.";

(2) by striking subsection (l) and inserting the following:

"(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

"(1) RELATION TO CORRESPONDENCE COURSES.—

"(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

"(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

"(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

"(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection."; and

(3) by adding at the end the following:

"(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

"(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

"(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

"(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

"(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

"(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

"(B) includes an advising and curriculum structure;

"(C) requires students to participate on at least a half-time basis, as determined by the institution; or

"(D) includes—

"(i) regular enrollment in courses offered by the institution;

"(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

"(iii) enrollment in noncredit, nondegree courses;

"(iv) participation in internships; or

"(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

"(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

"(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy."; and

(2) by adding at the end the following:

"(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.".

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking "may determine the appropriate withdrawal date." and inserting "may determine—

"(A) the appropriate withdrawal date; and

"(B) that the requirements of subsection (b)(2) do not apply to the student.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G)—

(I) by striking "program, and" and inserting "program,"; and

(II) by inserting ", and (iv) any plans by the institution for improving the academic program of the institution" after "instructional personnel"; and

(ii) by striking subparagraph (M) and inserting the following:

"(M) the terms and conditions of the loans that students receive under parts B, D, and E;";

(iii) in subparagraph (N), by striking "and" after the semicolon;

(iv) in subparagraph (O), by striking the period and inserting a semicolon; and

(v) by adding at the end the following:

"(P) institutional policies and sanctions related to copyright infringement, including—

"(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

"(ii) a summary of the penalties for violation of Federal copyright laws;

"(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions ,that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

"(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

"(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

"(i) male;

"(ii) female;

"(iii) from a low-income background; and

"(iv) a self-identified member of a major racial or ethnic group;

"(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

"(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

"(T) the fire safety report prepared by the institution pursuant to subsection (i); and

"(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.";

(B) by striking paragraph (4) and inserting the following:

"(4) For purposes of this section, institutions may—

"(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government."; and

(C) by adding at the end the following:

"(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.";

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through "465." and inserting the following:

"(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

"(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

"(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

"(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

"(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

"(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

"(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

"(vii) the consequences of default on such loans;

"(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

"(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

"(III) the ability of the borrower to prepay the loan or change repayment plans; and

"(IV) that borrower benefit programs may vary among different loan holders; and

"(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans."; and

(B) by adding at the end the following:

"(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

"(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

"(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

"(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

"(E) the consequences of default.";

(3) in subsection (d)(2)—

(A) by inserting "grant assistance, as well as State" after "describing State"; and

(B) by inserting "and other means, including through the Internet" before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

"(3) For purposes of this subsection, institutions may—

"(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.";

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting ", other than a foreign institution of higher education," after "under this title"; and

(ii) by adding at the end the following:

"(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

"(i) to notify the campus community in a reasonable and timely manner in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

"(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

"(iii) to test emergency response and evacuation procedures on an annual basis.";

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

"(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies."; and

(6) by adding at the end the following:

"(h) TRANSFER OF CREDIT POLICIES.—

"(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

"(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

"(B) a list of institutions of higher education with which the institution has established an articulation agreement.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

"(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

"(C) limit the application of the General Education Provisions Act; or

"(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

"(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

"(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

"(i) the number of fires and the cause of each fire;

"(ii) the number of injuries related to a fire that result in treatment at a medical facility;

"(iii) the number of deaths related to a fire; and

"(iv) the value of property damage caused by a fire;

"(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

"(C) the number of regular mandatory supervised fire drills;

"(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

"(E) plans for future improvements in fire safety, if determined necessary by such institution.

"(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

"(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

"(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

"(B) make annual reports to the campus community on such fires.

"(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

"(A) make such statistics submitted to the Secretary available to the public; and

"(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

"(i) identify exemplary fire safety policies, procedures, programs, and practices;

"(ii) disseminate information to the Administrator of the United States Fire Administration;

"(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

"(iv) develop a protocol for institutions to review the status of their fire safety systems.

"(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

"(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note);

"(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

"(D) establish any standard of care.

"(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.".

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

"(b) ENTRANCE COUNSELING FOR BORROWERS.—

"(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

"(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

"(i) during an entrance counseling session conducted in person;

"(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

"(iii) online, with the borrower acknowledging receipt and understanding of the information.

"(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

"(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

"(A) an explanation of the use of the Master Promissory Note;

"(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

"(i) the ability of the borrower to pay the interest while the borrower is in school; and

"(ii) how often interest is capitalized;

"(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

"(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

"(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

"(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

"(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.".

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101-610), by striking "effectiveness." and inserting "effectiveness;"; and

(C) by redesignating paragraph (5) (as added by Public Law 101-234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

"(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

"(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E; .

"(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

"(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

"(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

"(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

"(C) defines and explains the categories of information included in the data system;

"(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

"(E) explains the measures taken by the Department to safeguard the students' data; and

"(F) includes other information as determined appropriate by the Secretary;

"(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

"(A) submitted to the data system; and

"(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

"(5) regularly reviewing the data system to—

"(A) delete inactive users from the data system;

"(B) ensure that the data in the data system are not being used for marketing purposes; and

"(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

"(6) developing standardized protocols for limiting access to the data system that include—

"(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

"(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

"(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access."; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

"(e) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

"(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

"(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

"(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

"(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

"(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

"(2) STUDY.—

"(A) IN GENERAL.—The Secretary shall conduct a study regarding—

"(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

"(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

"(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.".

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

"SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

"(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

"(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

"(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

"(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

"(B) disseminate such informational materials as the Secretary determines necessary.

"(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

"(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

"(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

"(A) is as accurate as possible;

"(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

"(C) uses dissemination mechanisms suitable for adult learners.

"(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

"(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

"(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

"(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).".

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

"(21) CODE OF CONDUCT.—

"(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

"(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

"(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

"(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

"(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

"(v) INTERACTION WITH BORROWERS.—The institution will not—

"(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

"(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

"(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

"(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.";

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

"(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration."; and

(D) by adding at the end the following:

"(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

"(26) PREFERRED LENDER LISTS.—

"(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

"(i) clearly and fully disclose on the preferred lender list—

"(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

"(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

"(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

"(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

"(II) the preferred lender list—

"(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and "(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

"(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

"(I) highly competitive interest rates, terms, or conditions for loans made under part B;

"(II) high-quality customer service for such loans; or

"(III) additional benefits beyond the standard terms and conditions for such loans.

"(B) DEFINITION OF AFFILIATE; CONTROL.—

"(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

"(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

"(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

"(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

"(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

"(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).";

(2) in subsection (c)(1)(A)(i), by inserting ", except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States" before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

"(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

"(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

"(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

"(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

"(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

"(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title."; and

(5) by adding at the end the following:

"(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

"(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

"(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

"(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

"(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

"(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

"(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

"(i) conducted on campus or at a facility under the control of the institution;

"(ii) performed under the supervision of a member of the institution's faculty; and

"(iii) required to be performed by all students in a specific educational program at the institution.

"(F) Institutional aid, as follows:

"(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

"(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

"(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

"(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

"(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

"(2) SANCTIONS.—

"(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

"(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).".

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking "1998" and inserting "2007"; and

(B) by striking "1999" and inserting "2008"; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

"(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—"; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "Upon the submission of the report required by paragraph (2), the" and inserting "The"; and

(ii) by inserting "periodically" after "authorized to";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting ", including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492" after "requirements in this title";

(ii) by inserting "(other than an award rule related to an experiment in modular or compressed schedules)" after "award rules"; and

(iii) by inserting "unless the waiver of such provisions is authorized by another provision under this title" before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking "413D." and inserting "413D; and"; and

(3) by adding at the end "(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.".

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking "offsetting the administrative costs of" and inserting "administering".

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

"(i) of their eligibility for assistance under this title; and

"(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.";

(2) in subsection (c), by adding at the end the following:

"(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.";

(3) in subsection (d)(6), by striking ", but nothing" and all that follows through "or analyses";

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting "and simplification" after "modernization" each place the term appears; and

(ii) by striking "including" and all that follows through "Department,"; and

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) conduct a review and analysis of regulations in accordance with subsection (l); and

"(5) conduct a study in accordance with subsection (m).";

(5) in subsection (k), by striking "2004" and inserting "2013"; and

(6) by adding at the end the following:

"(l) REVIEW AND ANALYSIS OF REGULATIONS.—

"(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

"(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

"(3) CONSULTATION.—

"(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

"(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

"(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

"(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

"(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

"(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

"(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

"(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

"(A) The impact of such programs on baccalaureate attainment rates.

"(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

"(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

"(D) The ways in which nontraditional students can be specifically targeted by such programs.

"(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

"(4) CONSULTATION.—

"(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

"(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

"(5) REPORTS TO CONGRESS.—

"(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

"(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).".

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting "State student grant agencies," after "institutions of higher education,".

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

"(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

"(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

"(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

"(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;";

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;";

(C) by striking paragraph (6) and inserting the following:

"(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

"(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

"(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest policy; and

"(D) the right to representation by counsel for such an institution during an appeal of the adverse action;"; and

(D) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

"(A) the award of accreditation or reaccreditation of an institution;

"(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

"(C) any other adverse action taken with respect to an institution.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including those regarding distance education" after "their responsibilities";

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

"(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

"(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

"(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

"(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

"(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

"(C) The institution notifies the accrediting agency that the institution intends to cease operations.";

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

"(A) that are publicly disclosed; and

"(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.";

(3) in subsection (g), by adding at the end the following: "Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement."; and

(4) in subsection (o), by adding at the end the following: "Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).".

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting "and" after the semicolon; and

(2) by adding at the end the following:

"(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

"(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

"(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

"(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

"(B) to assume the liabilities of the closed institution.".

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

"(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

"(A) a written statement addressing the institution of higher education's response;

"(B) a written statement of the basis for such report or determination; and

"(C) a copy of the institution's response; and

"(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.".

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

"(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

"(1) the borrower's principal borrowed;

"(2) the borrower's current balance;

"(3) the interest rate on such loan;

"(4) the amount the borrower has paid in interest;

"(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

"(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

"(7) a description of each fee the borrower has been charged for the current payment period;

"(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

"(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

"(10) the lender's address and toll-free phone number for payment and billing error purposes.

"(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

"(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

"(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

"(3) The conditions under which a loan may default, and the consequences of default.

"(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

"(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

"(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

"(1) The options available to the borrower to be removed from default.

"(2) The relevant fees and conditions associated with each option.".

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting ", including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period at the end;

(3) by inserting after paragraph (5) the following:

"(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

"(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions."; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking "distance learning academic instruction capabilities" and inserting "distance education technologies".

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is a Hispanic-serving institution (as defined in section 502); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 512. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for 1 or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 513. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.".

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking "subsection (b)" and inserting "subsection (c)".

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking "section 503" and inserting "sections 503 and 512".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting "part A of" after "carry out";

(2) by striking "$62,500,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.";

(3) by striking "(a) AUTHORIZATIONS.—There are" and inserting the following:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are"; and

(4) by adding at the end the following:

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking "**AND PURPOSES**" and inserting "; **PURPOSES; CONSULTATION; SURVEY**";

(2) in subsection (a)(3), by striking "post-Cold War";

(3) in subsection (b)(1)(D), by inserting ", including through linkages with overseas institutions" before the semicolon; and

(4) by adding at the end the following:

"(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

"(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.".

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking "and" after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(I) support for instructors of the less commonly taught languages."; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

"(C) Programs of linkage or outreach between or among—

"(i) foreign language, area studies, or other international fields; and

"(ii) State educational agencies or local educational agencies.";

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting ", including Federal or State scholarship programs for students in related areas" before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking "and (D)" and inserting "(D), and (E)";

(2) in subsection (b)—

(A) in the subsection heading, by striking "GRADUATE"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

"(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

"(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

"(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

"(I) predissertation level study;

"(II) preparation for dissertation research;

"(III) dissertation research abroad; or

"(IV) dissertation writing.";

(3) by striking subsection (d) and inserting the following:

"(d) ALLOWANCES.—

"(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

"(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

"(A) are closely linked to the overall goals of the recipient's course of study; and

"(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures."; and

(4) by adding at the end the following:

"(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.".

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

"(I) providing subgrants to undergraduate students for educational programs abroad that—

"(i) are closely linked to the overall goals of the program for which the grant is awarded; and

"(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;"; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

"(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

"(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

"(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary."; and

(2) in subsection (c)—

(A) by striking "FUNDING SUPPORT.—The Secretary" and inserting "FUNDING SUPPORT.—

"(1) THE SECRETARY.—The Secretary";

(B) by striking "10" and inserting "20"; and

(C) by adding at the end the following:

"(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).".

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking "and" after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

"(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

"(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.".

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking "new electronic technologies" and inserting "electronic technologies";

(B) by inserting "from foreign sources" after "disseminate information";

(C) in the subsection heading, by striking "AUTHORITY.—The Secretary" and inserting "AUTHORITY.—

"(1) IN GENERAL.—The Secretary"; and

(D) by adding at the end the following:

"(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

"(A) An institution of higher education.

"(B) A public or nonprofit private library.

"(C) A consortium of an institution of higher education and 1 or more of the following:

"(i) Another institution of higher education.

"(ii) A library.

"(iii) A not-for-profit educational organization.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "to facilitate access to" and inserting "to acquire, facilitate access to,";

(B) in paragraph (2), by inserting "or standards for" after "means of";

(C) in paragraph (6), by striking "and" after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

"(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

"(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

"(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section."; and

(3) in subsection (c), by striking "institution or consortium" and inserting "institution of higher education, library, or consortium".

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking "evaluates the applications for comprehensive and undergraduate language and area centers and programs." and inserting "evaluates—

"(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

"(2) the applications for undergraduate foreign language and area or international studies centers and programs."; and

(2) in subsection (b), by adding at the end the following: "The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.".

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

"(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.".

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking "$80,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting ", and that diverse perspectives will be made available to students in programs under this section" before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: "Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.".

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking "$11,000,000 for fiscal year 1999" and all that follows through "fiscal years" and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years"; and

(2) in subsection (b), by striking "$7,000,000 for fiscal year 1999" and all that follows through "fiscal years," and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years".

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: "Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable."; and

(2) in subsection (e)—

(A) by striking "MATCH REQUIRED.—The eligible" and inserting "MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the eligible"; and

(B) by adding at the end the following:

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.".

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking "Tribally Controlled Colleges or Universities" and inserting "tribally controlled colleges or universities"; and

(B) by striking "international affairs programs." and inserting "international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title."; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting "and" after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking "as defined in section 322 of this Act"; and

(2) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities".

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking "masters" and inserting "advanced";

(2) in the first sentence, by inserting ", and in exceptional circumstances, a doctoral degree," after "masters degree";

(3) in the second sentence, by striking "masters degree" and inserting "advanced degree"; and

(4) in the fourth sentence, by striking "United States" and inserting "United States.".

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking "as defined in section 322 of this Act";

(B) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities";

(C) by striking "an international" and inserting "international,"; and

(D) by striking "the United States Information Agency" and inserting "the Department of State"; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting "and" after the semicolon;

(B) in subparagraph (F), by striking "; and" and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

"SEC. 626. FINANCIAL ASSISTANCE.

"(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

"(b) SUMMER STIPENDS.—

"(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

"(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

"(c) RALPH BUNCHE SCHOLARSHIP.—

"(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

"(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

"(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

"(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.".

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking "annually" and inserting "biennially".

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking "annual report described in section 626" and inserting "biennial report described in section 627".

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking "comprehensive language and area center" and inserting "comprehensive foreign language and area or international studies center";

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

"(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;";

(6) in paragraph (6), as redesignated by paragraph (2), by striking "and" after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

"(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and"; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking "undergraduate language and area center" and inserting "undergraduate foreign language and area or international studies center".

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

"SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

"(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

"(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

"SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

"The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

"SEC. 634. BIENNIAL REPORT.

"The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.".

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting ", including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering" before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

"(1) APPOINTMENT.—

"(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

"(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

"(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

"(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

"(iii) appoint members to represent the various geographic regions of the United States; and

"(iv) include representatives from minority institutions, as defined in section 365.".

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program".

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking "$30,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

"(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

"(1) the extent to which the interest in the area is compelling;

"(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

"(3) an assessment of how the program may achieve the most significant impact with available resources; and

"(4) an assessment of current and future professional workforce needs of the United States.".

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking "1999-2000" and inserting "2008-2009"; and

(B) by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program"; and

(2) in subsection (c)—

(A) by striking "716(a)" and inserting "715(a)"; and

(B) by striking "714(b)(2)" and inserting "713(b)(2)".

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999-2000" and inserting "2008-2009"; and

(2) by striking "1998-1999" and inserting "2007-2008".

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking "$35,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting "secondary school and" after "disadvantaged"; and

(B) by inserting "and admission to law practice" before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting "secondary school student or" before "college student";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "secondary school and" before "college students";

(B) by striking paragraph (2) and inserting the following:

"(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;";

(C) in paragraph (4), by striking "and" after the semicolon;

(D) by striking paragraph (5) and inserting the following:

"(4) to motivate and prepare such students—

"(A) with respect to law school studies and practice in low-income communities; and

"(B) to provide legal services to low-income individuals and families; and;"; and

(E) by adding at the end the following:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

"(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting "pre-college programs, undergraduate" before "pre-law";

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting "law school" before "graduation"; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;";

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

"(2) summer academic programs for secondary school students who have expressed interest in a career in the law;"; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting "and Associates" after "Thurgood Marshall Fellows";

(5) in subsection (e)(1), by inserting ", including before and during undergraduate study" before the semicolon;

(6) in subsection (f)—

(A) by inserting "national and State bar associations," after "agencies and organizations,"; and

(B) by striking "and organizations." and inserting "organizations, and associations.";

(7) by striking subsection (g) and inserting the following:

"(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking "$5,000,000 for fiscal year 1999" and all that follows through the period at the end and inserting "such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years".

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);";

(B) in paragraph (7), by striking "and" after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

"(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

"(A) focus on poverty and human capability; and

"(B) include—

"(i) a service-learning component; and

"(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths."; and

(2) by adding at the end the following:

"(c) PROJECT GRAD.—

"(1) PURPOSES.—The purposes of this subsection are—

"(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

"(B) to promote the establishment of new programs to implement such integrated education reform services.

"(2) DEFINITIONS.—In this subsection:

"(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

"(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

"(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

"(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

"(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

"(B) directly carry out—

"(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

"(ii) activities for the purpose of implementing new Project GRAD program sites;

"(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

"(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

"(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

"(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

"(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

"(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

"(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

"(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

"(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

"(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

"(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

"(3) CENTER ACTIVITIES.—The center funded under this section shall—

"(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

"(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

"(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

"(D) develop and disseminate best practices for such programs.

"(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

"(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

"(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

"(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

"(A) reviewing Federal higher education regulations;

"(B) maintaining a clearinghouse of compliance training materials; and

"(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

"(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

"(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

"(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

"(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

"(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

"(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

"(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

"(A)(i) a dependent student who is a child of—

"(I) an individual who is—

"(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

"(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

"(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

“(ii) an independent student who is a spouse of—

“(I) an individual who is—

“(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

“(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

“(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

“(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

“(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

“(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

“(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

“(B) $5,000.

“(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.”.

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

“(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

“(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

“(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

“(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

“(4) Development, evaluation and dissemination of model programs, including model core curricula that—

“(A) provide students with a broad and integrated knowledge base;

“(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

“(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

“(5) International cooperation and student exchanges among postsecondary educational institutions.”.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking “$30,000,000 for fiscal year 1999” and all that follows through the period and inserting “such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.”.

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “to teach students with disabilities” and inserting “to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education”;

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.”;

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting “, including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.”;

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

“(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

“(E) DISABILITY CAREER PATHWAYS.—

“(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

“(I) encourage interest and participation in such fields, among students with disabilities and other students;

“(II) enhance awareness and understanding of such fields among such students;

“(III) provide educational opportunities in such fields among such students;

“(IV) teach practical skills related to such fields among such students; and

“(V) offer work-based opportunities in such fields among such students.

“(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.”; and

(vi) by adding at the end the following:

“(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.”; and

(B) in paragraph (3), by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) through (G)”; and

(2) by adding at the end the following:

“(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.”.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking “**DEMONSTRATION**”;

(2) by inserting after the part heading the following:

“Subpart 1—Quality Higher Education”;

and

(3) by adding at the end the following:

“Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

“SEC. 771. PURPOSE.

“It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

“SEC. 772. DEFINITIONS.

“In this subpart:

“(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term ‘comprehensive transition and postsecondary program for students with intellectual disabilities’ means a degree, certificate, or nondegree program offered by an institution of higher education that—

“(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

“(B) includes an advising and curriculum structure; and

“(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

“(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term ‘student with an intellectual disability’ means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

“SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

“(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

“(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

"(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

"(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

"(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

"(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

"(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

"(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

"(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

"(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

"(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

"(A) academic enrichment;

"(B) socialization;

"(C) independent living, including self-advocacy skills; and

"(D) integrated work experiences and career skills that lead to gainful employment;

"(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

"(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

"(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

"(7) plans for the sustainability of the model program after the end of the grant period; and

"(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

"(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

"(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

"(a) IN GENERAL.—

"(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

"(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

"(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

"(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

"(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

"(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

"(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

"(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

"(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

"(i) an expert in higher education;

"(ii) an expert in special education;

"(iii) a disability organization that represents students with intellectual disabilities; and

"(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

"(B) define the necessary components of such programs, such as—

"(i) academic, vocational, social, and independent living skills;

"(ii) evaluation of student progress;

"(iii) program administration and evaluation;

"(iv) student eligibility; and

"(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

"(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

"(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

"(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

"(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

"(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking "part" and inserting "subpart";

(2) in section 762 (as amended by subsection (a)), by striking "part" each place the term appears and inserting "subpart";

(3) in section 763, by striking "part" both places the term appears and inserting "subpart";

(4) in section 764, by striking "part" and inserting "subpart"; and

(5) in section 765, by striking "part" and inserting "subpart".

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

(1) by striking paragraph (1) and inserting the following:

"(1) a description of how such institution plans to address the activities allowed under this subpart;";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

"PART E—RESEARCH GRANTS

"SEC. 781. RESEARCH GRANTS.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an institution of higher education;

"(B) a State agency responsible for higher education;

"(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

"(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

"(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

"(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

"(B) will reach a broad and diverse range of audiences;

"(C) has participated in work in improving postsecondary education;

"(D) has participated in work in developing or improving assessments to measure student achievement;

"(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

"(F) will focus on program specific measures of student achievement generally applicable to an entire—

"(i) institution of higher education; or

"(ii) State system of higher education.

"(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

"(1) the quality of an application for a grant under this section;

"(2) the distribution of the grants to different—

"(A) geographic regions;

"(B) types of institutions of higher education; and

"(C) higher education accreditors.

"(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

"(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

"(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

"(3) to measure improvement in student achievement over time;

"(4) to evaluate student achievement;

"(5) to develop models of effective practices; and

"(6) for a pilot or demonstration project of measures of student achievement.

"(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

"(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

"(h) REPORT.—

"(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

"(2) CONTENT.—The report shall include—

"(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

"(B) a description of the assessments or other measures developed by eligible entities;

"(C) the results of any pilot or demonstration projects assisted under this section; and

"(D) such other information as the Secretary may require.".

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

"(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

"(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

"(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

"(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

"(1) in an amount that does not exceed $1,000; and

"(2) for not more than 2 years of undergraduate study.

"(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

"(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

"(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

"(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

"(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

"(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001-2002 academic year and succeeding academic years;

"(2) identify and evaluate measures being used to control postsecondary education costs;

"(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

"(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

"(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

"(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

"(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

"(A) is independent, as defined in section 480(d);

"(B) attends an institution of higher education—

"(i) on less than a full-time basis;

"(ii) via evening, weekend, modular, or compressed courses; or

"(iii) via distance education methods; or

"(C) has delayed enrollment at an institution of higher education.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

“(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

“(B) local high-growth occupations or industries; and

“(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

“(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

“(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

“(2) take into consideration the capability of the institution of higher education—

“(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

“(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

“(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

“(D) to serve nontraditional or low-income students, or adult or displaced workers; and

“(E) to serve students from rural or remote communities.

“(e) USE OF FUNDS.—Grant funds provided under this section may be used—

“(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

“(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

“(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

“(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

“(5) to build partnerships with local businesses in high-growth occupations or industries;

“(6) to support curriculum development related to entrepreneurial training; and

“(7) for other uses that the Secretary determines to be consistent with the intent of this section.

“(f) REQUIREMENTS.—

“(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

“(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

“(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

“PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

“SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

“(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

“(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

“(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

“(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

“(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

“(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

“(c) GRANT AMOUNT; AWARD BASIS.—

“(1) GRANT AMOUNT.—For each academic year after academic year 2006-2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

“(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

“(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

“(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

“(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

“(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

“(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

“(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

“(i) an equitable geographic distribution of the grants among the States; and

“(ii) an equitable distribution of the grants among different types of institutions of higher education.

“(d) PROHIBITION.—

“(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

“PART E—AMERICAN HISTORY FOR FREEDOM

“SEC. 831. AMERICAN HISTORY FOR FREEDOM.

“(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

“(1) traditional American history;

“(2) the history and nature of, and threats to, free institutions; or

“(3) the history and achievements of Western civilization.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution of higher education as defined in section 101.

“(2) FREE INSTITUTION.—The term ‘free institution’ means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

“(3) TRADITIONAL AMERICAN HISTORY.—The term ‘traditional American history’ means—

“(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

“(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

“(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

“(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

“(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

“(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

“(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

“(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

"(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

"(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

"(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

"(3) sustain the activities funded under this part after the grant has expired.

"(e) USE OF FUNDS.—

"(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

"(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

"(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

"(ii) development, publication, and dissemination of instructional materials;

"(iii) research;

"(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

"(v) support for graduate and postgraduate fellowships, if applicable; or

"(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

"(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

"(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

"(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

"(iii) to faculty;

"(iv) to local educational agencies; and

"(v) within the local community.

"(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

"(A) collaboration with entities such as—

"(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

"(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

"(B) other activities that meet the purposes of this part.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART F—TEACH FOR AMERICA

"SEC. 836. TEACH FOR AMERICA.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

"(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

"(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

"(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

"(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

"(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

"(3) to serve a substantial number and percentage of underserved students.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

"(A) Recruiting and selecting teachers through a highly selective national process.

"(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

"(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

"(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

"(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

"(e) REPORTS AND EVALUATIONS.—

"(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

"(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

"(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

"(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

"(2) STUDY.—

"(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

"(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

"(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

"(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

"PART G—PATSY T. MINK FELLOWSHIP PROGRAM

"SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

"(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

"(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

"(c) PROGRAM AUTHORIZED.—

"(1) GRANTS BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

"(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

"(2) APPLICATIONS.—

"(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) APPLICATIONS MADE ON BEHALF.—

"(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

"(I) A graduate school or department of such institution.

"(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

"(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

"(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

"(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

"(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

"(A) take into account—

"(i) the number and distribution of minority and female faculty nationally;

"(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

"(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

"(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

"(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

"(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

"(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

"(i) are eligible for assistance under title III or title V; or

"(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

"(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

"(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

"(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

"(5) INSTITUTIONAL ALLOWANCE.—

"(A) IN GENERAL.—

"(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

"(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007-2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

"(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

"(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

"(d) FELLOWSHIP RECIPIENTS.—

"(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

"(A) intend to pursue a career in instruction at—

"(i) an institution of higher education (as the term is defined in section 101);

"(ii) an institution of higher education (as the term is defined in section 102(a)(1));

"(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

"(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

"(B) sign an agreement with the Secretary agreeing—

"(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

"(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

"(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

"(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

"(B) Impose a fine or penalty in an amount to be determined by the Secretary.

"(3) WAIVER AND MODIFICATION.—

"(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

"(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

"(i) inequitable and represent an extraordinary hardship; or

"(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

"(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

"(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

"(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

"(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

"(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

"(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

"(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

"(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

"(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

"(A) an evaluation of the local educational agency's and State's leadership strategies;

"(B) the secondary school curriculum and class offerings of the local educational agency and State;

"(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

"(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

"(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

"(F) strategies to mobilize student leaders to build a college-bound culture; and

"(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

"(A) participated in the needs assessment described in paragraph (2); and

"(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

"(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

"(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

"(2) in a college transition data management system.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART I—PREDOMINANTLY BLACK INSTITUTIONS

"SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

"(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

"(b) DEFINITIONS.—In this section:

"(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

"(A) has an enrollment of needy undergraduate students;

"(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

"(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

"(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

"(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

"(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

"(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

"(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

"(B) come from families that receive benefits under a means-tested Federal benefit program;

"(C) attended a public or nonprofit private secondary school—

"(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

"(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

"(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

"(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

"(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

"(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

"(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

"(A) that is an eligible institution with not less than 1,000 undergraduate students;

"(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

"(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

"(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(c) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

"(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

"(d) AUTHORIZED ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

"(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

"(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

"(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

"(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

"(A) The activities described in paragraphs (1) through (11) of section 311(c).

"(B) Academic instruction in disciplines in which Black Americans are underrepresented.

"(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

"(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

"(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

"(i) contribute to carrying out the purpose of this section; and

"(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

"(3) ENDOWMENT FUND.—

"(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

"(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

"(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

"(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

"(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

"(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

"(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

"(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

"(4) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

"(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

"(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

"(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

"(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

"PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

"SEC. 851. SHORT TITLE.

"This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

"SEC. 852. PURPOSE.

"It is the purpose of this part—

"(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

"(2) to create—

"(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

"(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

"(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

"In this part, the term 'early childhood education program' means—

"(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

"(A) provides early childhood education;

"(B) uses developmentally appropriate practices;

"(C) is licensed or regulated by the State; and

"(D) serves children from birth through age 5;

"(2) a Head Start Program carried out under the Head Start Act; or

"(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

"SEC. 854. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

"(1) to establish a State Task Force described in section 855; and

"(2) to support activities of the State Task Force described in section 856.

"(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

"(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

"(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

"SEC. 855. STATE TASK FORCE ESTABLISHMENT.

"(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

"(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

"SEC. 856. STATE TASK FORCE ACTIVITIES.

"(a) ACTIVITIES.—The State Task Force shall—

"(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

"(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

"(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

"(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

"(A) race, gender, and ethnicity;

"(B) compensation levels;

"(C) type of early childhood education program setting;

"(D) specialized knowledge of child development;

"(E) years of experience in an early childhood education program; and

"(F) attainment of—

"(i) academic credit for coursework;

"(ii) an academic degree;

"(iii) a credential;

"(iv) licensure; or

"(v) certification in early childhood education; and

"(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

"(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

"(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

"(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

"(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

"(i) shall only be provided to an individual who—

"(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

"(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

"(ii) shall be provided in an amount that does not exceed $17,500;

"(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

"(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

"(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

"(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

"(i) entry into and continuing education requirements for professional roles in the field;

"(ii) available financial assistance; and

"(iii) professional development and career advancement in the field;

"(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

"(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

"(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

"(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

"(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

"SEC. 857. STATE APPLICATION AND REPORT.

"(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

"(1) the membership of the State Task Force;

"(2) the activities for which the grant assistance will be used;

"(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

"(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

"(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

"(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

"(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

"(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

"(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

"SEC. 858. EVALUATIONS.

"(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

"(1) evaluate the activities that are assisted under this part in order to determine—

"(A) the effectiveness of the activities in achieving State goals;

"(B) the impact of a career lattice for individuals working in early childhood education programs;

"(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

"(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

"(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

"(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

"(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

"(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

"SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

"SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

"(a) PURPOSE.—The purpose of this section is—

"(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

"(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

"(b) DEFINITIONS.—In this section:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

"(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) 1 or more colleges or schools of engineering;

"(B) 1 or more colleges of science, engineering, or mathematics;

"(C) 1 or more institutions of higher education that offer 2-year degrees; and

"(D) 1 or more private entities that—

"(i) conduct career awareness activities showcasing local technology professionals;

"(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

"(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

"(iv) assist with placement of interns and apprentices.

"(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

"(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

"(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

"(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

"(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

"(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

"(4) Such other activities that are consistent with the purposes of this section.

"(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

"(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

"(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

"SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

"(A) meets the requirements of section 484(a);

"(B) is enrolled at least half time;

"(C) is not younger than age 19 and not older than age 33;

"(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

"(E) has a family income below 200 percent of the poverty line;

"(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

"(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

"(c) USES OF FUNDS.—

"(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

"(A) to provide scholarships in accordance with subsection (d); and

"(B) to provide counseling services in accordance with subsection (e).

"(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

"(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

"(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

"(C) to evaluate the success of the program.

"(d) SCHOLARSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Each scholarship awarded under this section shall—

"(A) be awarded for 1 academic year;

"(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

"(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

"(D) be paid in increments of—

"(i) $250 upon enrollment (prorated for quarters);

"(ii) $250 upon passing midterm examinations (prorated for quarters); and

"(iii) $500 upon passing courses (prorated for quarters).

"(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

"(e) COUNSELING SERVICES.—

"(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

"(A) have a caseload of less than 125 students;

"(B) use a proactive, team-oriented approach to counseling;

"(C) hold a minimum of 2 meetings with students each semester; and

"(D) provide referrals to and follow-up with other student services staff, including financial and career services.

"(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

"(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) the number of students to be served under this section;

"(2) a description of the scholarships and counseling services that will be provided under this section; and

"(3) a description of how the program under this section will be evaluated.

"(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

"(h) EVALUATION.—

"(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

"(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

"(A) When students are recruited for the program, all students will be told about the program and the evaluation.

"(B) Baseline data will be collected from all applicants for assistance under this section.

"(C) Students will be assigned randomly to 2 groups, which will consist of—

"(i) a program group that will receive the scholarship and the additional counseling services; and

"(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

"(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

"SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

"(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

"(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

"(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

"(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 50 percent.

"(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

"(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

"(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

"(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

"(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

"(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

"(A) security assessments;

"(B) security training of personnel and students at the institution of higher education or consortium;

"(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

"(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

"(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

"(d) Application.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) Technical Assistance.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

"(f) Rule of Construction.—Nothing in this section shall be construed—

"(1) to provide a private right of action to any person to enforce any provision of this section;

"(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

"(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

"The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

"(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

"(2) to disseminate information concerning those policies, procedures, and practices.".

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

"PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

"SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

"(a) In General.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

"(b) Eligible Entities.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be—

"(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

"(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

"(C) a public or nonprofit entity that—

"(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

"(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

"(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

"(c) Consideration of Applications.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

"(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

"(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

"(3) any other consideration the Secretary determines necessary.

"(d) Preference.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

"(e) Use of Funds.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

"(f) Definition of Public Health Practice.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

"PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

"SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

"(a) Demonstration Program Authority.—

"(1) In general.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

"(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

"(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

"(2) Grants.—

"(A) In general.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

"(B) Equal amounts.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

"(b) Demonstration Project Requirements.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

"(1) Participants.—

"(A) In general.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

"(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

"(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

"(B) Students in each cohort.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

"(2) Student data.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

"(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

"(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

"(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

"(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS.—Each application shall include—

"(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

"(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

"(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

"(D) such other information as the Secretary may require.

"(d) SELECTION CONSIDERATIONS.—

"(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

"(A) the number and quality of State educational agency applications received;

"(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

"(C) a State educational agency's—

"(i) financial responsibility;

"(ii) administrative capability;

"(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

"(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

"(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

"(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

"(A) the number and quality of local educational agency applications received;

"(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

"(C) a local educational agency's—

"(i) financial responsibility;

"(ii) administrative capability;

"(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

"(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

"(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

"(e) EVALUATION.—

"(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

"(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

"(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

"(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

"(B) identify the barriers to the effectiveness of the demonstration program;

"(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

"(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

"(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

"(i) were more likely to take a college-prep curriculum while in secondary school;

"(ii) submitted any college applications; and

"(iii) took the PSAT, SAT, or ACT;

"(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

"(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

"(H) identify the impact on the parents of students eligible to participate in the demonstration program.

"(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

"(f) TARGETED INFORMATION CAMPAIGN.—

"(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

"(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

"(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

"(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

"(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

"(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

"(I) type of institution, including—

"(aa) 2-year public degree-granting institutions of higher education;

"(bb) 4-year public degree-granting institutions of higher education; and

"(cc) 4-year private degree-granting institutions of higher education;

"(II) component, including—

"(aa) tuition and fees; and

"(bb) room and board;

"(ii) Federal Pell Grants, including—

"(I) the maximum Federal Pell Grant for each award year;

"(II) when and how to apply for a Federal Pell Grant; and

"(III) what the application process for a Federal Pell Grant requires;

"(iii) State-specific college savings programs;

"(iv) State merit-based financial aid;

"(v) State need-based financial aid; and

"(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

"(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

"(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

"(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

"(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

"(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

"SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

"(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

"(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

"(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

"(3) to support programmatic efforts associated with the web-based media projects of the archives;

"(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

"(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

"(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

"(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

"(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

"(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

"(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

"(B) improve student achievement; and

"(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 803. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SEC. 804. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART Q—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 890. PURPOSES.

"The purposes of the program under this part are to—

"(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

"(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 891. DEFINITION OF ELIGIBLE INSTITUTION.

"In this part, the term 'eligible institution' means an institution that is—

"(1) a historically Black college or university that is a part B institution, as defined in section 322;

"(2) a Hispanic-serving institution, as defined in section 502(a);

"(3) a Tribal College or University, as defined in section 316(b);

"(4) an Alaska Native-serving institution, as defined in section 317(b);

"(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

"(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 892. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

"(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

"(b) APPLICATION AND REVIEW PROCEDURE.—

"(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

"(A) a program of activities for carrying out 1 or more of the purposes described in section 890; and

"(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

"(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

"(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

"(A) demonstrated need for assistance under this part; and

"(B) diversity among the types of eligible institutions receiving assistance under this part.

"(c) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

"(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

"(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

"(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

"(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

"(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

"(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

"(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

"(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

"(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

"(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

"(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

"(1) fostering collaboration and capacity-building activities among eligible institutions; and

"(2) disseminating information and ideas generated by such meetings.

"(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 893. ANNUAL REPORT AND EVALUATION.

"(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

"(b) EVALUATION BY SECRETARY.—The Secretary shall—

"(1) review the reports provided under subsection (a) each year; and

"(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

"(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

"(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

"(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

"(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

"SEC. 894. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting "**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**";

(2) in subsection (a)(1)(A), by inserting "the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out" after "maintain and operate"; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(B) in paragraph (2), by striking "elementary and secondary education programs" and inserting "Clerc Center"; and

(C) by adding at the end the following:

"(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

"(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

"(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

"(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

"(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).".

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "an institution of higher education" and inserting "the Rochester Institute of Technology, Rochester, New York"; and

(II) by striking "of a" and inserting "of the"; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf."; and

(2) in subsection (b)—

(A) in paragraph (3), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate"; and

(B) in paragraph (5)—

(i) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(ii) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"PART C—OTHER PROGRAMS

"SEC. 121. CULTURAL EXPERIENCES GRANTS.

"(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

"(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

"(1) enrich the lives of deaf and hard-of-hearing children and adults;

"(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

"(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

"(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end "; OTHER PROGRAMS".

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "sections" and all that follows through the period and inserting "sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209."; and

(B) in paragraph (3), by inserting "and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" after "Secretary"; and

(2) in subsection (c)(2)(A), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate";

(2) in paragraph (1), by striking "preparatory,";

(3) in paragraph (2)(C), by striking "upon graduation/completion" and inserting "on the date that is 1 year after the date of graduation or completion"; and

(4) in paragraph (3)(B), by striking "of the institution of higher education" and all that follows through the period and inserting "of NTID programs and activities.".

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking "The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of" and inserting "The Secretary shall annually transmit information to Congress on"; and

(2) in subsection (c), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking "Not later than 30 days after the date of enactment of this Act, the" and inserting "The".

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking "fiscal years 1998 through 2003" each place it appears and inserting "fiscal years 2008 through 2013".

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking "preparatory, undergraduate," and inserting "undergraduate";

(B) by striking "Effective with" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), effective with"; and

(C) by adding at the end the following:

"(2) Distance learning.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

"(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

"(B) not be charged a tuition surcharge, as described in subsection (b)."; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

"(b) Tuition Surcharge.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

"(1) 100 percent for a postsecondary international student from a non-developing country; and

"(2) 50 percent for a postsecondary international student from a developing country.

"(c) Reduction of Surcharge.—

"(1) In general.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

"(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

"(i) a student described under subsection (b)(1) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

"(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

"(i) a student described under subsection (b)(2) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

"(2) Development of sliding scale.—The University and NTID shall develop a sliding scale model that—

"(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

"(B) shall be approved by the Secretary.

"(d) Definition.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.".

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013"; and

(2) in subsection (b), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) Powers and Duties.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking "the Arms Control and Disarmament Agency,".

(b) Board of Directors.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking "(b)(5)" each place the term appears and inserting "(b)(4)"; and

(2) in subsection (e), by adding at the end the following:

"(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.".

(c) Funding.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking "to be appropriated" and all that follows through the period at the end and inserting "to be appropriated such sums as may be necessary for fiscal years 2008 through 2013."; and

(2) by adding at the end the following:

"(d) Extension.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.".

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) Definition.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

"(b) Grant Program.—The Secretary of Education (in this section referred to as the 'Secretary')—

"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

"(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

"(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

"(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

"(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

"(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

"(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

"(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

"(iii) attainment of employment both prior to and subsequent to release;

"(iv) success in employment indicated by job retention and advancement; and

"(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

"(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

"(1) annually report to the Secretary regarding—

"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

"(2) provide to each State for each student eligible under subsection (e) not more than—

"(A) $3,000 annually for tuition, books, and essential materials; and

"(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

"(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

"(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

"(2) is 35 years of age or younger; and

"(3) has not been convicted of—

"(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

"(B) murder, as described in section 1111 of title 18, United States Code.

"(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

"(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.".

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking "this section" and all that follows through the period at the end and inserting "this section such sums as may be necessary for fiscal years 2008 through 2013.".

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking "to be appropriated" and all that follows through the period at the end and inserting "to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.".

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking "in the field of Indian education" and inserting "in the fields of tribally controlled colleges and universities and Indian higher education".

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) 'Indian student' means a student who is—

"(A) a member of an Indian tribe; or

"(B) a biological child of a member of an Indian tribe, living or deceased;".

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "paragraph (7) of subsection (a)" and inserting "subsection (a)(8)";

(2) by striking paragraph (5) and inserting the following:

"(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

"(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

"(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university."; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (3), the following:

"(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

"(B) according to such an agency or association, is making reasonable progress toward accreditation.".

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through "The Secretary shall" and inserting the following:

"SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

"(a) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall";

(2) in the second sentence, by striking "In the awarding of contracts for technical assistance, preference shall be given" and inserting the following:

"(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded"; and

(3) in the third sentence, by striking "No authority" and inserting the following:

"(b) EFFECT OF SECTION.—No authority".

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

and indenting the subparagraphs appropriately;

(2) by striking "(a) Except as provided in section 111," and inserting the following:

"(a) REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,";

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking "him" and inserting "the Secretary"; and

(ii) by striking "product of" and inserting "product obtained by multiplying";

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking "section 2(a)(7)" and inserting "section 2(a)(8)"; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking "$6,000," and inserting "$8,000, as adjusted annually for inflation."; and

(4) by striking "except that no grant shall exceed the total cost of the education program provided by such college or university." and inserting the following:

"(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.".

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking "1999" and inserting "2008";

(2) in paragraphs (1), (2), and (3), by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (2), by striking "$40,000,000" and inserting "such sums as may be necessary";

(4) in paragraph (3), by striking "$10,000,000" and inserting "such sums as may be necessary"; and

(5) in paragraph (4), by striking "succeeding 4" and inserting "5 succeeding".

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking "1999" and inserting "2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking "$2,000,000 for fiscal year 1999" and inserting "such sums as may be necessary for fiscal year 2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

"SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

"In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

"(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

"(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

"(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

"(b) SELECTION OF CERTAIN INSTITUTIONS.—

"(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

"(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

"(A) the United Tribes Technical College; and

"(B) the Navajo Technical College.

"(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

"(d) DISTRIBUTION.—

"(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

"(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

"(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

"(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

"(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

"(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

"SEC. 503. APPLICABILITY OF OTHER LAWS.

"(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

"(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

"(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

"(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

"(3) any other applicable program under which a benefit is provided for—

"(A) institutions of higher education;

"(B) community colleges; or

"(C) postsecondary educational institutions.

"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.".

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

"(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

"(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

"(2) the Navajo Community College Act (25 U.S.C. 640a et seq.)."; and

(B) by striking subsection (d) and inserting the following:

"(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.".

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act

of 1978 shall be considered to be a reference to the “Tribally Controlled Colleges and Universities Assistance Act of 1978”.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the “Navajo Nation Higher Education Act of 2006”.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking “Navajo Tribe of Indians” and inserting “Navajo Nation”; and

(2) by striking “the Navajo Community College” and inserting “Diné College”.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting “the” before “Interior”;

(B) by striking “Navajo Tribe of Indians” and inserting “Navajo Nation”; and

(C) by striking “the Navajo Community College” and inserting “Diné College”; and

(2) in the second sentence—

(A) by striking “Navajo Tribe” and inserting “Navajo Nation”; and

(B) by striking “Navajo Indians” and inserting “Navajo people”.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “the Navajo Community College” and inserting “Dine College”; and

(ii) by striking “August 1, 1979” and inserting “October 31, 2010”; and

(B) in the second sentence, by striking “Navajo Tribe” and inserting “Navajo Nation”;

(2) in subsection (b), by striking “the date of enactment of the Tribally Controlled Community College Assistance Act of 1978” and inserting “October 1, 2007”; and

(3) in subsection (c), in the first sentence, by striking “the Navajo Community College” and inserting “Diné College”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “$2,000,000” and all that follows through the end of the paragraph and inserting “such sums as are necessary for fiscal years 2008 through 2013.”; and

(B) by adding at the end the following:

“(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).”;

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “the Navajo Community College” and inserting “Diné College”; and

(ii) by striking “, for each fiscal year” and all that follows through “for—” and inserting “such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—”;

(B) in subparagraph (A)—

(i) by striking “college” and inserting “College”;

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking “, and” at the end and inserting “; and”;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking “, and” at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(F) by adding at the end the following:

“(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

“(i) higher education programs;

“(ii) career and technical education;

“(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

“(iv) employment and training opportunities;

“(v) economic development and community outreach; and

“(vi) a safe learning, working, and living environment.”; and

(3) in subsection (c), by striking “the Navajo Community College” and inserting “Diné College”.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking “the Navajo Community College” each place it appears and inserting “Diné College”; and

(2) in subsection (b), by striking “college” and inserting “College”.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking “the Navajo Community College” each place it appears and inserting “Diné College”.

“SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

“(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

“(b) DEFINITIONS.—In this section:

“(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term ‘civil legal assistance attorney’ means an attorney who—

“(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

“(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

“(C) is continually licensed to practice law.

“(2) STUDENT LOAN.—The term ‘student loan’ means—

“(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

“(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

“(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

“(ii) a loan made under section 428, 428B, or 428H; or

“(iii) a loan made under part E.

“(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

“(1) is employed as a civil legal assistance attorney; and

“(2) is not in default on a loan for which the borrower seeks repayment.

“(d) TERMS OF AGREEMENT.—

“(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

“(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

“(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

“(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

“(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

“(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

“(2) REPAYMENTS.—

“(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

“(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

“(3) LIMITATIONS.—

“(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

“(i) $6,000 for any borrower in any calendar year; or

“(ii) an aggregate total of $40,000 in the case of any borrower.

“(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

“(e) ADDITIONAL AGREEMENTS.—

“(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

“(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

“(f) AWARD BASIS; PRIORITY.—

“(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

“(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

"(B) received repayment benefits under this section during the preceding fiscal year; and

"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3001. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

"(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

"(B) subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

TO AMEND U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1716 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

The bill (S. 1716) to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1716) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRACT WAIVER.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 112) is amended by striking section 9012.

TO AMEND TITLE 4, UNITED STATES CODE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1877, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1877) to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1877) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking "all persons present" and all that follows through the end and inserting "those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.".

AUTHORIZING PRINTING OF BROCHURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 190, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 190) authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 190) was agreed to.

ORDERS FOR THURSDAY, JULY 26, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, July 26; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Thursday, July 26, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2007:

DEPARTMENT OF STATE

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE GEORGE MCDADE STAPLES.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

KRISTINE B. NEELEY, 1750

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. KEVIN P. CHILTON, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA, 6792

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CLAUDE R. KEHLER, 6600

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH W. HUNZEKER, 4503

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. R. STEVEN WHITCOMB, 7068

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES D. THURMAN, 8182

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES J. LOVELACE, 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARTER F. HAM, 0921

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE A. HASKINS, 3608

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD K. GALLAGHER, 9308

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT T. MOELLER, 1217

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DAMION T. GOTTLIEB, 5640

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

FRANCIS E. LOWE, 3894

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LISTA M. BENSON, 6478
ALLISON W. BOWDEN, 1100
MARLA D. BUCKLES, 7633
LILLY B. CHRISMAN, 8476
LESLIE M. CLARAVALL, 1705
RICHARD H. EAVES, 7375
JOYCELYN ELAIHO, 8750
BETH A. EWING, 8029
JOHN R. EWING, 6488
KATRINA A. GLAVANHEISE, 5685
JANE C. HENDRICKSVESEL, 0928
MARK S. HOLLAND, 0631
JUDITH A. HUGHES, 2208
BARBARA A. JONES, 6546
ANDREW J. JORGENSEN, 0050
KAREN M. KINNE, 6819
CATHERINE F. MATTIE, 7905
CORINNE O. NAUGHTON, 6918
WILLIAM R. OSBORNE, 5717
BEVERLY J. SMITH, 8801
ROBIN E. SQUELLATI, 3646
CECELIA W. SUTTON, 6731
SANDRA C. TYNES, 0708
ROSEANNE C. WARNER, 4569
KAREN L. WEIS, 0321

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KEVIN C. BLAKLEY, 3243
ROBERT V. BOWERSOX, 9111
MARK E. BUTLER, 7131
STEVEN C. CABERTO, 0983
ROBERT J. CAMPBELL, 9968
JOHN L. CHITWOOD, 9613
SCOTT E. CORCORAN, 5726
DALE A. FERGUSON, 7983
LAWRENCE K. HARRINGTON, 6157
DONALD C. HICKMAN, 9746
SCOTT R. MARRS, 2012
PARKER P. PLANTE, 8609
BRYAN E. RAMSTACK, 6909
MARTHA A. STOKES, 3234
FRED P. STONE, 8824
TERRY L. STOTLER, 4508
ROBERT A. TETLA, 2358

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT K. ABERNATHY, 2894
DONALD R. ADAMS, JR., 0216
DAVID J. ALCORN, 2660
PATRICK R. ALLEN, 0687
RANDY S. ALLEN, 4874
KENNETH ALLISON, 0513
JAMES L. ANDERSEN, 5990
DAVID M. ANDERSON, 3998
DEAN J. ANDERSON, 1187
DOUGLAS P. ANDERSON, 7153
KEVIN J. ANDERSON, 7203
JOHN L. ARMANTROUT, 5144
ROBERT G. ARMFIELD, 1820
MERRILL F. ARMSTRONG, 2879
ROBERT T. ATKINS, 8114
KORVIN D. AUCH, 7250
LAWRENCE M. AVERBECK, 7388
FREDERICK C. BACON, 9555
THOMAS M. BAILEY, 3569
RONALD B. BALDINGER, 1323
DIETER E. BAREIHS, 2246
CHRIS BARGERY, 4197
CASSIE B. BARLOW, 9615
EDWARD C. BARON, 5351
RICHARD C. BARTON, 1089
CHARLES L. BEAMES, 3913
ARTHUR F. BEAUCHAMP, 2191
JAMES J. BEISSNER, 9014
ANDREW E. BELKO II, 2860
FRANK K. BENJAMIN, 7849
JOHN R. BERNIER, 5615
HARRY A. BERRY, 4229
GEORGE W. BIRSIC IV, 7913
SCOTT C. BISHOP, 4864
SCOTT C. BLUM, 3429
ERIC A. BOE, 7358
SCOTT C. BOWEN, 6194
VICTORIA L. BOWENS, 3823
LARRY D. BOWERS, 0627
MARTIN C. BRAUN, 2828
WILLIAM S. BREI, 2231
GORDON D. BRIDGER, 2619
KAREN M. BRIDGES, 2769
KIM R. BROOKS, 8063
TODD A. BROOKS, 5956
DAVID W. BROWN, 8993
EUGENE A. BROWN, JR., 1083
KELLEY A. BROWN, 4663
ROGER A. BROWN, 6475
STANLEY L. BROWN, 2019
KENRYU M. BRYSON, 2917
DAVID T. BUCKMAN, 6526
JOHN T. BUDD, 5745
WILLIAM E. BURTON, JR., 3876
TIMOTHY E. BUSH, 6384
SCOTT R. CALISTI, 5357
MARK D. CAMERER, 6575
CRAIG P. CAMPBELL, 2481
ROBERT C. CAMPBELL, JR., 4122
WAYNE A. CANIPE, 7281
DOUGLAS C. CATO, JR., 9895
THOMAS J. CHIAVACCI, 3308
CATHERINE M. CHIN, 8993
GREGORY M. CHRIST, 2121
STEVEN E. CLAPP, 6878
AARON J. CLARK, 5995
BYRON K. CLAY, 1843
PATRICK G. CLEMENTS, 9344
SARAH B. CLIATT, 4733
ALFORD C. COCKFIELD, 8188
RICHARD A. COE, 2774
CHRISTOPHER A. COFFELT, 6828
LAVANSON C. COFFEY III, 1596
DAVID M. COHEN, 4650
ROBERT H. COLE, 4698
EDWARD S. CONANT, 7071
LYNN F. CONNETT, 9622
STANLEY K. CONTRADES, 7500
SEBASTIAN M. CONVERTINO, 9143
CHRISTOPHER D. COOK, 7910
DEANNA L. COOPER, 6915
CRAIG R. COREY, 7219
SHANE P. COURVILLE, 5279
DOUGLAS A. COX, 4782
DUANE T. CREAMER, 2261
BRIAN J. CREELMAN, 3467
DAVID J. CROW, 8155
RUSSELL N. CUTTING, 1210
CHARLES H. CYNAMON, 2423
MARK G. CZELUSTA, 2307
DANNY P. DAGHER, 8261
ROBERT J. DAGUE, 8227
PAUL S. DALY, JR., 6230
MARK T. DAMIANO, 3893
DANIEL A. DANT, 1250
RANDY J. DAVIS, 4161
STEPHEN L. DAVIS, 2413
JAMES C. DAWKINS, JR., 3084
ALLAN E. DAY, 0400
PATRICK K. DEAN, 8768
DAVID S. DEARY, 1306
JON CHASE DECLERCK, 1653
CARL T. DEKEMPER, 2155
DAVID F. DEMARTINO, 1628
DAVID R. DENNING, 3127
DEBORAH A. DETERMAN, 7924
VICTOR J. DIAZ, JR., 0111
DONALD A. DICKERSON, 3167
BERNARD DODSON, JR., 6011
DAVID M. DOE, 0734
PATRICK J. DOHERTY, 4726
PETER A. DONNELLY, 7360
TIMOTHY S. DONOHUE, 4215
CHARLES A. DOUGLASS, 3149
BERT L. DREHER, 1059
JOHN A. DUCHARME, JR., 7577
DAWN M. DUNLOP, 7307
LARRY J. DUVALL, 9319
KENNETH L. ECHTERNACHT, JR., 9497
TRENT H. EDWARDS, 7352
REGAN W. ELDER, 9714
WILLIAM G. ELDRIDGE, 8000
LAURENCE E. ELLIS, 0908
ALBERT M. ELTON II, 2481
CHARLES D. ENGEL, 8013
SAMUEL H. EPPERSON, JR., 1469
ASON G. EVGENIDES, 6041
FREDERICK L. FAHLBUSCH, 2621
GEORGE R. FARFOUR, 8096
MICHAEL R. FARRAR, 2795
TAMMY E. FARROW, 6477
VINCENT J. FECK, 9573
MICHAEL C. FERGUSON, 4117
TIMOTHY D. FERGUSON, 4119
ERIC T. FICK, 8217
TOD R. FINGAL, 7628
JAMES D. FISHER, 1632
JOHN A. FISHER, 1275
MICHAEL F. FLECK, 6997
MATTHEW W. FLOOD, 0437
PATRICK F. FOGARTY, 4923
TIMOTHY A. FORSYTHE, 8654
HARRY A. FOSTER, 5579
MICHAEL R. FRANKEL, 2361
JEFFREY E. FRANKHOUSER, 5613
TODD M. FREECE, 2263
SEAN M. FRISBEE, 6407
GARY GAGLIARDI, 1397
JOSEPH M. GAINES, 4196
VON A. GARDINER, 2419
LAWRENCE M. GATTI, 1828
FRED W. GAUDLIP, 1019
AMANDO E. GAVINO, JR., 5802
JAMES R. GEAR, 9788
MARTIN R. GEARHART, 1110
CHRISTOPHER R. GENTRY, 6589
DAVID MARTIN GIACHETTI, 5269
DAVID L. GILLESPIE, 7364
THOMAS L. GLARDON, 4646
JOHN A. GLAZE, 7459
KEVIN A. GORDEY, 2356
DANIEL B. GORDON, 3282
TODD W. GOSSETT, 4768
GARY J. GOTTSCHALL, 8678
DAVID C. GOULD II, 6560
BRADLEY K. GRAMBO, 9116
STEVEN G. GRAY, 9011
MICHAEL R. GREGG, 8238
FREDERICK D. GREGORY, JR., 7405
GORDON C. GRIFFIN, 5958
JAMES L. GRIFFITH, 8805
LUKE G. GROSSMAN, 0588
ROBERTO I. GUERRERO, 7894
GREGORY M. GUILLOT, 6461
DAVID A. HAASE, 7114
WILLIAM D. HACK, 6585
TODD C. HACKETT, 6347
DAVID E. HAFER, JR., 9959
SCOTT A. HAINES, 0623
ZOE M. HALE, 5418
WESLEY P. HALLMAN, 2099
PATRICK J. HALLORAN, 5963
BRADLEY K. HAMMER, 5248
AMY A. HAMMOND, 5891
WILLIAM E. HAMPTON, 1440
ERIK W. HANSEN, 0254
BRUCE E. HARDY, 8902
JOHN N. HARRIS, 9297
HARRY M. HARRISON, 5703
SHAWN D. HARRISON, 0598
KEVEN E. HARSHBARGER, 0116
SCOTT A. HARTFORD, 7402
JAMES P. HARVEY, 6960
DAVID C. HATHAWAY, 4494
DANIEL J. HAUSAUER, 3487
MICHAEL D. HAYS, 6089
RICHARD J. HAZDRA, 4792
GLENN H. HECHT, 8293
SCOT T. HECKMAN, 2915
BRUCE T. HELLEN, 0085
CHARLES HELWIG III, 0262
GARY W. HENDERSON, 4710
MASAO HENDRIX, 5529
MICHAEL D. HENNESSY, 0866
THOMAS A. HENWOOD, 7676
MARK A. HERING, 2879
SEAN R. HERR, 4487
MARTIN R. HERTZ, 7066
JOSEPH C. HICKOX, 8444
NATHAN E. HILL, 5404
PAMELA M. HILL, 7569
FRANKLIN J. HINSON, JR., 6670
STEVEN T. HISS, 9491
ROBERT J. HOCK, 5833
PETER D. HOFELICH, 4258
ROBERT S. HOLBA, 7545
ERIC J. HOLDAWAY, 7800
PATRICK R. HOLLRAH, 7657
PHILLIP W. HOOVER, 5329
GERALD L. HOUNCHELL, 9051
PETER W. HUGGINS, 7809
JOHNATHAN B. HUGHES, 8686
MICHAEL P. HUGHES, 7152
JOSEPH A. HUNTINGTON, 2680
ROBERT E. HUTCHENS, 5912
ANDREW D. INGRAM, 0734
PAUL E. IRWIN, JR., 9545
GORDON D. ISSLER, 2010
JAMES A. JACOBSON, 5583
DOUGLAS E. JAMES, 2399
JAMES D. JEFFERS, 7005
MARILYN H. JENKINS, 1162
JIM E. JENNINGS, 6989
CAROL A. JOHNSON, 3411
JERRY L. JOHNSON, 9007
KARLTON D. JOHNSON, 1058
STEVEN B. JOHNSON, 8447
NICHOLAS G. JOHNSTON, 4946
DAVID E. JONES, 9456
HOWARD G. JONES III, 7308
KEITH R. JONES, 2454
SOREN K. JONES, 3844
BRIAN T. JORDAN, 4134
BARBARA J. JORGENSEN, 7627
THOMAS C. JOYCE, 2830
DAVID J. JULAZADEH, 5732
DIMASALANG F. JUNIO, 1173
PATRICK KANE, 7533
DAVID A. KASBERG, 7395
ROBERT H. KAUFMAN, 9854
MATTHEW L. KELL, 1685
STEVEN D. KEPHART, 0045
JOHN A. KIMBALL III, 9990
STEVEN A. KIMBALL, 4852
JEFFREY D. KINDLEY, 1716
CHRISTOPHER J. KINNAN, 4100
JAMES A. KIRK, JR., 7147
BRETT W. KNAUB, 3626
CRAIG J. KNIERIM, 0022
KATHRYN L. KOLBE, 5271
MUSTAFA R. KOPRUCU, 0944

EDWARD J. KOSLOW, 9670
JOHN C. KRESS, 0217
DAVID A. KRUMM, 3626
JEFFREY A. KRUSE, 2867
MICHAEL J. KUCHTA, 7030
GARRY L. KUHN, 2369
CHRISTOPHER J. KULAS, 7916
RUSSELL D. KURTZ, 8297
MICHAEL L. LAKOS, 4538
DOUGLAS K. LAMBERTH, 8587
MARK G. LANGENDERFER, 6504
BILLY R. LANGFORD, 7171
KELLY J. LARSON, 0803
JON A. LARVICK, 5741
STEVEN G. LAVOYE, 0554
STEVEN B. LAWLOR, 1300
KIRK A. LEAR, 4880
PETER A. LEE, 0782
CEDRIC E. LEIGHTON, 4154
BARRY P. LEISTER, 2160
SCOTT P. LEMAY, 3181
ROBERT M. LETOURNEAU, 5353
WILLIAM K. LEWIS, 2155
DENNIS W. LISHERNESS, 0996
STEPHEN W. LISKA, 0887
DONALD C. LOCKE, JR., 9667
PHIL LOCKLEAR, 3337
SCOTT C. LONG, 6902
PATRICK A. LOPARDI, 3825
THOMAS J. LOWRY, 7380
JAMES L. MACFARLANE, 2041
MICHAEL E. MADISON, 1918
JAMES A. MAESTAS, 3736
DAVID H. MAHARREY, JR., 2705
DEIRDRE A. MAHON, 4842
DENNIS J. MALFER, JR., 6315
CHRISTOPHER S. MARDIS, 1298
KURT M. MARISA, 0872
PETER A. MARKLE, 9522
GLENN D. MARTIN, 0104
GREGORY S. MARZOLF, 5184
KEVIN P. MASTIN, 5619
RUSSELL F. MATHERS, 7990
STEPHEN M. MATSON, 1011
KYLE H. MATYI, 6989
CHARLES C. MAU, 4484
SIDNEY F. MAYEUX, 1699
ROBERT S. MCALLUM, 2108
KEITH D. MCBRIDE, 0491
TERRANCE J. MCCAFFREY II, 4033
MICHAEL J. MCCARTHY, 6715
THOMAS D. MCCARTHY, 2980
GARY L. MCCOLLUM, 5519
RICHARD D. MCCOMB, 5837
BRADLEY K. MCCOY, 7270
DENNIS P. MCDEVITT, JR., 3612
JOHN F. MCDEVITT, JR., 7514
JENNY A. MCGEE, 1185
KEVIN P. MCGLAUGHLIN, 4390
JAMES K. MCKENZIE, 3171
PATRICK T. MCKENZIE, 8601
FLOYD A. MCKINNEY, 8197
MICHAEL T. MCLAUGHLIN, 0005
BENJAMIN S. MCMULLEN, 8491
MARY E. MCRAE, 4694
ROBERT K. MENDENHALL, 8463
GEORGE T. MENKER, JR., 7223
RODNEY C. MERANDA, 6768
SCOTT C. MERRELL, 4933
ROBERT E. MIGLIONICO, 7820
BARRY G. MILLER, 6206
COLIN R. MILLER, 0819
DANIEL R. MILLER, 3729
DOUGLAS R. MILLER, 6015
JOHN G. MILLER, 8655
MICHAEL J. MILLER, 3976
TIMOTHY M. MILLER, 9511
VINCENT B. MILLER, 8142
M. J. MITCHELL, 8968
MARIAMNE R. MITCHELL, 0243
ROBERT E. MITCHELL, 3380
PETER H. MIYARES, 1673
DAVID B. MOBLEY, 0223
ANDREW J. MOLNAR, 7098
ROBERT E. MONROE, 2887
POLLYANNA P. MONTGOMERY, 3581
MICHAEL S. MOORE, 0449
DAVID A. MORGAN, 2382
JEFFREY W. MORGAN, 5617
ROBERT A. MORIARTY, 9890
BRETT E. MORRIS, 2481
SHAUN Q. MORRIS, 5056
TIMOTHY R. MORRIS, 3875
RANDY J. MOSER, 8760
ROBERT A. MULHERAN, 5208
KENNETH B. MULLIGAN, 2677
ANTHONY J. MURCH, 6418
RICKY R. MURPHY, 6399
THOMAS E. MURPHY, 6679
JOHN D. NEWBERRY, 6646
TIMOTHY P. NICKERSON, 8864
JOHN S. OATES, 6806
TRACY A. OGRADYWALSH, 9906
STEVEN G. OLIVE, 4031
CHARLES E. OSTEEN, 8200
PATRICK J. OWENS, 8632
HENRY P. PANDES, 4146
KEITH J. PANNABECKER, 2944
MARK W. PAPEN, 4617
GUY E. PARKER, 4766
GEOFFREY S. PARKHURST, 5482
CHARLES W. PATNAUDE, 5438
JOHN T. PATRICOLA, 3134
CHRIS B. PATTERSON, 9180
JOHN W. PEARSE, 6170
DAVID R. PEDERSEN, 7642
LEE J. PERA, 4160
LEEANN PERKINS, 9998
MONTY R. PERRY, 4542
MICHAEL E. PETERSON, 5458
TRENT A. PICKERING, 5527
ERIC J. PIERCE, 9834
GEORGE M. PIERCE II, 3747
TODD M. PIERGROSSI, 4167
BRIAN C. PIERSON, 6063
CHRISTOPHER A. PIKE, 1523
WILLIAM B. PILCHER, JR., 8172
JOSEPH M. PINCKNEY, JR., 1061
LEE T. PITTMAN, 7917
SCOTT L. PLEUS, 0750
WILLIAM S. PORTER, JR., 4290
THOMAS J. PORTERFIELD, 8362
STEVEN W. POWELL, 8778
PHILLIP R. J. PRATZNER, 0456
RONALD R. PRINCE, 3036
MARK D. PRUITT, 1030
DAVID C. PTAK, 5282
ALDON E. PURDHAM, JR., 4389
GEORGE C. RAMEY, 6449
KIMBERLEY A. RAMOS, 2985
GLENN R. RATTELL, 9092
JAMES J. RAVELLA, 4766
DAVID A. REARICK, 8088
MICHAEL D. REED, 3687
VICTORIA H. REED, 9703
WILLIAM A. REESE, 4486
JAMES A. REGENOR, 9264
JAMES R. REITZEL, 3363
LENNY J. RICHOUX, 2597
HEINRICH K. RIEPING, JR., 5541
EDWARD M. RIVERA, 8677
KEVIN J. ROBBINS, 2879
JULIE M. ROBEL, 3233
KYLE W. ROBINSON, 7239
STEVEN M. ROBINSON, 2168
LAWRENCE O. ROCHE, 9177
RICKEY S. RODGERS, 2227
ERNEST H. RODRIGUEZ, 4501
VICTOR M. RODRIGUEZ, 0662
DONNA M. ROGERS, 1029
MARILYN R. ROGERS, 7302
JOHN R. ROMERO, 0733
LUIS E. ROSABERRIOS, 9394
PAT A. ROSE, JR., 6033
LEE W. ROSEN, 4556
JAMES P. ROSS, 1747
WILLIAM G. ROUTT, 9932
TOMISLAV Z. RUBY, 1736
WILLIAM Y. RUPP, 9166
JOHN T. RUSSELL, 0297
ROBERT L. RUSSELL, JR., 7251
JAMES P. RYAN, 8476
MELVIN D. SACHS, 8379
RICHARD P. SAMUELS, 8302
JOSE A. SANCHEZ, 2374
WALTER R. SCHENBERGER, JR., 8753
JOSEPH H. SCHERRER, 4745
PAUL F. SCHULTZ, 0400
JIMMIE D. SCHUMAN, JR., 9412
GREGORY J. SCHWARTZ, 9940
RICHARD P. SCHWING, 2292
TODD J. SCOTT, 5495
SCOTT D. SEAVERS, 3496
JEFFREY D. SEINWILL, 5025
GREGORY S. SELLERS, 2578
CHRISTOPHER C. SHARPE, 3130
PETRA L. SHARRETT, 2295
JOHN E. SHAW, 3707
CHARLES B. SHERWIN, JR., 9409
KEITH B. SHOATES, 5367
TIMOTHY D. SKINNER, 6996
ANDREW T. SLAWSON, 7382
DIRK D. SMITH, 4850
GREGORY C. SMITH, 6742
JEFFREY J. SMITH, 6370
MARVIN W. SMITH, JR., 4855
MICHAEL S. SMITH, 0245
MICHAEL V. SMITH, 8294
SHANE RAY SMITH, 5854
MICHAEL C. SNEEDER, 1189
JEFFERY S. SNELL, 1839
DANIEL R. SNY, 2824
THOMAS J. SNYDER, 1343
DWIGHT C. SONES, 9945
DAVID A. SOUTHERLAND, 8368
JOEL S. SPEIGHT, 5871
CHARLES F. SPENCER, JR., 2023
LESLEY D. SPRAKER, 0553
CLIFFORD B. STANSELL, 8606
SHERRY L. STEARNSBOLES, 5566
ROBERT L. STEPHENSON, 2670
WILLIAM B. STEVENSON IV, 3429
DAVID T. STEWART, 0070
MICHAEL J. STINSON, 0869
RICHARD C. STOCKTON, 7653
CRISTINA M. STONE, 7697
ANTHONY STRICKLAND, 0650
RICKY D. STRICKLAND, 0788
DANA E. STRUCKMAN, 9496
JOSEPH A. SUBLOUSKY, 1223
THOMAS A. SUMMERS, 9447
DAVID E. SWANSON, 6216
JEFFREY R. SWEGEL, 9158
GLENN B. SWIFT, 6861
WILLIAM M. TART, 8351
KENNETH R. TATUM, JR., 1395
DOUGLAS J. TAYLOR, 2015
JOHN B. TAYLOR, 3240
RUSSELL E. TAYLOR, 5365
WILLIAM J. TAYLOR, 0753
MICHAEL L. THERIANOS, JR., 5856
JAMES P. THOMAS, 8014
BILLY D. THOMPSON, 5592
RONALD E. THOMPSON, JR., 8563
WILLIAM A. THOMPSON, 3031
DAVID A. THOMSON, 6718
ERIC M. THOMTON, 6486
PAUL W. TIBBETS IV, 3595
JOHN C. TOBIN, 9224
WADE G. TOLLIVER, 7195
JODINE K. TOOKE, 4414
THOMAS J. TOOMER, 8652
EDWARD M. TOPPS, 6951
ROBERT J. TORICK, JR., 0472
JOSE L. TORRES, JR., 4368
ANDREW J. TOTH, 8283
ROBERT P. TOTH, 2829
WILLIAM S. TULLY, JR., 2096
KIP B. TURAIN, 6153
LUTHER S. TURNER III, 8682
SCOTT M. TURNER, 6718
SHAUN B. TURNER, 3454
ROGER T. TYREE, 8520
JON H. ULLMANN, 0220
KIMBERLY C. ULLMANN, 1765
FRANK L. VANHORN, 4824
DONALD A. VANPATTEN, 0281
EDGAR M. VAUGHAN, 7414
MARK K. VIDMAR, 5943
XAVIER C. VILLARREAL, 3576
ROGER M. VINCENT, 0911
JEFFERY ALLEN VINGER, 9591
MICHAEL D. VLK, 7896
ROGER L. WAGNER, 8236
ANDREAS W. WALSH, 1986
BENJAMIN F. WARD, 5843
TERRY WARD, 0284
WILLIAM R. WARD, 2907
BENJAMIN C. WASH, 2160
MARK E. WEATHERINGTON, 7198
JEFFREY R. WEED, 6009
JAMES L. WERTZ, 2660
HERBERT H. WESSELMAN, 9051
JAMES J. WESSLUND, 7616
EVIN R. WESTEREN, 5970
ROGER H. WESTERMEYER, 0028
BENJAMIN WHAM II, 4532
MARK S. WHINNERY, 8161
ROBERT E. WICKS, JR., 6456
ALAN J. WIEDER, 2174
DAVID P. WIEGAND, 2268
ALBERT C. WILLIAMS II, 9314
JOHN D. WILLIAMS, 2774
TRAVIS A. WILLIS, JR., 3605
CRAIG D. WILLS, 3676
KURT DANIEL WILSON, 4504
RUSSELL A. WILSON, 0501
CURTIS M. WINSTEAD, 0458
ROGER J. WITEK, 3021
RANDY L. WITHAM, 6906
MARSHALL S. WOODSON, 0515
LARRY D. WORLEY, JR., 7746
CHRISTOPHER P. WRIGHT, 9534
GEORGE A. ZANIEWSKI, 3998
ANTHONY J. ZUCCO, 7633

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LAURA E. BARNES, 7990
SARAHANN BEAL, 1974
RICHARD J. BERT, JR., 2988
DANIEL J. BESSMER, 7236
LAWRENCE A. CALABRO, 4651
JOSEPH COSTANTINO, 1878
GERALD F. HESKO, 3077
BARRY O. HILL, 8902
SCOTT B. HOLLIDAY, 1370
MELISSA R. HOWARD, 3784
BRENT A. JOHNSON, 7872
ROSALIND D. JONES, 7449
SCOTT J. KREBS, 8646
MICHAEL LEE, 3845
KERRY L. LEWIS, 7479
MICHAEL P. LUNDY, 7346
STEPHANIE D. MCCORMACKBROWN, 7597
SCOTT M. MCKIM, 8137
DUANE L. MEIGHAN, 0083
SCOTT A. NEMMERS, 3253
JODY C. NOE, 1006
STEPHEN E. NOVAK, 8968
ROBERT A. NYQUIST, 3145
CARLENE M. PERRY, 9888
JAMES R. POEL, 7411
KYLE R. REINHARDT, 4751
JEAN P. RUDDELL, 5621
LIBBY S. SCHINDLER, 0746
RAYMOND M. SIRAK, 8098
BECKY S. SOBEL, 6327
MARK A. STAAL, 0095
CHRISTOPHER B. STANLEY, 7751
DAVID W. STREETER, 5221
LARRY G. TAYLOR, 4570
KEVIN W. TILLER, 6348
SANDRA L. TODD, 1427

RYAN L. TRAVER, 5373
JAY A. VIETAS, 5971
JOHN M. WAITE, 6789
CAROL C. WALTERS, 6367
KEVIN L. WRIGHT, 3998

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA M. ADAMS, 5805
JENNIFER M. AGULTO, 9276
MARY J. ANTE, 2733
SYLVIA BALLEZGRIFFIN, 5510
LORRAINE R. BARTON, 7183
MICHELE A. BAXTER, 6898
PAMELA K. BEMENT, 3097
KIRSTEN A. BENFORD, 0738
JULIE M. BOSCH, 7636
DAVID A. BRADFIELD, 9807
PATRICIA N. BRADSHAW, 9493
MARY T. CARLISLE, 0943
MAUREEN A. CHARLES, 3271
DOUGLAS J. CHEEK, 9640
ELIZABETH J. CODDINGTON, 1712
SUSAN C. DAVIS, 5807
ELIZABETH A. DECKER, 1133
DEBORAH J. DILLARD, 0914
ADRIANA EDEN, 6031
DEONA J. EICKHOFF, 0599
NATHALIE F. ELLIS, 2677
KELLY JO FIELDS, 6802
RAMONA L. FIELDS, 6528
AMY A. FORRESTER, 7539
LAURA J. FRAZER, 9569
JOANN C. FRYE, 4555
BETH A. GOODWILL, 3418
CHERYL J. GREENTREE, 7818
DALE G. GREY, 6183
RITCHIE D. GRISSETT, 6587
MARIA GUEVARADEMATALOBOS, 7492
JULIE C. HANSON, 1523
ROBERT L. HARSHAW, 9027
DOUGLAS L. HOUSTON, 8816
GWENDOLYN C. JOHNSON, 7630
LAURIE E. JOHNSON, 6062
KRISTI A. KENNEDY, 4472
ALINA KHALIFE, 8074
PAULETTE E. KING, 9839
VINCENT L. KIRKNER, 2297
BRIAN T. KOONCE, 5731
PETER R. LITTLE, 9740
MICHELLE D. MARTINEAU, 4068
ANTOINETTE M. MCNEARY, 4833
PATRICE H. MORRISON, 9036
JACQUELINE A. MUDD, 4553
JILL J. OREAR, 5523
PATRICIA F. PARK, 3827
SUSAN M. PERRY, 5123
MARCIA A. POTTER, 4470
JERE M. POUND IV, 0576
MELANIE A. PRINCE, 5207
IRIS A. REEDOM, 4529
TERRI A. RENSCH, 7348
ALESIA D. RICKS, 1891
ANNA M. RIGHERO, 1025
CHRISTLE A. ROBINSON, 5559
JOANNE R. RUGGERI, 7378
JEANNINE M. RYDER, 2804
SHARON T. SCOTT, 6772
DAVID J. STAMPS, 5155
CHRISTINE S. TAYLOR, 1890
SHEILA M. THORNTON, 8767
KIRK A. TRESCH, 4480
JULIE P. TSEHWILLCOCKSON, 4772
STEVEN F. ULSAS, 7185
VIVENE E. WALTERS, 4150
KATHRYN W. WEISS, 5069
KENNETH R. WESTENKIRCHNER, 7943
MONICA L. WHEATON, 4469

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARY ANN BEHAN, 0980
DAVID M. BERTHE, 7590
STEVEN E. BODILY, JR., 6666
CHRISTOPHER J. CANALES, 7855
GEORGE G. CARTER, 3436
PAUL N. CONNER, 8646
CARRIE D. COOPER, 1224
GREGORY S. CULLISON, 3210
MICHAEL D. CUPITO, 3385
CHRISTOPHER A. DUN, 1738
TIMOTHY A. DYKENS, 4369
MONTSERRAT P. EDIEKORLESKI, 2309
LEAH JANE ERWIN, 5354
ALFRED K. FLOWERS, JR., 1761
BRIAN T. GOUVEIA, 7377
LINDA M. GUERRERO, 4187
ROBERT A. HARRIS, 0056
SALLY ANN KELLYRANK, 5172
STEPHEN D. LARSEN, 3730
RODNEY J. LASTER, 9315
CAMILLE R. LOONEY, 0238
JOHN J. MAMMANO, 3767
ANTHONY M. MARICI, 0793
TIMOTHY L. MARTINEZ, 0683
RONALD J. MERCHANT, 4825
TIMOTHY T. MIDDLETON, 9328
JON T. MOHATT, 9034
JAMES B. MOTT, 6715
GREGORY W. PAPKE, 4425
WAYNE S. PETERS, 5286
MICHELLE A. PUFALL, 4513
SCOTT C. SUCKOW, 4953
MICHAEL A. TAYLOR, 4754
SAMUEL C. WASHINGTON, 2991
JEFFREY J. WHITE, 2273
PAUL A. WILLINGHAM, 8526

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DAWUD A. AGBERE, 0486
CHARLES F. BARNA, 9238
DAVID A. BOTTOMS, 4981
RANDALL E. BOWEN, 8176
JEFFREY L. BROOKS, 3246
CHARLES M. BURGESS, 5057
DONALD S. CARROTHERS, 1947
HERMAN B. CHEATHAM, 8975
DARREN K. COLEMAN, 1029
EDDIE W. COOK, 3293
LANE J. CREAMER, 2943
LAWRENCE M. DABECK, 5515
CHRISTOPHER F. EDWARDS, 6390
PAUL A. FOREMAN, 2453
MATTHEW L. GIBSON, 4700
JIMMIE C. GREGORY, 9535
WARREN L. HAGGRAY, 3899
CHARLES E. HAMLIN, 0872
GEORGE H. HAMMIL, 9691
INSOON G. HOAGLAND, 1861
DOUGLAS C. HOOVER, 6295
JERRY B. HORNER, 5565
ABDULLAH A. HULWE, 2019
MARK J. JACOBS, 3034
WILLIAM L. KELLER II, 7602
TODD M. KEPLEY, 5667
MOON H. KIM, 5215
PHILIP A. KOCHENBURGER, 7141
KRZYSZTOF A. KOPEC, 2104
KENNETH M. LEBON, 5497
JAMES B. LEE, 9695
SUN C. LEE, 2228
WILLIAM A. LOVELL, 6236
ROBERT E. MARSI, 7912
HENRY D. MCCAIN, 3347
SHAWN E. MCCAMMON, 7447
ROBERT A. MILLER, 1532
STEVEN J. MOSER, 2898
LINDA D. NORLIEN, 7863
EDWARD U. OHM, 9054
PAUL G. PASSAMONTI, 5026
IBRAHEEM A. RAHEEM, 5185
DAVID A. SCHNARR, 7832
WILLIAM H. SCRITCHFIELD, 8470
MUHAMMAD K. SHABAZZ, 7208
JOHN R. SUTTON, JR., 4320
DOUGLAS C. SWIFT, JR., 6604
ROBERT R. THOMAS, 5410
FRED C. TOWNSEND, 6872
DAVID K. TROGDON, 7873
SEGGERN A. VON, 3708
ROBERT K. WALKER, 8616
EDWARD J. YURUS, 0573

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BLAKE C. ORTNER, 3699
ANDREW S. ZELLER, 5305

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JULIE A. BENTZ, 8955
THOMAS L. TURPIN, JR., 3334

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY L. GUYTON, 9901
RANDY J. MIZE, 0535
WILLIAM C. PROCTOR, 0665
LINDA V. G. WEAVER, 4289
LINDA M. WILLIAMS, 1104

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JOSE A. ACOSTA, 2286
GREGORY M. GULLAHORN, 4743
DAVID J. HARRISON, 7715
PHILLIP J. VARGAS, 3520

To be commander

GREGORY P. GEISEN, 0539
JESSE W. LEE, JR., 1769
STEVEN NAGEL, 8136

To be lieutenant commander

STEPHEN W. BOWMAN, 1939
LORI J. CICCI, 8676
JEFFREY A. GILES, 7868
DANIEL L. MODE, 4856
CHRISTOPHER L. MORGAN, 6600
JOHN Q. QUARTEY, 9374
LAWRENCE A. RAMIREZ, 2837

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS P. BARBER, JR., 6671
CHRISTOPHER J. CORVO, 7352
DANIEL R. CROUCH, 5373
JOSEPH J. ELDRED, 3254
DAMIAN D. FLATT, 0123
PETER D. GALINDEZ, 8697
PATRICK J. GIBBONS, 3802
KEITH S. GIBEL, 8418
COLLEEN M. GLASERALLEN, 6921
MARC F. GUARIN, 9138
GLENN R. HANCOCK, 7749
JOHN A. HELTON, 5948
MICHAEL C. HOLIFIELD, 3949
ELISABETH B. JONES, 1531
DONALD C. KING, 2537
SALVATORE M. MAIDA, JR., 3667
TREVOR A. RUSH, 1523
KELVIN M. STROBLE, 7333
DOUGLAS R. VELVEL, 0784
THOMAS J. WELSH, 4372

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SUSAN D. CHACON, 1048
DANIEL M. EVES, 3398
BRUCE G. GREEN, 6381
ISTVAN HARGITAI, 8380
THOMAS M. JACKS, 8874
STEVEN A. MATIS, 8023
JACQUELINE R. PALAISA, 0910
ORVILLE J. STEIN, JR., 4423
FRANCISCO X. VERAY, 5281
SEUNG C. YANG, 9018

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ENEIN Y. H. ABOUL, 9160
ALEJANDRO ALVARADO, 3646
PAUL A. ANDRE, 9304
HOWARD A. AUPKE, JR., 6221
DANIEL J. BELISLE, 4071
PATRICK J. BLAIR, 2110
BARBARA A. COLEMAN, 0313
MICHAEL A. CORRIERE, 1510
WILLIAM M. DENISTON, 3167
GLENDON B. DIEHL, JR., 2844
MICHAEL J. DUSZYNSKI, 1136
DUANE A. EGGERT, 5731
DAVID A. ELLENBECKER, 6994
GLENN J. GARGANO, 8610
CYNTHIA C. GRANBY, 3926
MATTHEW E. GRIMES, 8065
THOMAS C. HERZIG, 2273
DANIEL J. HIGGINS, 3677
LEE D. HOEY, 3824
ERIC R. HOFFMAN, 9066
BRIAN E. HUTCHISON, 1890
SUSAN M. JAY, 2449
ANTONY R. JOSEPH, 2206
LISA K. KENNEMUR, 4339
KRISTIN N. KLEMANN, 5840
CONRAD F. KRESS, 7399
KAREN P. LEAHY, 8460
MICHAEL S. LELAND, 6305
DENISE M. LEVELING, 4272
JAMIE M. LINDLY, 1481
RALPH J. MARRO, 1765
JAMES L. MARTIN, 7256
JAMES F. MCALLISTER, 0539
THOMAS E. MCCOY, 9851
BRENDAN T. MELODY, 8884
WILLIAM T. MILES, 9245
PATRICIA A. MILLER, 4081
PAUL C. MILLER, 5995
MARSHALL R. MONTEVILLE, 9157
GARY A. MORRIS, 5963
LEO J. MURPHY, 5912
SAMUEL T. OLAIYA, 1295
PAMELA A. OLOUGHLIN, 8183
JACQUELINE L. PIERRE, 3063
ERIC G. POTTERAT, 2416
MICHAEL C. PREVOST, 8224
JAMES D. QUEENER, 9199
EDWARD J. SULLIVAN, 0750
ROHINI SURAJ, 4578

BRIAN G. TOLBERT, 1869
LEE A. VITATOE, 3238
JUDITH M. WALKER, 2314
THOMAS C. WALTER, 2148
AARON D. WERBEL, 3123
BYRON C. WIGGINS, 3291
KIMBERLY A. ZUZELSKI, 4601

HOUSE OF REPRESENTATIVES—*Wednesday, July 25, 2007*

The House met at 10 a.m.

Dr. Suzan Johnson Cook, Believers' Christian Fellowship Church, New York, New York, offered the following prayer:

Our God and our Creator, we come to You this day, rejoicing in our hearts for life and life more abundant. We ask You to guide us throughout this day, throughout all of our proceedings, that we may go forth with purpose, passion, and perseverance, representing the people who have both elected and put their trust in us. Please also bless our families as we are absent from them. Let no hurt, harm, nor danger come their way this day. May we now place our trust in You.

We ask also, God, that You keep ever before us our mission, our missives, and keep our minds focused, clear, and convicted to be servants as we represent our Nation, the United States of America.

Thank You for this opportunity to serve. Thank You for Your grace. Thank You for Your wisdom. Thank You for the honor and privilege to serve.

Bless also those amongst us who are candidates for office. Give them strength and keep them grounded in Thee. We also ask, O God, that You bless not only us, but those around this world, especially those who live in fear, poverty, and with injustice. May what we say and do make a difference that we may be a light to this world, as You shine through us.

This is our prayer in Your name and for Your sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. TOWNS) come forward and lead the House in the Pledge of Allegiance.

Mr. TOWNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

WELCOMING DR. SUZAN JOHNSON COOK

(Mr. TOWNS asked and was given permission to address the House for 1 minute.)

Mr. TOWNS. Madam Speaker, I rise today to honor Rev. Dr. Suzan Johnson Cook. Rev. Cook is the pastor at the Believers' Christian Fellowship Church, which she founded in 1996 after serving as pastor of the Mariners' Temple Baptist Church in downtown Manhattan for 13 years. In 2002, Rev. Cook became the first woman elected president of the 10,000-member Hampton, Virginia, University Ministers Conference, which represents all the historically African American denominations. Her list of other "firsts" includes: first woman appointed Chaplain of the New York Police Department and the first female baptist minister from the Bronx to receive a White House fellowship.

A woman of promise, passion, diligence, and determination, Rev. Cook is the author of eight successful books. In 1997 Rev. Cook was featured by Ebony Magazine as one of the Nation's top 15 women in ministry.

Rev. Cook has toured nationally with Bishop T.D. Jakes and the "God's Leading Ladies Conference." Her motto is "If I can help somebody, then my living is not in vain."

A faculty member and graduate of Harvard University, she also received a doctorate of ministry degree from Union Theological Seminary, a master of divinity degree from Union Theological Seminary, and a master of arts degree from Columbia University.

Rev. Cook is married to Ronald Cook, and they reside in New York City with their two sons.

Dr. Cook is a powerful orator and was recently described in the New York Times as "Billy Graham and Oprah rolled into one." Her mentoring and leadership skills have now charged her to form The Woman in Ministry International Summit, which supports and advocates for women church leaders.

Madam Speaker, I would like to recognize this magnificent minister, scholar, and dynamic leader, and urge my colleagues to join me in paying tribute to this outstanding member of the clergy.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute speeches on each side.

THE FARM BILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, we will face a very stark choice on the farm bill this week. The hollow claims of reform are exposed by the fact that it hardly saves any money at all and retains the complex system with special provisions to avoid what we say we want to do: concentrate on our family farms.

It preserves a system where five commodities, rice, cotton, wheat, soy beans, and corn, will continue to claim most of the money and dominate our farm policy. It is perverse because it continues to enrich those experts at farming the taxpayer while continuing to squeeze out the family farmers, driving up land prices and giving the big guys a competitive advantage. That is why the overwhelming majority of farmers favor a strict cap of $250,000 a year. You can ask independent experts, not lobbyists and associate members. Ask your own farmers.

Let's amend the committee bill, currently the least that can be done, with a vote for a series of amendments that will strengthen it and provide the sort of support our farmers deserve.

INVITE ILLEGALS TO NEW HAVEN, CONNECTICUT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, New Haven, Connecticut, has become exactly that: a new haven for illegal immigrants.

The city will be granting illegals an ID card that will allow them to access

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

city services, such as parks, the library, and the ability to open bank accounts. This ID card for illegals will become the first of its kind in our Nation issued by a city.

Even though the American public is opposed to free-pass amnesty, this city doesn't understand it is still against the law to be in the United States illegally.

But New Haven doesn't seem to care. They have already recruited banks that will allow use of these cards. Yale Law School volunteered free legal services. All in the name of helping people get away with breaking the law.

New Haven, Connecticut, flaunts its encouragement of illegal entry. So since the Feds won't adequately enforce immigration laws and don't seem to know what to do with illegals, let's just invite all illegals to go to New Haven, Connecticut, where the city wants to have a safe sanctuary for them.

Mr. Speaker, there should be consequences for cities like New Haven, Connecticut, that are bastions for illegals. Cities that openly promote violations of Federal law should lose Federal funds.

And that's just the way it is.

COMBAT TERRORISM, REDEPLOY FROM IRAQ

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, the National Intelligence Estimate makes it clear that the United States confronts grave challenges to our national security. Al Qaeda grows stronger with each passing day and remains intent on inflicting harm on the American people and others around the world.

The NIE confirms what many of us in this Chamber already know: the war in Iraq has stretched resources thin and continues to distract from the global war on terror. It is nearly 5 years since President Bush proclaimed "mission accomplished." In that time, over 3,600 Americans have lost their lives and 26,000 more have been wounded. Despite the courageous efforts of our men and women in uniform, Iraq today is a distraction from our mission to destroy the al Qaeda network. How many more lives must be lost until the President and our colleagues realize that we must change course?

Mr. Speaker, around the world right now, our brave troops are fighting to protect this country and win this war. If we are going to prosecute the war to the best of our ability, it is time to face facts and reevaluate our strategy and begin a gradual redeployment of our troops.

SUCCESS FOR BULGARIA AND LIBYA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, after serving nearly 8 years in a Libyan prison, five Bulgarian nurses yesterday were joyously released home to Sofia, Bulgaria, escorted by Cecilia Sarkozy, wife of the President of France, America's first ally. These nurses and a Palestinian doctor were sadly sentenced to life in prison for allegedly contaminating children with the AIDS virus.

This successful outcome could not have been achieved without the diligent efforts of the state of Qatar; the European Union; and the President of the French Republic, Nicolas Sarkozy. I commend their efforts to reach a peaceful result with Libya. This is positive for the people of Libya and the people of Bulgaria. This is a crucial achievement of extraordinary advances for North Africa and Southeast Europe, who will be partners with America.

As the co-Chair of the Congressional Bulgaria Caucus along with Congresswoman TAUSCHER of California, it is my privilege to work with Ambassador Elena Poptodorova. God bless the nurses of Bulgaria.

In conclusion, God bless our troops, and we will never forget September the 11th and the terrorist attack on Glasgow Airport.

INTRODUCTION OF THE CHAMP ACT SHOULD RECEIVE BIPARTISAN SUPPORT IN HOUSE

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, yesterday House Democrats introduced legislation that will provide additional low-income children with health insurance coverage they need and deserve. The Children's Health and Medicare Protection, or CHAMP, Act would reauthorize an extremely effective State Children's Health Insurance Program, known to many as the SCHIP program, which will expire September 30 if Congress does not act.

If SCHIP is allowed to expire, millions of our American children could lose their health insurance. In a letter issued last weekend, bipartisan Governors at the National Governors Association meeting called for urgent action to reauthorize SCHIP. They know, as do Democrats in Congress, that this program is vital for ensuring children in low-income families to have better access to health care. That is why passing the CHAMP Act is so important.

Mr. Speaker, SCHIP was created almost 10 years ago by this Congress with bipartisan support and now enjoys the support of many Governors across the other aisle. I hope Republicans in this body will listen to their gubernatorial colleagues and join us in passing the new CHAMP Act.

THE NEW STRATEGY: IRAQ IS WORKING

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, traveling to Iraq this past weekend to see firsthand how the surge is working, I really expected the worst. Instead, I am very encouraged.

Communities all across Iraq are turning against al Qaeda and working with Iraqi and coalition forces to take back their cities. Half of Baghdad is no longer safe for insurgents. Al Qaeda is not down and out but clearly back on its heels, rejected by the very communities and religious leaders it claims to fight for.

Now make no mistake, there are still serious challenges, including high-profile bombings, the need for Iraq's Government to resolve key issues now, and Iran's continued support for terrorism. But I am convinced the new strategy is working, and we have impressive leaders and impressive troops in place to see even more progress.

Mr. Speaker, while Congress has the right to debate this war, it has the responsibility to help win it as well. That means letting this new strategy work through the end of the year, or the beginning of the next, if we are truly serious about a stable Iraq and a safer America.

☐ 1015

INTRODUCTION OF THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, as you just heard, this week House Democrats unveiled the Children's Health and Medicare Protection Act, a bill that reauthorizes SCHIP, ensures millions of children receive the care they need, and protects Medicare for America's seniors.

The introduction of the CHAMP program comes days after the National Governors Association, made up of both Democrats and Republicans, called for urgent action to reauthorize the SCHIP program. Unfortunately, while strengthening SCHIP has broad bipartisan support from our Nation's Governors and in the U.S. Senate, the Bush administration and some congressional Republicans oppose efforts to strengthen the program so it does not continuously run out of money. Instead, they are proposing to underfund the program significantly, which would cause millions of children to lose coverage.

Mr. Speaker, insuring America's children is an affordable goal. It costs less than $3.50 a day to cover a child through SCHIP.

DANGER OF DEMOCRAT HEALTH CARE PLAN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, health care decisions are often the most personal and important decisions ever made, and those decisions should rightly be made by patients and doctors, not bureaucrats and insurance companies. So it's concerning that the Democrat leadership plan to move forward with a large expansion of Washington-controlled bureaucratic health care under the guise of providing care for children.

The House Democrat plan would cost $50 to $80 billion, and include children whose families have an annual income up to $82,000, making 71 percent of all children in America eligible for government-run socialized medicine, a level of income where 89 percent of children already have private health insurance. Why? Because these Washington politicians believe they can make better health care decisions for America's families. They don't trust patients, and they don't trust doctors.

As a physician I know that the best medical decisions are made by patients and families. The positive solution is patient-centered health care, making insurance available to all patients and families. Let's put patients in charge, not Washington. That's what Americans want.

INTRODUCTION OF THE CHAMP ACT AND PROVIDING HEALTH CARE TO 5 MILLION MORE KIDS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, the State Children's Health Insurance Program, or SCHIP, is one of the most important and worthwhile programs in our government. It was created with broad bipartisan support by Congress in 1997, and provides critical health care benefits to children whose parents either cannot afford insurance, or hold jobs where health insurance benefits are not provided. Today, 6 million children and low-income families have health care because of this SCHIP program.

This week, Democrats in this body introduced legislation known as the CHAMP Act, which would reauthorize SCHIP, preventing it from expiring on September 30, leaving these 6 million children without access to health care.

The CHAMP Act would also extend SCHIP coverage to 5 million additional uninsured American kids, and ensure that States have the tools to reach children who are eligible for the program, but are not enrolled.

Mr. Speaker, I urge my colleagues to support the CHAMP Act. By passing it, we will reauthorize SCHIP to protect health care benefits for up to 6 million children currently receiving them, and provide it to an additional 5 million who desperately need it.

COPS

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Mr. Speaker, I rise today to talk about the appropriation bill before us today. This legislation addresses the violent crime problem head on by investing $100 million into the COPS program to put more cops on the street.

We need additional cops now more than ever. For example, in my hometown of Orlando, Florida, we experienced a 123 percent increase in the murder rate last year. Yesterday I received a letter from a 7-year-old boy in Orlando. He writes, "My name is Santiago Valera. I am a 7-year-old boy. I live with my grandma. We live in Orlando, Florida. Every day bad people rob and kill good people. They even shot my Auntie Connie in her neck. I'm afraid to go outside and play. I don't want someone to kill my little brother or me or my grandma. Please help us."

To Santiago and all the other little boys and girls of central Florida, please know that we hear your concerns, and help is on the way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIRES). The Chair will remind Members to refrain from trafficking the well while other Members are under recognition.

NO PERMANENT BASES IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Yesterday, the President of the United States went to South Carolina to address the United States military to convince them that the al Qaeda network in Iraq is part of the international network of al Qaeda. But as I rise to support the legislation that will appear on the floor today, No Permanent Bases in Iraq, I rise vigorously to support this important legislation, that I have co-sponsored.

The National Intelligence Estimate has been very clear, and that is that al Qaeda has become stronger because of our military presence in Iraq. It's time now to make the statement and the decision, no permanent military bases of the United States in Iraq.

Four thousand lives, almost, of our soldiers have been lost. They are our heroes. We claim they are our heroes. They've done their job. It is time now, Mr. President, to redeploy our soldiers in a safe manner and recognize the misdirected war in Iraq, political reconciliation is the answer.

It is time now for the Iraqis and the Prime Minister to stand up, along with the sister states in the region, and establish the reconciliation goverment for Iraq. Please support No Permanent Bases in Iraq.

THE BIG THREE: MODEL CORPORATE CITIZENS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, my friends on the other side of the aisle are often quick to criticize corporate America for everything from outsourcing jobs to poor health care and retirement benefits for their workers. However, we have some very responsible corporate citizens that we call the Big Three. And over the last century, the Big Three have been the leaders in providing health care benefits and retirement benefits as well for their workers. These efforts were actually crucial in building up the American middle class. GM, for example, spent $3.3 billion last year on health benefits for their 432,000 retirees. In comparison, non-U.S. auto manufacturers spent roughly just $23 million for their 1,200 American workers and American retirees.

And one would think that after decades of commitment the Big Three have shown to the American worker that that would earn them the admiration and the sympathy of the Democratic leadership. Unfortunately, that does not seem to be the case. The Democratic leadership that should be holding up the domestic auto industry as models of corporate responsibility are instead trying to ram through increased CAFE standards that will put U.S. auto workers in the unemployment line and likely bankrupt U.S auto companies.

I urge my colleagues to reject these policies which will help our foreign competitors, and instead stand up for American jobs.

IOWA NATIONAL GUARD 1ST BATTALION, 133RD INFANTRY

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I rise with great pride to welcome home the

Iowa Army National Guard's 1st Battalion, 133rd Infantry. The Ironman Battalion returns to Iowa today after a 22-month deployment in support of Operation Iraqi Freedom.

While serving in al-Anbar province, the Ironman Battalion provided transportation security for more than one-third of the fuel used by coalition forces in Iraq.

It is with a heavy heart that I note that the 133rd Infantry lost two soldiers. I would like to extend my deepest sympathy to their families and loved ones.

Now that the 133rd has returned home, we must honor their service by providing for their health care and productive futures. Our commitment to these citizens must extend throughout their lives.

On behalf of the Second District of Iowa, I thank the soldiers of the 133rd Infantry for their service. It is with great pride and gratitude that we welcome them home today.

RECOGNIZING THE SERVICE OF SECRETARY NICHOLSON OF THE DEPARTMENT OF VETERANS AFFAIRS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last Tuesday, Secretary Jim Nicholson resigned from his position at the Department of Veterans Affairs.

As a highly decorated combat veteran, his experience in the Army for over 22 years gave him insight into the needs of veterans. He has implemented many reforms since assuming the leadership of the VA in February 2005. He established electronic medical records for the nearly 8 million people in the VA health care program. This enabled the successful transition of veterans from hospitals damaged by Hurricane Katrina and Rita.

In addition, Mr. Nicholson improved care for veterans with brain injuries and post-traumatic stress disorder, mandating screening of all returning veterans for signs of PTSD, and adding mental health services at more than 100 medical centers.

Secretary Nicholson also hired suicide prevention counselors at each of the VA's 153 facilities and established a 24-hour national suicide prevention hotline.

I want to thank Secretary Nicholson for his commitment and leadership, and wish him well in his future endeavors. God bless him.

JAMES MADISON'S "POLITICAL OBSERVATIONS"

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, I would like to quote from James Madison, chief author of the Constitution, from remarks he wrote on April 20, 1795, which sound as though they could have been written today.

"Of all the enemies of true liberty, war is, perhaps, the most to be dreaded because it compromises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes. And armies and debts and taxes are the known instruments for bringing the many under the domination of the few.

"In war, too, the discretionary power of the executive is extended. Its influence in dealing out offices, honors and emoluments is multiplied; and all the means of seducing the minds are added to those of subduing the force of the people. This same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and in the degeneracy of manner and of morals engendered in both. No nation can preserve its freedom in the midst of continual war. War is, in fact, the true nurse of executive aggrandizement."

COMMENDING COLLIN COUNTY SCHOOLS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the prestigious independent school districts in Collin County, Texas, for their sterling reputation and superior education.

Forbes Magazine, long-time experts on all things money, recently ranked the public schools in Collin County as second in the entire Nation for the best education for your dollar. What a tremendous distinction.

The students' overall average score was 1102 on the college entrance exam, and the schools boast a 92.2 percent graduation rate. This demonstrates that knowledgeable teachers, community pride, parental involvement and top-quality schools are all working together to achieve academic success.

I want to personally commend the cities of Allen, Frisco, McKinney, Plano and Wylie and their independent school districts for this exceptional award and national recognition for what they do best, teaching our kids and making the future of Texas and the United States even brighter.

Congratulations to all concerned.

NO PERMANENT MILITARY BASES IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, our intelligence agencies have confirmed that al Qaeda is stronger in numbers and effectiveness than it has ever been. And that's because 5 years ago, when we had bin Laden cornered and crippled, we outsourced the job of capturing him. And then we diverted our focus and our resources to Iraq, which turned out to be his greatest dream realized because it gave him so many propaganda tools as a rallying cry and a recruiting tool. And that's just what happened.

And now, when President Bush says that he envisions a military presence in Iraq similar to South Korea, well, we've been in South Korea for 50 years, this plays into their propaganda. We need to make clear there will be no permanent military bases in Iraq; that we are not there as occupiers, but rather as liberators.

Let's start getting serious about winning this global war on terrorism. We can start today by passing the resolution declaring that the Congress is unequivocally opposed to permanent military bases in Iraq.

□ 1030

SUPPORT FUNDING FOR COMMUNITY ORIENTED POLICING SERVICES

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, I rise in strong support this morning of the funding levels included in the State and local law enforcement in H.R. 3093. This legislation reverses a dangerous downward trend in the Community Oriented Policing Services program, the COPS program.

Specifically, it increases the COPS budget to $725 million, which is a $183 million increase over last year. It also includes $80 million in additional money for the Byrne grant system.

I was the sheriff in Seattle up until 2½ years ago for the last 8 years of my career. I was in law enforcement 33 years. As a sheriff, I used the Byrne Grant funds. I used the COPS money. We worked together with our communities. We worked together with business. We made our communities safe. It is a vital program, a useful program, a necessary program.

Mr. Speaker, we cannot have freedom, we cannot feel safe in our neighborhoods until we know we are safe, until we know our law enforcement is there to protect us. The COPS grant does that.

THE CHAMP ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday, we introduced the CHAMP Act, an essential package that addresses the health care needs of our children and seniors while also meeting the needs of our doctors. I am particularly proud of our efforts to ensure that 11 million children receive the health care coverage they need to lead healthier lives.

Today, we are at a crossroads on children's health. Studies show that if we ensure that children receive preventative health care in their formative years, they will lead healthier lives. But over the last year, the number of uninsured children has increased for the first time in a decade. That is why it is so important to strengthen SCHIP.

This is not an expansion of the program. Today we are reaching 6 million children. Under the CHAMP Act, we will reach an additional 5 million children who are already eligible.

Over the past 10 years, SCHIP has received strong bipartisan support because it serves as a lifeline to those most vulnerable among us, our children. It has always received strong bipartisan support. At a time when the number of uninsured is increasing, I would hope Republicans would join us in passing this legislation.

CONGRATULATIONS TO THE LONGEST MARRIED COUPLE IN THE UNITED STATES

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, today it is an honor for me to congratulate the longest married couple in the United States, married for 82½ incredible years. They live in my district, Clarence and Mayme Vail of Hugo, Minnesota. They have six wonderful children, 39 grandchildren, 101 great-grandchildren, and 40 great-great-grandchildren. It is almost beyond belief.

At 101 and 99 years of age, what is the Vails' secret to success? Clarence says "Avoid debt, strive for simple, clean living, no public arguments, feed your faith, and accept your spouse as is." Then Clarence went on to say, "Pick a good woman and let her lead the way." That is good advice from a humble Minnesotan.

Congratulations, Clarence and Mayme Vail of Hugo, Minnesota, on 82½ years of marriage; the longest married couple in the United States. Congratulations, lovebirds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2929) to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) On May 30, 2007, Tony Snow, the President's press secretary, said that President Bush envisions a United States military presence in Iraq "as we have in South Korea", where American troops have been stationed for more than 50 years.

(2) On June 1, 2007, Secretary of Defense Robert Gates elaborated on the President's idea of a "long and enduring presence" in Iraq, of which the "Korea model" is one example.

(3) These statements run counter to previous statements issued by the President and other administration officials.

(4) On April 13, 2004, the President said, "As a proud and independent people, Iraqis do not support an indefinite occupation and neither does America.".

(5) On February 6, 2007, Secretary Robert Gates stated in testimony before Congress, "we certainly have no desire for permanent bases in Iraq.".

(6) On February 16, 2006, Secretary of Defense Donald Rumsfeld stated in testimony before Congress, "We have no desire to have our forces permanently in that country. We have no plans or discussions underway to have permanent bases in that country.".

(7) On March 24, 2006, the United States Ambassador to Iraq, Zalmay Kahilzad stated that the United States has "no goal of establishing permanent bases in Iraq.".

(8) On October 25, 2006, the President stated, "Any decisions on permanency in Iraq will be made by the Iraqi government.", in response to a question whether the United States wanted to maintain permanent military bases in Iraq.

(9) On February 6, 2007, Secretary Gates said, "We will make that decision, sir" in response to the question: "Is that still our policy, that we're going to be there [Iraq] as long as the [Iraqi] government asks us to be there? . . . Is our presence left up to the Iraqis or do we make the decision?".

(10) The perception that the United States intends to permanently occupy Iraq aids insurgent groups in recruiting supporters and fuels violent activity.

(11) A clear statement that the United States does not seek a long-term or permanent presence in Iraq would send a strong signal to the people of Iraq and the international community that the United States fully supports the efforts of the Iraqi people to exercise full national sovereignty, including control over security and public safety.

(12) The Iraq Study Group Report recommends: "The President should state that the United States does not seek permanent military bases in Iraq. If the Iraqi government were to request a temporary base or bases, then the United States government could consider that request as it would in the case of any other government."; and "The President should restate that the United States does not seek to control Iraq's oil.".

(13) The House of Representatives has passed 6 separate bills prohibiting or expressing opposition to the establishment of permanent military bases in Iraq including three of which have been enacted into law by the President: Public Law 109-289, Public Law 109-364, Public Law 110-28.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States not to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq and not to exercise United States control of the oil resources of Iraq.

SEC. 3. LIMITATION ON USE OF FUNDS.

No funds made available by any Act of Congress shall be obligated or expended for a purpose as follows:

(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq; and

(2) to exercise United States economic control of the oil resources of Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2929.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been many justifications for why we went to war in Iraq. Take your pick: We invaded to capture Saddam's weapons of mass destruction, or we invaded to oppose a dictator and bring democracy and human equal rights to the Iraqi people, or we invaded to fight al Qaeda and prevent them from attacking us here.

So many reasons have been offered that you can mix and match one from column A, two from column B.

Whatever your favorite reason for invading Iraq, the one reason that was never offered was that we are invading Iraq to occupy their land, establish permanent bases and control their oil. Yet, among Iraqis, this perception is that the establishment of permanent bases is precisely why we invaded. The insurgents use that perception to recruit fighters and incite attacks on our troops.

The bill before us today, introduced by our colleagues, BARBARA LEE and TOM ALLEN, along with JIM MORAN and DAVID PRICE, will help combat that perception. It states that it is the policy of the United States not to establish permanent bases in Iraq and not to control Iraq's oil resources.

Mr. Speaker, this is not the first time that the House has spoken on the issue. Six separate times the House has passed legislation prohibiting or expressing opposition to the establishment of permanent military bases in Iraq. Three of those bills have been signed into law. Yet, from the President, we continue to get mixed messages.

In May, the President's spokesman talked about a U.S. presence in Iraq that looked like our presence in South Korea. Last month, Secretary Gates suggested that the President was considering a long and enduring presence in Iraq.

Whatever your position on the war, I don't think anyone here in this House believes that we should be in Iraq for over 50 years. In case anyone needed any further convincing that pursuing a long-term presence in Iraq is unwise, the Iraq Study Group was unequivocal on the point of permanent bases. "The President should state that the United States does not seek permanent military bases in Iraq". But instead of standing down when the Iraqis stand up, the President seems intent on putting down roots. It is the wrong policy yet again.

The Lee-Allen bill will send an important message again that the United States has no interest in permanent bases.

Mr. Speaker, I urge all of our colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been said, this legislation cites the fact that the House of Representatives has passed six, one, two, three, four, five, six separate bills prohibiting or expressing opposition to the establishment of permanent military bases in Iraq, including three, one, two, three, which have been enacted into law by the President.

In fact, the language contained in H.R. 2929, which is before us today, is nearly identical to the language adopted under a Republican-controlled Congress in section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

This is the bill before us today. This is the law.

The fiscal year 2007 bill states:

"No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States economic control of the oil resources of Iraq."

That is law. That has been passed a couple of times. And now the bill before us this morning says this:

"No funds made available by any Act of Congress shall be obligated or expended for a purpose as follows:

(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq; and

(2) to exercise United States economic control of the oil resources in Iraq."

Once, twice, three times. We can pass it again. But why are we here? Why are we spending valuable time, Mr. Speaker, debating an issue that the Congress on a bipartisan basis already has agreed to, once, twice, three times, four times, five times, six times? The majority's attempts to score political points on a range of issues, including particularly Iraq policy, has already paralyzed precious months of military planning and congressional business, including the 9/11 bill.

It was only last night when the majority conferees finally agreed to incorporate into the 9/11 conference report critical language offered by the ranking member of the Homeland Security Committee, my good friend Mr. KING of New York, which would provide immunity to passengers and commuters who report suspicious activities.

In a post-9/11 world, Mr. Speaker, passenger vigilance is essential to our Nation's security. An alert citizenry is our first line of defense against those who may seek to do us harm.

Yet, some of our colleagues, rather than supporting or encouraging such personal commitment and involvement from our citizens, would have preferred to leave them vulnerable to frivolous lawsuits and, instead, engage in debates on legislative items and policy already enacted into law and discussed once, twice, three times, four times, five times and six times.

However, since we are having this "Groundhog Day" discussion, it is important to once again note that there are no permanent United States bases overseas. Rather, the scope and the duration of U.S. basing rights are determined by individual agreements and entered into with host governments throughout the world.

It is also important to clarify that a policy position that does not support permanent bases in Iraq does not translate into either a prohibition against the American troop presence in Iraq, we could have that discussion on another bill, or a prohibition against the existence of any U.S. military installation in that country.

But that is not what is before us today. The bill before us in its "findings" section states that the Iraq Study Group Report recommends that "the President should state that the United States does not seek permanent military bases in Iraq."

Correct.

The bill also specifically highlights the other component of that recommendation, which says, "If the Iraqi Government were to request a temporary base or bases, then the United States Government could consider that request as it would be in the case of any other government."

This legislation therefore accepts the prospect of a negotiated agreement for a future relationship with the Government of Iraq to, among other things, allow U.S. military and security forces to operate from U.S. installations within Iraq, including through a possible status of forces agreement that would define the legal status of U.S. personnel in Iraq and would define the rights and responsibilities between the United States and the Government of Iraq. Furthermore, this legislation before us today does not prohibit the United States from entering into the interoperability agreements that allow the United States and Iraq to share common infrastructure and bases.

Mr. Speaker, I do not object to this legislation. We have supported it before and look forward to supporting it again.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from California (Ms. LEE), the chief sponsor of the resolution.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding and for his leadership. Also, I would like to thank our Speaker, our leadership, Chairman SKELTON, Chairman LANTOS, Congresswoman ILEANA ROS-LEHTINEN and others for really bringing this critical measure to a vote today.

What this legislation does is really simple. It does what the Iraq Study Group and other experts have recommended that we do. It makes a clear state of policy that the United States does not intend to maintain an open-ended military presence in Iraq and that we will not exercise control over Iraqi oil, and it backs up that policy with the power of the purse.

□ 1045

And the President and his administration to this date, and I mean to this date, have not made a clear statement of this policy. Putting Congress on record with this clear statement helps take the target off our troops' backs; it supports our goals of handing over responsibility for security and public safety to Iraqi forces.

Mr. Speaker, the perception that the United States plans to maintain a permanent military presence in Iraq strengthens the insurgency and fuels the violence against our troops. That is why experts ranging from former adviser to the Coalition Provisional Authority Larry Diamond to the Iraq Study Group have called on the President to make a clear statement of policy that the United States does not intend to maintain permanent military bases or an open-ended military presence in Iraq.

Unfortunately, the administration has refused to do that. In fact, there are conflicting accounts as to who will decide if we stay in Iraq permanently. When the President was asked that question at a press conference last October he said: "Any decisions on permanency in Iraq will be made by the Iraqi Government." But when Secretary Gates was asked is our presence left up to the Iraqis, or do we make the decision in testimony before the Senate this February, Secretary Gates said, we will make this decision.

More recently the administration has further muddied the waters by saying that they envision a United States military presence in Iraq similar to that we have in South Korea where American troops have been stationed for more than 50 years and won't be leaving anytime soon.

We must soundly reject the vision of an open-ended occupation as bad policy which undermines the safety of our troops, and we must recognize it for what it is: Another recruiting posture for terrorists.

To those who raise objections or want to suggest this is only a symbolic measure, or raise semantic questions about what a permanent base is, let me say this: This is a serious issue, and I think we should all recognize how much is at stake.

The question is simple: Do we support an endless occupation, or do we oppose it? We may disagree on many things about Iraq, but I hope we can agree that an endless occupation is not the answer. Let's make that commitment today. Let's put the so-called Korea model to bed, and let's tell our young men and women that when they come home, they will all come home. Let's pass this legislation, and I want to thank Congresswomen WOOLSEY and WATERS, and Congressmen PRICE and ALLEN for their support.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

If I could point out that the most recent reincarnation of this very same issue was passed earlier this year in this very House, and I would like to read verbatim what it said. I was proud to vote for it, and I will vote for it.

Sec. 1222. Continuation of prohibition on establishment of permanent military installations in Iraq or United States control over oil resources of Iraq.

Section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2444) is amended by inserting after "this Act" the following: "or any other Act for any fiscal year".

Mr. Speaker, with that I am pleased to yield with great pleasure such time as he may consume to a great American, the ranking member of the Armed Services Committee, the gentleman from California (Mr. HUNTER), who has also voted for this measure six times.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlelady for her leadership and also thank the author of this measure and simply point out that we have already passed this measure, and we did pass it on our defense bill last year.

Very simply, no American troops are permanently stationed in countries around the world by virtue of the fact that we station them with the permission of the host country. The idea that we are going to insist or enforce, or unilaterally lodge American troops in Iraq is not something that is contemplated by anybody.

I just say to the gentlelady that we may have a time in the future, and we have dozens and dozens of countries around the world which on a regular basis give us permission to move our troops across their land area. We may have a time in the future, for example, 5 or 10 years from now, when we have to have an early warning for a missile strike from Iran to Israel.

I know that the gentlelady wouldn't object to American forces going in and establishing an early warning station so that we can save the lives of people living in Tel Aviv from a strike similar to the Scud strike that Saddam Hussein launched in the early 1990s at Israel.

We may have a time when we have to project American forces for a contingency around the world, and when you do that, regardless of what country you are talking about of the dozens of countries that host us on a regular basis, you go through a protocol. You contact the country. You receive their official permission going through their government, and that describes the parameters of the American presence that will be there, how long it will be there, what the usage will be, whether it is an airfield or a radar station.

But there could be a time, should Iran develop weapons of mass destruction or continue on this path to develop weapons of mass destruction and at some point attack a neighbor or prepare to attack a neighbor, and it could well be in the interest of the United States, for example, to have early warning capability should Iran want to make a strike on a country like Israel when that request will be made. And hopefully it would be responded to affirmatively by the free nation of Iraq.

I support this legislation, and I will vote for it again, as I voted for it six times. But I would hope that Members would understand and realize that we use dozens and dozens of assets around the world which are all done permissively by the host nations.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished coauthor of the resolution before us, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2929, the Lee-Allen bill to ban permanent bases in Iraq.

Regardless of one's position on U.S. military operations, we can all agree on the need for the Iraqi Government to succeed. The perception that the United States plans a permanent presence in Iraq fuels the resentment against our troops and complicates the path towards political reconciliation in Iraq. Too many Iraqis believe that we intend to stay in their country indefinitely.

A clear statement by Congress, not part of a larger bill, that we do not intend a long-term or permanent military presence in Iraq is necessary to send a strong signal to the Iraqi people and to the world. It supports our goal of handing over responsibility for security and public safety to Iraqi forces.

Passage last year of prohibitions on permanent bases in Iraq based on legislation I wrote with the gentlewoman from California (Ms. LEE) marked perhaps the first time Congress legislated to change the direction of our Iraq policy. In total, three "no permanent base" provisions have been enacted. H.R. 2929 make these permanent. Twice the House has rejected amendments to weaken these provisions.

Recent statements by administration officials, however, are troubling. The White House Press Secretary said recently the President envisions a United States military presence in Iraq "as we have in South Korea," where American troops have been based for more than 50 years. Secretary of Defense Robert Gates made similar comments.

H.R. 2929 reaffirms that the United States has a clear and consistent policy against a permanent U.S. military presence in Iraq. I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, today we are sending a clear message that our commitment to the Iraqi people will be ongoing, but that our military presence will not be permanent. Over and over this Congress and the American people have clearly called for an end to the occupation in Iraq. We are calling for bold action, action to bring our troops home and return Iraq to the Iraqi people.

The actions of this administration have clearly put our troops in danger. Troops were sent in without adequate training, and even yet without appropriate equipment, and now our heroic soldiers are being returned to extended and repeated tours of duty. All of this is unacceptable, and now the administration says they want to leave the troops there for future Presidents to sort out the mess.

We say "no way." No more putting our troops in danger, and no permanent bases. Show the American people, show the Iraqis, show the international community we have no plans to occupy Iraq. Vote "yes" on the Lee amendment.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the cosponsor of the resolution, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise as a sponsor of this important legislation to prohibit the establishment of permanent U.S. bases in Iraq.

We have passed similar legislation before by a wide margin. The first time was a few weeks after I questioned General Abizaid in an appropriations hearing. He could not unequivocally disavow permanent bases, and so the House stepped in and asserted its prerogative on foreign policy by prohibiting permanent bases in Iraq.

Now, my colleagues might understandably ask, why are we voting on this bill again today? The reason is that the Bush administration continues to stubbornly reject the will of Congress, of the Iraq Study Group, and of the American people.

Defense Secretary Gates recently stated his goal of "a long and enduring presence" in Iraq. President Bush has stated his vision for a presence "as we have in South Korea," where U.S. troops remain 50 years after an armistice. That kind of rhetoric suggests that they have not yet gotten the message, and it seriously damages our cause.

The Iraqi people and the American people need assurance that there is light at the end of the tunnel, that occupation is not a permanent state of affairs. So I urge my colleagues to support this legislation today, and to once again unequivocally state that the U.S. will not establish permanent bases in Iraq, because this administration and the world need to understand that America's misadventure in Iraq must and will come to an end.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Virginia (Mr. MORAN), a cosponsor of the resolution.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from New York.

I wish those on the Republican side that are objecting to this resolution would ask the President what is it about the word "no" that you don't understand? How many times do we have to say that there will be no permanent military bases in Iraq?

Sure, we have said it in legislation before, but as recently as last month the Secretary of Defense elaborated on the President's statement about envisioning a long and enduring military presence in Iraq similar to the Korean model. Well, imagine how that plays into the propaganda of our enemy. No wonder al Qaeda is gaining in strength and effectiveness. No wonder people are believing in what they are saying, because we are playing into their hands. They are saying we are there as occupiers of an oil-rich Arab country.

We believe that we went there as liberators, those who supported the war. But gosh sakes, don't play into al Qaeda's strength. Take away this recruiting tool and this rallying cry.

Let's pass this resolution today and say clearly and unequivocally: No permanent military bases in Iraq, period.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to strongly support H.R. 2929, a bill to prohibit permanent bases in Iraq, and I thank the gentlewoman from California (Ms. LEE) and the gentleman from Maine (Mr. ALLEN) for their persistent leadership on this important issue.

The House passed the Responsible Redeployment from Iraq this month to get our troops out of Iraq by April. The question now is not whether we will redeploy our troops, but when and how.

This resolution makes it emphatically clear to the Iraqi people and to President Bush that we do not intend to keep troops in Iraq indefinitely.

☐ 1100

The United States must not be seen as an occupier. Otherwise, our presence there will be used to recruit insurgents, to keep Iraq entrenched in violence and to create an even more dangerous environment for our troops.

This House, too, has already expressed its opposition to permanent bases, but today, we do it clearly with bipartisan support and send a very clear statement. I urge all of our colleagues to listen to the will of the American people, of the Iraqi people, and to support H.R. 2929.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in strong support of H.R. 2929.

From the beginning of the President's invasion and occupation of Iraq, he has insisted that the United States has no intention of permanently occupying that country. I think there is no better way to reassure both our friends and our adversaries that the United States does not intend to become an imperial occupier of Iraq than to make clear that the U.S. will not build permanent military bases there.

The American people are seeking clear assurance that their government has a plan for leaving Iraq. If the President fails to embrace this legislation, it would only confirm for many Americans that the President has no strategy for bringing our troops home and, in fact, intends to keep them there forever.

I urge my colleagues to support this bill. I hope the President will listen to the American people and sign it into law.

Mr. ACKERMAN. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend for yielding.

I want to thank my good friend and colleague from the Bay Area, BARBARA LEE, for bringing this timely legislation before us today.

The last thing Congress and the American people want in Iraq is to keep U.S. troops there permanently. We need a rational and reasonable exit strategy. Yet the administration has signaled that it intends, instead, to put down roots in Iraqi soil, soil that is already soaked with the blood of our soldiers and countless Iraqis.

Mr. Speaker, enough is enough. Building huge military bases in Iraq to last the ages is not the answer. We want to bring our servicemen and servicewomen home to Nebraska and Idaho and California. Our legislation will prohibit spending funds to establish permanent military bases in Iraq, and I support it wholeheartedly.

Let me be clear. This measure does not prohibit us from protecting our embassy and other vital interests and fighting terrorism. It only ensures that our troops do not put down permanent roots.

The administration has drawn a parallel between our proposed, sustained presence in Iraq and the U.S. obligation to South Korea after the Korean War. Mr. Speaker, we have been in South Korea for more than 54 years, and I hope we won't be as long as that in Iraq.

The Korean peninsula for over half a century was vital to our security interests during the Cold War, but Iraq is not Korea. It is now beyond question that our national security is being harmed, not helped, by our continuing vast footprint in Iraq.

As long as huge numbers of our forces are there, the Iraqi Government will limp along, failing to undertake the far-reaching political and security changes desperately needed to promote lasting stability in that long-suffering country.

And it will only anger the Iraqi people to promote the erroneous impression that our troops will be there permanently. In fact, a commitment not to establish permanent bases may facilitate an earlier, safer, more orderly exit, as it will reassure Iraqis that our intention is not to have a permanent presence in that country.

I, therefore, strongly support this resolution to ensure that the administration heads in the right direction in Iraq.

Mr. ACKERMAN. Mr. Speaker, I would respectfully request of the gentlewoman, the distinguished ranking member of the committee, if she would be kind enough to yield us 3 minutes of her time.

Ms. ROS-LEHTINEN. Absolutely. I would love to yield you 3 minutes. We have two speakers, Mr. POE, who is already here, and Mr. ROHRABACHER. I just want to make sure that they would have enough time. But once they're done, I would be glad to yield you the time.

Mr. ACKERMAN. Sure. Why don't you take that time now.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield such time as he may consume to my distinguished colleague from Texas, a member of our Foreign Affairs Committee, Judge POE, who is very cognizant of Public Law 109-364, which already says that they will have no permanent military bases in Iraq.

Mr. POE. Mr. Speaker, I want to thank the gentlelady from Florida for yielding me the time.

There has been a consistent message that has been put forth by Congress that we are not interested in permanent bases in Iraq, but that should not diminish our need to have a presence there at this time. We must not jeopardize United States security interests. At issue here is the definition of the word "permanent." No one can quite agree on what that really means.

This bill is similar to one we passed earlier when we passed language in the supplemental on this topic. The point is, we do not intend to be in Iraq permanently. We are not interested in Iraqi oil.

I do believe our military is stretched too thin throughout the world. We literally have a U.S. troop presence in almost every country on the globe, from military bases in Germany to Korea and other places in between. Some of those bases seem like they are permanent because we have been in those areas for so long. Our troops in those nations remain an issue of really another debate.

The issue here is over permanent basing in Iraq. We should have installations or naval ships in an area where our troops can quickly deploy, and Iraq really should be no different. But we've never set out to occupy any nation. We are not an imperial Nation. We do not intend to violate the sovereignty of another nation by occupying it. This has always been United States policy. The United States came to liberate, not conquer, Iraq, and this is our policy.

In a letter one of my colleagues addressed to Chairman Peter Pace, Chairman of the Joint Chiefs of Staff, General Pace was asked his thoughts on the need to have the U.S. enter into and retain the ability to enter into agreed military basing rights agreements with Iraq and in Iraq. In his response, General Pace stated it's the intention of the United States military to "work closely with Iraq's sovereign government to decide the terms and what foreign military forces . . . will remain in Iraq."

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments, but they've always been agreed to by the United States and that other nation. These agreements outline guidelines and conditions for operating American military bases and troops worldwide.

It is both common and responsible for the United States to enter into temporary basing agreements with other countries hosting our troops. This is being done in every country hosting United States troops, and the representative Government of Iraq should not really be an exception. And we should continue to work with them on temporary basing, but not permanent basing.

We shouldn't somehow put Iraq in some type of different category than we have other allies in the world, but we should make it clear that our basing rights are only temporary. So, designating that we may have temporary basing rights is only logical in Iraq, but a permanent presence in Iraq is not desired. And it has been the statement of this Congress before.

So I support this legislation.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I'm proud to be a cosponsor of this legislation and salute the bill's sponsor, BARBARA LEE from California, as a courageous and clear voice in this Congress.

It's interesting listening to this debate that there seems to be no disagreement about a resolution that will help build stability in Iraq, as others have said. It will make clear that the U.S. is not an occupying force, and it will deny al Qaeda a key recruiting tool.

It is also clear that we are not prohibiting a U.S. presence in the region, even a U.S. temporary presence in Iraq. We have bases in other neighboring countries and the Middle East, and we will have an over-the-horizon force.

I'm really surprised that not only is the White House refusing to follow the law, but those senior White House officials with whom I've spoken numerous times about this issue all seem to agree we don't need a permanent military presence, and yet, stubbornly, they refuse to make clear that we won't have one.

Pass this resolution. Let's do the right thing. Congress, as an article I body, needs to get this White House to follow the law.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the ranking member on the Subcommittee on International Operations.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this resolution.

Let me note, I have all along argued, and I think the people on our side of the aisle have argued, that we are not in Iraq in order to have permanent bases or any other such thing. American efforts in Iraq have been totally based on benevolent and noble motives, and I would hope that this is well-understood and appreciated by the people of Iraq themselves.

The fact is that there is some confusion because, during the public debate on what American foreign policy should be, far too often we have heard in the hype of emotions the charges, even from people in this body, that America is being imperialistic. I mean, that word "imperialism" has actually sprung up in several hearings that I've been at as a Member of Congress. That is an insult to American military personnel. We can honestly disagree about what's going on in Iraq without having to debase the people of the United States of America by claiming we're imperialists like the former empires in Russia and Germany, et cetera.

No, I think we've been benevolent from the beginning. Our people wanted to come in, to liberate Iraq from a bloody tyrant who slaughtered hundreds of thousands of his own people. We came there to help the people of Iraq and hopefully establish a democratic government. Now, whether or not we succeed or not, I'm not sure. I would hope the majority of people in Iraq appreciate that, and today, we are reaffirming to them we are not there to have any permanent presence.

I, in fact, will be proposing legislation this coming week which suggests, as a sense of the House, and I would ask the Speaker of the House to be aware of this, that we need to have a sense of the House resolution calling on the Iraqi Government to have a referendum of whether they want the American troops that are there today to begin an immediate withdrawal or whether they would like American troops to stay there until order has been restored and order has been brought to the people of Iraq. I think that if the Iraqi people vote that we should have an immediate withdrawal, we should go. We should go. But if the people of Iraq decide they appreciate and want us to be there to help them fight off radical Islamists and others who would impose their brand of dictatorship on the people of Iraq, well, then, perhaps we should take into consideration that the Iraqi people want us there.

So I will be proposing legislation later on in the week calling for this referendum, and in the meantime, let us reaffirm with this legislation that it had never been the intent of the United States of America to use Iraq as a permanent base for America's military presence in that region.

I thank you very much for your leadership, Madam Speaker. Thank you for your leadership in this, and I appreciate you are an activist. Since I've been in this Congress, you have always been an activist, and we have been on the same side in that activism.

Mr. ACKERMAN. Mr. Speaker, if the distinguished minority leader of the full committee is prepared to close, we have one final speaker.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, were we seen as occupiers in Haiti, in Bosnia? Do we not, as some have said on Iraq, have a sustained military presence in these countries? Did we not intervene in Haiti to restore democracy and remain to prevent the increased violence?

In fact, as our distinguished Speaker, whom we'll be hearing from in just a few moments, when she argued for a sustained U.S. deployment in Bosnia, Speaker PELOSI said, Is the Bosnian mission without danger and risk? No. With strong leadership there are always risks. These risks have been minimized. They are risks for peace, risks for ending years of bloodshed, risks for freedom. We risk far more by failing to act.

□ 1115

We risk far more if we allow the tenuous peace to collapse and watch the flames of war ignite again. I agreed with Speaker PELOSI then when she said that on December 13 of 1995, and I agreed with her when she said on September 19 of 1994, when advocating for a sustained U.S. presence in Haiti, the Speaker said, setting a date certain for troop withdrawal will unnecessarily endanger both our troops on the ground and our efforts at promoting democracy in Haiti.

I say that we have no less at stake here in Iraq. The bill before us, as we have said before, is a fine bill. We support what it seeks to do because, in fact, it is law. It is already United States law.

We want to make sure that the Iraqi people have the same level of commitment that we have shown to other oppressed people throughout the world. We should not ignore the consequences of a rapid withdrawal from Iraq in a vitally important region of the world.

But, like I have said, this is not the issue addressed in this bill. Some have remarked about the greater issue of Iraq in their discourse today. On the bill before us, it is already public law. We have passed it six times in the House. It has been law three times, and we have no objection to the bill becoming law a fourth time, a fifth time or a sixth time.

With that, Mr. Speaker, I yield back the balance of our time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield the balance of our time to the distinguished gentlewoman from California, Speaker PELOSI.

Ms. PELOSI. I want to thank the gentleman for yielding and to acknowledge the exceptional leadership of my colleagues from California, Congresswoman BARBARA LEE and Congresswoman LYNN WOOLSEY, for their leadership on this issue, and Congresswoman BARBARA LEE's authorship of this legislation. Congresswoman BARBARA LEE, Congresswoman LYNN WOOLSEY, Congressman TOM ALLEN, Congressman DAVID PRICE, Congresswoman MAXINE WATERS have all been important in the leadership of bringing this legislation to the floor and continuing our debate on the involvement in Iraq.

The legislation is timely and a key part of our strategy for a new direction in Iraq. Thank you all.

I am very pleased to join our distinguished colleagues on the minority in support of this legislation. Yes, I have had the privilege of working with Mr. ROHRABACHER, with Ranking Member ROS-LEHTINEN and others, Mr. WOLF and Mr. SMITH, over the years on issues that relate to human rights throughout the world. I respect them for their leadership in so many arenas. It has been a privilege to work with them. I am so glad they are supporting this legislation today.

Mr. Speaker, I think it's very important for us to measure any initiative in relationship to the war in Iraq against the backdrop of what does this do to contribute to a vision for stability in the Middle East, whether we are talking about no permanent bases, whether we are talking about redeploying our troops out of Iraq, a change of mission there, to leave troops only for specific limited purposes. This is what the generals have told us. General Odom, for one, has said any vision for stability in the Middle East must begin with the redeployment of troops out of Iraq. So, too, this issue today, no permanent bases.

Yes, our colleagues are correct that this has been brought before the Congress before and has been passed into law, but the fact is that it may not have been heard adequately by the administration and certainly not by the people in the region.

This legislation clearly signals that the United States does not seek a permanent military presence in Iraq. This action is necessary to clarify confusing and contradictory statements from the administration regarding our Nation's long-term strategic relationship with Iraq.

In its final report, the bipartisan Iraq Study Group recommended that the United States clearly state that our Nation does not seek permanent military bases in Iraq or to control Iraq's oil. It did so to help shape "a positive climate for . . . diplomatic efforts," which are essential to ending the U.S. presence in Iraq and bringing greater stability to the Middle East.

While the administration has previously indicated it would not seek permanent bases in Iraq, recent statements raise contrary questions. Administration officials have remarked that the President envisioned a continued military presence in Iraq similar to our presence in Korea, where U.S. forces have been stationed for more than 50 years.

The American people have made it clear in the election that they want a new direction in Iraq that brings the troops home. The Iraqi people and regional powers must also be reassured that the United States does not seek to exploit Iraq either by building permanent military facilities there or by exercising control over its oil. We can make that statement by passing this legislation overwhelmingly today as part of our strategy for a new direction in Iraq and for stability in the Middle East.

The President's remarks in South Carolina yesterday were really saddening. Just when you think you have seen it all, just when you think you have heard it all, the President mentioned al Qaeda nearly 100 times to justify his course of action in Iraq. Let us remove all doubt. This Congress, every single person here, is committed to fight the war on terror, but let us not misrepresent what the troops in Iraq are doing.

Everyone who examines the situation with the knowledge says we do not belong in a civil war in Iraq. So, again, the President's statements give great cause for grave concern. They crystallized why the Congress must continue to pressure the administration to change course in Iraq. Yet again, President Bush mischaracterized the facts on the ground in Iraq and the latest intelligence on the real threat of international terrorism.

Just yesterday news reports were that the administration plans a continued substantial troop presence in Iraq through the summer of 2009; heaven knows, beyond then.

As the latest National Intelligence Estimate reveals, the war in Iraq has not made America safer or turned the tide against terrorism. In fact, while we have been tied down in Iraq, al Qaeda has been regenerated, has regenerated its ability to attack the United States while enjoying safe haven in vital areas of our ally in the war on terrorism, Pakistan.

The President's Iraq policy is unacceptable to the American people, and to Democrats in Congress, because it has allowed al Qaeda to regain its footing, reinforce its numbers, and refocus on another spectacular and deadly attack on the United States. That is why we must change direction in Iraq and do it now before it is too late.

America cannot afford another 2 years of war in Iraq. We have already lost more than 3,600 brave Americans to this bloody conflict. There can be no discussion of the situation in Iraq without pausing to remember and acknowledge the sacrifice, the courage and the patriotism of our men and women in uniform and their families who have sacrificed so much for our country. We thank them, we honor them, and we think they deserve better than no plan for a redeployment of troops out of Iraq.

We have lost 4 years that could have been spent bolstering Homeland Security, strengthening counterterrorism efforts, and focusing all of the resources at our disposal on combating the terrorist threat. Today's vote can again make clear to the President, and to the administration, to the American people, to the people in the Middle East, to the people in Iraq that the American people are opposed to a permanent military presence in Iraq.

The American people are demanding a new direction. The Democratic Congress will go on record every day, if necessary, to register a judgment in opposition to the course of action that the President is taking in Iraq. The Democratic Congress will go on record every day, if necessary, to fight for a redeployment of our forces as a central element of a new direction strategy for Iraq.

I urge my colleagues to vote in overwhelming numbers for this important legislation. .

Again, I thank our colleagues, Congresswoman BARBARA LEE, Congresswoman LYNN WOOLSEY, Congressman TOM ALLEN, Congresswoman MAXINE WATERS, and Congressman DAVID PRICE and all the others who played such an important role in bringing this legislation to the floor.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of the H.R. 2929, which I voted for, and which overwhelmingly passed the House of Representatives. This common-sense legislation limits the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control over the oil resources of Iraq.

In December 2006, the bipartisan Iraq Study Group released its recommendations for U.S. policy in Iraq. Included in those recommendations were two important provisions—the first advises the President against seeking permanent military bases in Iraq and the second encourages the Iraqi Government to take control of their own oil resources.

Accordingly, H.R. 2929 solidifies those recommendations and sends a very clear message to the Iraqi people that the United States is not an occupying force. The perception that the United States plans to keep a permanent military presence in Iraq and use its oil resources has only fueled the insurgency and violence against our troops. That has been exacerbated by President Bush's recent comments that our military presence in Iraq could extend 50 years into the future. In response, this legislation puts Congress on record opposing any permanent bases or attempts to control Iraq's oil revenues and helps take the target off our troops' backs.

Mr. Speaker, I oppose this war. I believe it is long past time to bring our troops home and end our involvement in this civil war. Although our withdrawal from Iraq will not happen tomorrow, this legislation is one way we can help put an end to our involvement today.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to thank the distinguished Congresswoman from California, BARBARA LEE for her work on H.R. 2929, which bans permanent military bases from being established in Iraq. She has long been a voice on ending the war in Iraq and I commend her and the work of Congresswoman MAXINE WATERS and Congresswoman LYNN WOOLSEY for their fortitude on this issue. I would also like to recognize Congressman TOM ALLEN and Congressman DAVID PRICE for their commitment and contributions to the bill.

In-line with the Iraq Study Group report, this bill would prohibit the establishment of permanent U.S. military bases. It would also prohibit the United States from exercising control over Iraqi oil resources. This bill signals a larger issue and bigger picture—our presence in Iraq is not permanent. Let it be clear to the Bush Administration and the Iraqi people that this Congress will not support an open-ended military occupation in Iraq.

The American people have spoken. The American Congress has acted. If necessary, we will go on the record everyday until we bring the troops home—we owe it to them and their families. I am proud to support this bill and I urge my colleagues to join me.

Mr. HOLT. Mr. Speaker, I rise in support of this bill.

This week, the White House announced that it foresees American troops in Iraq into at least 2009, and the President has even gone so far as to suggest that our presence in Iraq may evolve to look like our presence in South Korea. We've had troops stationed in South Korea—on permanent bases—for over 50 years. This resolution says clearly to the President and the people of Iraq that we will not turn our temporary presence in Iraq into a permanent one. The Congress should take whatever additional measures are necessary to ensure that no funds are expended for the construction of permanent bases in that country, and to that end I urge my colleagues to vote for this measure.

Ms. MATSUI. Mr. Speaker, I rise in support of this legislation—which I am proud to have co-sponsored—that commits our Nation to changing course in Iraq. This House, and the American people we represent, will not allow our involvement in Iraq's civil war to continue indefinitely.

Today's bill makes it crystal clear that no permanent military bases will be built in Iraq. As such, it is proof that the new Congressional leadership is focused on ending this war. It is evidence of our dedication to the well-being and protection of our troops. And, above all else, it begins to implement a strategy to reassert our country's proper role in the world.

For these reasons, this legislation deserves the unwavering support of each and every Member of this House.

Mr. Speaker, we know that much of the strife taking place in Iraq has deep historical and cultural roots. As a result, any resolution to the conflict will be political in nature and not imposed through force. A central component of such a solution will require us to redeploy our troops from Iraq, and I am proud to have voted in favor of such a strategic shift along with a majority of the new Democratic Congress.

Unfortunately, this rational way forward has been blocked by a President whose insistence on imposing a military solution has cost the lives of thousands of coalition forces and Iraqi civilians. The President's strategy is not working, Madam Speaker. And along with a majority of my colleagues, I will continue to vote to change it.

Passing the bill before us today will help us accomplish this goal. It will send an unmistakable message to our Armed Forces that the American people will not abandon them to a faraway civil war. It will demonstrate to the rest of the world that the United States is not bent on occupying other sovereign nations. It will signal to the Iraqi people that they must assume responsibility for their own government. Finally, it will allow our military the time it needs to re-focus on emerging threats to our allies and to our Nation.

Mr. Speaker, this bill validates what the American people have known for a long time: our presence in Iraq must end, for the good of our country and for the sake of those who have laid their lives on the line to fight for it.

Ms. ESHOO. Mr. Speaker, I rise in support of this legislation which sets into law two very important and straightforward policies:

(1) Congress shall provide no funding to support a permanent military presence in Iraq; and

(2) Congress will not support any policy to exercise U.S. control of Iraq's oil reserves.

These policies are important because they deliver a clear message to the Iraqi people that the U.S. presence is not open-ended, and that the resources of Iraq belong to the Iraqi people.

Today, fully 80 percent of Iraqis believe the U.S. intends to remain indefinitely in their country. This fuels insurgent attacks against our troops and discourages Iraqi security forces from taking control of their communities.

Terrorists use the claim that the U.S. "occupation" is a ploy to steal the region's oil, and with it its economic future.

This bill helps to eliminate the deep suspicions which exist and they take an important step forward to change the direction of the Iraq war.

I urge my colleagues to support the bill.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2929, a bill that would ensure that no permanent U.S. military bases are established in Iraq. As a cosponsor of this legislation, I believe that H.R. 2929 sends an important message to the Iraqi people that we respect their sovereignty. We can take the wind out of the sails of extremists and insurgents who benefit enormously from the Iraqi public perception that the United States intends to maintain permanent bases and troop presence within the nation.

In December 2006 the bipartisan Iraq Study Group recommended that the United States clearly state that our Nation does not seek permanent bases in Iraq or to control Iraq's oil. We must speak out now to show the Iraqi people and the international community that we support full sovereignty for Iraq, entrusted to a functioning Iraqi government. Although this body previously has approved provisions banning permanent bases in Iraq, these provisions are due to expire on September 30, 2007. H.R. 2929 would make this ban permanent.

Congress has made clear that there should be no permanent U.S. bases in Iraq, despite the Administration's warnings for a prolonged military presence in Iraq. I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2929, offered by my colleague Ms. LEE of California, of which I am proud to be a cosponsor.

This important legislation declares that it is U.S. policy not to establish any military installation for providing for the permanent stationing of U.S. forces in Iraq. It is also not U.S. policy to exercise U.S. control over Iraqi oil resources. This legislation prohibits any funds appropriated by Congress from being used toward either of these ends.

Mr. Speaker, we have already expended 3,500 American lives and $400 billion in taxpayer dollars in Iraq. We have occupied the country for over 4 years. And our President continues to push a strategy devoid of clear direction and visible targets, while rejecting congressional calls to solidify an exit strategy.

President Bush's "New Way Forward" strategy, announced in January, calls for the deployment of an additional 21,500 U.S. combat forces, to be used to stabilize Baghdad and the Anbar Province. This comes at a time when, according to an NBC News/Wall Street Journal Poll, 59 percent of Americans believe we should be reducing the number of troops in Iraq.

Last November, the American people clearly stated that they did not want to see an endless conflict in Iraq; they went to the polls and elected a new, Democratic Congress to lead our nation out of Iraq. I am proud to be a member of the Congressional class that listens and adheres to the will of the American people, as we did when both houses of Congress approved Iraq Supplemental bills that instituted a timetable for U.S. withdrawal. We need a new direction, because we owe our brave, fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

Though much of Iraq's infrastructure now lies in ruins, the country still has an immense abundance of energy resources. In proven oil reserves, Iraq ranks behind only Saudi Arabia and Canada, though the exact extent of its reserves remains controversial. Most estimates are in the range of 115 billion barrels, with approximately 65 percent located in the southern fields, particularly the Rumalia fields.

Iraq's energy sector is vital to the nation's political and economic future, with oil exports funding virtually all imports of basic goods, including food and medicine. Oil exports currently provide about 95 percent of Iraq's foreign exchange earnings.

Mr. Speaker, I would like to thank Congresswoman Lee for introducing this important legislation, and I strongly urge my colleagues to join me in supporting it.

The SPEAKER pro tempore (Mr. TIERNEY). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 2929.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECOND HIGHER EDUCATION EXTENSION ACT of 2007

Mr. HINOJOSA. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1868) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "July 31, 2007" and inserting "October 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Madam Speaker, I request 5 legislative days during which Members may insert materials relevant to S. 1868 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 1868, a bill to extend the Higher Education Act through October 31, 2007.

This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until October 31, 2007, giving us the time to fully consider and complete the reauthorization before us in the 110th Congress.

We are making progress. We have passed a historic investment in student financial aid in the College Cost Reduction Act. We have also laid the groundwork to reauthorize the other core higher education programs, including teacher preparation, developing and strengthening institutions, college readiness and outreach programs, including international education, graduate education and others. We put out a call for recommendations and received over 85 responses from individuals, organizations, and coalitions from across the Nation. We hear them loud and clear.

I am looking forward to working with all of my colleagues in the House to produce a strong reauthorization of the Higher Education Act that will earn broad support.

I would like to thank Congressman MCKEON, ranking member of the full committee, and Congressman RIC KELLER, ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, as well as our chairman, GEORGE MILLER, for working together with me to expedite this extension.

I respectfully urge all my colleagues to pass this legislation overwhelmingly.

Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, for the last several years my colleagues on the Education and Labor Committee have worked to renew, and indeed improve, the Higher Education Act.

Last Congress, we passed H.R. 609, the College Access and Opportunity Act, which made important reforms to the Pell Grant program, the Perkins loan program, and provided more accountability in the area of college costs. Unfortunately, the Senate was not able to act, and the legislation died.

□ 1130

This Congress, the House has passed the reforms to address some of the problems that have arisen in the student loan industry and has passed legislation that made changes to the mandatory spending programs under the Higher Education Act through the reconciliation process. As of yesterday, the Senate has passed both the reconciliation bill and the Higher Education Act reauthorization bill.

The latest extension of the Higher Education Act expires on July 31, 2007. Today, we are passing another extension through October 31, 2007. It is my hope that the House will soon renew the remaining Higher Education Act, but in the meantime Congress must once again act to extend this bill, which we have done so previously on several occasions with bipartisan support. So today I rise in support of legislation to do so once again.

S. 1868, the second Higher Education Act of 2007, will ensure that vital Federal college access and student aid programs continue, I repeat continue, to serve those students who depend upon them. This legislation extends the Higher Education Act for a brief time, just 3 months. At the same time, S. 1868 also gives Congress additional time to complete a review of the remaining higher education programs as well.

Madam Speaker, I encourage my colleagues to support this bill before us today and work with us in the coming months to complete a fundamental reform package so that we can better serve the American students pursuing a college education.

I yield back the balance of my time.

Mr. HINOJOSA. Madam Speaker, I want to thank Congressman KUHL from New York for his positive remarks on S. 1868, and together we are going to ask that our colleagues join us and pass this legislation overwhelmingly.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the Senate bill, S. 1868.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3093 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 3093.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. For purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 562 provides an open rule for consideration of H.R. 3093, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008.

I want to thank the distinguished chairman of the committee and ranking member for reporting out a bill that not only does not pay lip service but makes critical investment in our Nation's communities.

The bill provides $725 million for Community Oriented Policing Services, more commonly known as the COPS program, 25 percent above the current funding level. As a former prosecutor, I know how vitally important these programs are in assisting local law enforcement to hire and train law enforcement officers to participate in community policing, purchase and deploy new crime fighting technologies, and develop and test new and innovative policing strategies.

The administration had proposed to modify the COPS program into a new discretionary grant program, but the committee has chosen instead to keep COPS as a separate dedicated grant program. This is a proven model for getting these grants to the communities that need them, and I applaud the committee for preserving this program.

The bill includes $303 million for Economic Development Administration, the EDA. The EDA administers several economic development programs including public work grants for upgrading infrastructure, planning, and trade adjustment assistance for communities that bear the burden of jobs outsourced to other countries.

Additionally, the legislation would direct the EDA to consider with favorable bias grant proposals which incorporate green technologies and strategies that would reduce energy consumption, reduce harmful gas emissions, and contribute to sustainability.

The bill provides $50 million, 52 percent more than the current funding, for the Weed and Seed program. The Weed and Seed program helps localities develop programs to weed out and deter crime, and then take the all-important step that is so often left out of seeding the formerly high crime areas with programs to promote neighborhood revitalization. The funds will be used to carry out this mission in cities, such as my home in Utica, New York, and sponsor activities such as truancy prevention, conflict resolution, mentoring, and job training for at-risk youths.

Additionally, the bill, this resolution, provides for consideration and includes $40 million for grants, technical assistance, and training to State and local governments to develop dedicated drug courts that subject nonviolent offenders to an integrated mix of treatment, drug testing, incentives, and sanctions.

As a DA, I quickly learned that no matter what initiatives law enforcement took to reduce the supply of drugs, it never really affected the demand for drugs which never seemed to diminish and, therefore, created a seemingly endless market for drug dealers. But when my office established the county's drug court program, I realized the powerful effect that the program had in helping enrolled participants get control of their addiction and thereby reducing their demand for drugs. The appropriation of $40 million for drug court provided by H.R. 3093 is $30 million more than the current level, and I congratulate the committee for increasing funds for this vital and proven weapon on the war on drugs.

H.R. 3093 would also create incentives to fight illegal immigration. It would prohibit the Federal Government from using any of these funds on any entity that does not participate in the basic pilot program which allows employers to verify whether potential or current employees can legally work in the United States. This voluntary pilot program was created by the Illegal Immigration Reform and Responsibility Act of 1996 and allows employers to verify employment status through an automated system linked to the Social Security Administration and Department of Homeland Security data bases.

This legislation also includes $6.5 billion for the National Science Foundation. This level of funding will support the doubling of NSF's budget over the next 10 years, and represents a true commitment to investment in basic research and development, which will provide for innovation and future technologies. This commitment is an important part of the innovation agenda designed to maintain the United States' competitiveness.

H.R. 3093 also includes over $17.6 billion for the National Aeronautics and Space Administration. NASA's unique mission is to pioneer the future in space exploration, scientific discovery, and aeronautics research; and this appropriation enables them to accomplish this mission by restoring some of the cuts made by the administration to science, aeronautics, and education portfolios at the agency. This recommendation also provides for the continued efforts of NASA's Moon-Mars goals. The act calls on NASA to expand human knowledge, develop and operate advanced aeronautical and space-faring vehicles; encourage commercial use of space; coordinate with other U.S. agencies to maximize research results; cooperate with other nations in research and applications and to preserve U.S. preeminence in aeronautics and space.

This bill also prohibits the use of funds by the FBI to issue National Security Letters in contravention of the statutes authorizing their use. National Security Letters enable the FBI to secretly review customer records of suspected foreign agents without judicial review. In March, the Department of Justice Inspector General reported that the FBI agents had in numerous cases misused National Security Letters without complying with either statutes or DOJ guidelines governing their use. This widespread abuse of secret investigatory powers undermines the very notions of liberty and freedom from tyranny upon which this Nation was founded. The prohibition on use of funds contained in H.R. 3093 will ensure that such abuse does not continue.

Mr. Speaker, I have addressed only a handful of the important programs for which H.R. 3093 would appropriate funds. My remarks have focused on the criminal justice, NASA funding, and economic development aspects of the bill; but there are many other important areas addressed in this legislation. It provides funding for critical scientific research, including several programs which study global warming and climate change that the administration attempted to eliminate. The Appropriations Committee has approved a bill which would maintain the funding of this critical research, and I once again thank them for their work and welcome a chance to vote in favor of this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes.

Mr. Speaker, this Commerce, Justice, Science appropriations bill provides more than $53.5 billion in discretionary spending for fiscal year 2008, which is over 6 percent more than last year's enacted level.

□ 1145

While I support some of the increases in this bill that support our national priorities, such as counterterrorism and crime-fighting initiatives, I'm concerned that this bill falls in line with the spend now, tax later philosophy of the Democrat majority. This philosophy, as outlined in the Democrats' budget plan, puts each taxpayer on the path toward an average $3,000 increase in their Federal tax bill. This, once again, is another burden for the average taxpayer to bear.

Rather than prioritizing spending and making the tough choices, this bill aims to solve our Nation's problems by simply spending more money. This also ignores real threats to our security that must be addressed.

So, Mr. Speaker, one very serious problem that must be addressed before Congress adjourns next week, and that is changing current law so that our Intelligence Community has the tools it needs to monitor the telephone conversations of foreign terrorists physically located in foreign countries.

Homeland Security Secretary Michael Chertoff earlier this month indicated that the United States remains vulnerable to another terrorist attack, and that recent chatter levels are near those levels prior to September 11, 2001. But because of our failure to respond to technological advances, current law ties the hands of our Intelligence Community since significant portions of our intelligence is being missed, intelligence that could prevent a future attack on our Nation.

If we expect our Intelligence Community to do everything in their power under the law to protect our Nation against a future attack, then we must give them the resources and tools they need to stay ahead of those who wish to harm us.

It is vital that we act immediately to modernize the Foreign Intelligence Surveillance Act in order to clarify that the United States no longer will be required to get a warrant to listen to terrorists who are not in the United States.

Let me repeat that, Mr. Speaker. In order to clarify, change the law in order to clarify that the United States no longer will be required to get a warrant to listen to terrorists who are not in the United States. Each minute we wait to act, our Intelligence Community could be missing vital information, increasing our risk of another attack on U.S. soil.

Therefore, Mr. Speaker, I will be asking my colleagues to defeat the previous question on the rule so that the Foreign Intelligence Surveillance Act can be immediately modernized.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS) for his comments, and I couldn't agree with him more. Clearly, the safety of our Nation from foreign enemies is critical, and it's something that needs to be a priority and is a priority with this Congress and prior Congresses.

But one thing that I think is critical that we can never forget is safety doesn't begin at our borders. Safety is something that we need to recognize within our borders as well, and this bill takes great strides in terms of ensuring that our children are safe when they go to school. It puts more police officers on the street. It increases funding for the DNA database to help us locate rapists and criminals who have committed crimes and locate them and bring them to justice. It funds the drug court program, which is critical in terms of dealing with people who are addicted to drugs.

This bill takes a balanced approach to law enforcement, takes a balanced approach to what this country needs to keep our citizens safe, both internally and externally as well. And I believe that it is a very good bill, and that we should support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield as much time as he may consume to the ranking member of the Rules Committee, Mr. DREIER from California.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Pasco for yielding to me. And I thank him for his management of this rule, as well as my new friend from New York (Mr. ARCURI).

I have to say that I'm glad that there is bipartisan concern voiced about security, and I appreciate the remarks that my friend from New York has just made, Mr. Speaker, about the issue of ensuring that we provide security for our children and for anyone who possibly could face the challenge of being a victim of crime in this country.

The fact of the matter is I am very, very supportive of the notion that Mr. HASTINGS is putting forward here that we need to do everything that we can to prevent those who want to, en masse, kill us, as Americans, from being able to do that.

Now, it was 1978, Mr. Speaker, during the Cold War, that the Foreign Intelligence Surveillance Act was put into place. It was designed to deal with what today is very, very antiquated technology. I mean, I remember when we had this debate before about the notion of being able to follow one single telephone line that is out there. Well, when all we had were hard lines and one telephone line, courts would get a warrant to follow that one phone line because that's the only way people could communicate.

Well, Mr. Speaker, we all know that the world, when it comes to telecommunications, certainly is a heck of a lot different than it was 30 years ago, 29 years ago, 1978.

And what is it that we're saying?

Mr. HASTINGS is saying that, in recognition of the statements that were made most recently by the Secretary of Homeland Security Mr. Chertoff, that there is a higher level of chatter, and we need to do what we can to monitor it; coupled with statements made by the Director of National Intelligence, Director McConnell, who's made it very, very clear that we are today blind and deaf when it comes to the ability to monitor not people here in the United States, Mr. Speaker, we're talking about people who are foreigners and who are trying to do us in.

And so Mr. HASTINGS is simply saying that what we need to do is defeat the previous question so that we can make in order a chance for us to deal with the issue of modernization of that three-decade-old Foreign Intelligence Surveillance Act which today hamstrings us when it comes to the need for us to try and prevent terrorists from killing Americans. It's just that simple. And that kind of modification, that kind of modernization, that kind of reform is absolutely essential if we're going to have the tools necessary to successfully prosecute the war on terror.

And so I believe that every Member, Democrat and Republican alike, who's concerned about our need to ensure that people who are overseas and want to do us in, and that we cannot monitor, we should be able to do just that. And I think most thinking Americans believe that having the capability to monitor those in Iran, in Syria and in other countries who would want to do us in, that they should, in fact, be monitored, and we should get that information.

Now, this bill itself does, as my friend from Pasco has said, have a number of good things in it. It has some very, very important items that will help us deal with the challenge of crime that exists in this country, and obviously it provides very important funding for a high priority that I have, and that is NASA funding. The jet propulsion laboratory in La Canada Flint Ridge, California, is a very important facility which has made great strides with its Mars program and a wide range of other programs that they're involved in.

Mr. Speaker, this program also has funding for something that I believe is essential for us to realize, and it's on an issue that this place has debated time and time again, and it's one that we're still struggling over, and that is the issue of border security and the problem of illegal immigration.

Now, Mr. Speaker, I'm going to be offering an amendment when this bill proceeds which will allow us to actually increase the funding for what is known as the State Criminal Alien Assistance Program, SCAAP.

Now, one of the things we found, we put this program into place in the mid-1990s, and we found that State and local governments are, in fact, shouldering the responsibility, the financial burden, of the incarceration of people who are in this country illegally and commit crimes. In my county alone of Los Angeles, the cost is $150 million a year, according to my friend who's the sheriff of Los Angeles County. He's said that to me repeatedly; $150 million a year to incarcerate people who are in this country illegally and have perpetrated crimes against our citizenry.

It's not the responsibility of the City of Los Angeles, the County of Los Angeles or the State of California to shoulder that financial burden. The protection of international borders lies with the Federal Government, Washington, D.C., and that's why we have the SCAAP program.

We need to secure our borders. We need to take the responsibility for securing our borders. And because we have not done that yet, and I still am optimistic about our chance to do that, we need to make sure that we reimburse the States and counties and cities that are, in fact, responsible for the financial burden today of incarceration of those people who are in this country illegally and have perpetrated crimes against us.

And so I will be offering that amendment. We'll be transferring monies, Mr. Speaker, out of the administrative expenses of the Department of Commerce and the Department of Justice, and I hope that we will be able to have strong bipartisan support.

I will say I'm very proud that our California delegation has, in years past, come together, Republicans and Democrats, working together to increase the level of funding for the State Criminal Alien Assistance Program. Last year I was proud to have offered an amendment that had a $50 million increase for the SCAAP funding level that brought it to the $405 million level where it is today, and we had Democrats and Republicans joining in support of the amendment that I offered.

I hope very much, Mr. Speaker, that once again this year we'll have Democrats and Republicans who will join in support of the amendment that I will be offering that will have that increase in the funding level for SCAAP, so that we will be able to say to State and local governments that you are not going to be totally responsible for shouldering that burden.

So I thank my friend for yielding. I want to join, again, in urging a "no" vote on the previous question so that we can make this very important amendment in order for FISA reform. And I hope that when we do get to consideration of the bill itself, that we'll have strong bipartisan support for the very important amendment that I'm going to be offering to increase funding for SCAAP.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia, the chairman of the CJS subcommittee, Mr. MOLLOHAN.

Mr. MOLLOHAN. Mr. Speaker, I rise today in support of the rule for consideration of the fiscal year 2008 appropriations bill for the Departments of Commerce, Justice, Science and related agencies.

I would first like to thank distinguished Chairwoman SLAUGHTER, Ranking Member DREIER and the entire Rules Committee for this open rule.

Mr. Speaker, we bring before you today a balanced appropriation bill that's responsive to Member input on both sides of the aisle and reflects the legislative priorities of this Congress. This bill is creative in addressing problems that face our Nation, such as the rising crime rates that can only be addressed through additional law enforcement resources, the need for scientific research and discovery to inspire our youth and maintain our competitive edge in an increasingly competitive world economy, and the need for our country to understand and address the documented phenomena of global climate change.

In this diverse bill we have gone to great lengths to address these and many other issues, and, Mr. Speaker, I think the House will be pleased with the result. And again, I urge support for this rule.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL of Texas. Mr. Speaker, first I'd like to say, as a former Justice Department official who worked on national security, wiretaps or FISAs, I can think of no more important issues facing this country and this Congress than the modernization of the FISA statute. And I hope and I plead with my colleagues to support this measure.

I rise today to bring to the House's attention an issue dealing with changes to NASA's account structure required by H.R. 3093 and the challenges this provision will impose on NASA.

Title III of this bill increases the number of appropriations accounts that fund NASA from three to seven, and it requires conversion to this new structure in fiscal year 2008. Implementing this change will impose a tremendous burden on NASA's accounting system, at an unknown cost, and it's unclear what the net advantage of such a structural change, what that would be.

□ 1200

The current structure with three accounts coupled with customary congressional direction contained in the committee report language provides the agency unambiguous guidance regarding spending levels of the program, project, and in some cases at the activity level.

Since 2001, NASA has been implementing a new software package to standardize its accounting and financial software across all 11 of its centers, and at the same time NASA has been putting in place a new means of allocating overhead costs. These efforts have not yet been completed, and to now direct the agency to reformat its basic accounting system is especially burdensome and complex. It may also force the agency to reevaluate the manner in which it calculates overhead rates.

In a letter addressed to the House Appropriations leadership last month on the account structure change, NASA Administrator Mike Griffin stated that "it would have a severe and extensive impact upon NASA's financial system" and "would make maintaining NASA's ability to execute in full cost exceedingly complex."

H.R. 3093 also directs NASA to implement the account structure change in 2008, a task that NASA says it simply cannot do in the time permitted.

So I strongly urge the committee leadership to reflect carefully on the concerns raised by Administrator Griffin and to work with NASA in the weeks ahead to reach an agreement on a budget structure that allows for greater transparency without undermining NASA's current accounting system.

I would like to thank the chairman and ranking member of the Appropriations Committee for their hard work and for the resources provided to NASA in this bill.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont, my colleague from the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank my colleague from New York, my colleague from Washington, and colleagues on the Rules Committee.

Today, as you know, the House takes up the 10th of 12 appropriation measures, and this bill is all about continuing to make progress in America, in this Congress, in changing our domestic priorities. There are two points about this bill I want to address: first, law enforcement; second, science.

Law enforcement in our communities is the front line of protecting our communities. It is best done locally. This legislation, bipartisan, by the way, reverses 5 years of cuts to local law enforcement grants at a time when we need it. Violent crime, unfortunately, is on the rise. This funds our local law enforcement communities to do the job of building and maintaining safe communities. It does soundly reject the administration's proposed cuts to undo funding formulas that have been particularly helpful with the small State minimum.

The bill heavily invests in the safety and well-being of Americans, providing a total of $3.2 billion for State and local law enforcement efforts. $430 million will go to the Office on Violence Against Women. And, as you know, that strives to reduce the prevalence of violence committed against women. $100 million goes for the Cops on the Beat program, something that has been a major bipartisan success over the years.

The second issue is science. I want specifically to applaud the subcommittee for its support of the sciences and the emerging multidisciplinary field of service science. That combines disciplines like computer science, operations research, industrial engineering, business strategy, and management sciences to meet the 21st century needs of the workforce. The National Science Foundation should review what is currently being done in the area of service science and explore what more can be done.

The work of the NSF and the National Institute of Standards and Technology, NIST, is critical to fostering greater U.S. innovation and competitiveness in science, technology, engineering, and math. The investment in these agencies is an investment in that education and the development of the crucial multidisciplinary skills that are required to maintain our workforce and compete in the world economy.

As much more of our economy is service-based, we must ensure that our science agencies are focused on both research and education that promote innovation in service sectors such as education, health care, energy, telecommunications, and finance. The growing service sector in my State of Vermont is probably typical. It provides some of our best-paying jobs, nearly 80 percent of our employment. Last year we exported more than a half billion dollars in services, and 8,000 Vermonters were employed because of foreign investment in that sector.

This bill's investment in service-related research and STEM education through the NSF and NIST will foster innovation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is a leader in this body on national security issues.

Mrs. WILSON of New Mexico. Mr. Speaker, if the previous question is defeated today, we will offer an immediate amendment to reform the Foreign Intelligence Surveillance Act.

The reform is very, very simple. It doesn't affect most programs, but all it does is say that you do not need a warrant to listen to foreign communications by foreigners who are in foreign countries. That is all it says. But it is critical that we make this change, and it is critical that we make this change immediately.

I would say to my colleagues and to those Members of congressional staffs who are monitoring the proceedings on the floor here today, I have served in this Congress for 9 years. I served as a United States Air Force officer for 7 years and on the national security staff at the White House for 2. In my 9 years in the Congress, I have never been more concerned about Congress's failure to act than I am today.

This is absolutely critical to the country to fix, and the only people that can fix it are Members of the United States Congress. We cannot work around this law. We have to fix this law, and it is squarely in our laps to fix it.

The leadership on both sides of the aisle and the Committee on Intelligence on both sides of the aisle have been briefed in detail about the problems our intelligence community is facing, that we have blinded them and forced them to stick their fingers in their ears because of anomalies in technology that have changed faster than we have been willing to change the law. And every one of us knows that it has already imperiled American lives. And yet this House sits here and does nothing, absolutely nothing, when we know that lives are at risk. We must allow our intelligence agencies to monitor terrorist communications without a warrant in the United States when they are listening to foreign communications.

How the heck did we get ourselves in this place in the first place? In 1978, almost all long-haul communications were over the air, and for foreign intelligence collection, you didn't need a warrant; almost all short-haul communications, local calls, were over a wire, and you did.

Now, because the technology has changed, the situation is completely reversed. Almost all local calls are over the air. There are 230 million cell phones in this country. But that is not where the foreign intelligence is. Now almost all long-haul communications are over a wire, and we are forcing our intelligence agencies to go to judges to get probable cause on some terrorist who is overseas communicating with another terrorist overseas just because the point of the wiretap is in the United States. This is stupid and it is imperiling American lives.

The danger is very serious. The Director of National Intelligence, Mr. McCONNELL, testified in front of the Senate Intelligence Committee recently that "We are actually missing a significant portion of what we should be getting."

We all remember where we were the morning of 9/11. We remember whom we were with, what we were wearing, what we had for breakfast. But I wager nobody in this room remembers where they were when the British Government arrested 16 terrorists who were within 48 hours of walking onto airliners at Heathrow and blowing them up over the Atlantic. That happened a year ago in August. Within 48 hours, they were within 48 hours, and the tragedy would have been greater than on 9/11. It didn't happen and you don't remember it because American, British, and Pakistani intelligence detected the plot before it was carried out.

I have pleaded with my colleagues on the Intelligence Committee and with the leadership on both sides of the aisle in this House, and I pray to God that we will not need another 9/11 Commission after another national tragedy and they will be looking back and saying, Why didn't the Congress do something? They knew and they failed to act.

Today you have an opportunity to insist that this body act because we do know we are failing to protect this country.

I would urge my colleagues to defeat the previous question and to immediately consider amendments to the Foreign Intelligence Surveillance Act.

Mr. ARCURI. Mr. Speaker, I certainly appreciate the gentlewoman's passion and concern. We are all very concerned for the safety of our country.

But I think it is critical that we not forget the reason we are here today. We are here to debate a rule which is very concerned, which deals with a balanced approach to making our country safer domestically, to being concerned with putting more police officers on the street, for increasing funding for Drug Corps, for increasing funding for science and NASA. That is what we are here to do today. That is what we are here to debate, and I would strongly urge passage of this ruling.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding time to me this morning for this rule.

I first want to thank the members of the committee and the subcommittee for their hard work on this very important bill, particularly including the part concerning NASA, which I want to speak about for just a minute. Chairman OBEY and Chairman MOLLOHAN have been tremendously dedicated to assisting me and making good things happen. I applaud them.

Mr. Speaker, my district includes NASA's Johnson Space Center, the crown jewel of the Nation's space program. The Johnson Space Center serves as a key component of the southeast Texas economy, employing the best and brightest minds who serve as leaders in the sciences, education, business, and human space exploration, not to mention the important roles they and their families play in our local communities. I will aggressively champion the work and dedication of these hard-working Americans and the many benefits they bring to all of our districts and our country.

Mr. Speaker, when we talk about fiscal responsibility and doing our best to practice good government, we must be mindful of programs that are important to fund, those that return more on the taxpayer dollar and are wise investments. And I can think of no better example than investing in our future and the future of NASA. Over the years, the math shows that every dollar invested in the space program is returned exponentially in the form of new products, new technologies, and new businesses. Relative to our entire Federal budget, NASA dollars' share comes to less than 1 percent, about six- or seven-tenths of a percent. By comparison, Americans spend over $45 billion a year on soft drinks.

NASA research and technologies have provided law enforcement with advanced equipment to detect suspicious liquids and substances, protective gear for chemical analysis, safer oxygen tanks for firefighters, equipment to treat children's cancer, improved cardiac care techniques, advanced aircraft technology for safer commercial flights, satellite technology to improve our understanding of the Earth's climate, and more accurate weather forecasting to better protect us from natural disasters.

So for less than one-third of our national soft drink budget, NASA pushes the boundaries of the final frontier, creating commerce, assisting with education, increasing our economic competitiveness, enhancing health care, monitoring climate change, building stronger bonds with our allies, and ensuring the survival of the human race.

So, Mr. Speaker, I kindly ask my colleagues, take a good look at the myriad ways NASA has benefited our great Nation. For me and for many of the folks who work at NASA and on NASA matters on a day-to-day basis, this isn't a Republican or Democratic issue; it is a matter of keeping America at the top of the space race and continuing the unparalleled legacy of achievement that so many NASA employees and partners have achieved.

□ 1215

So I look forward to continuing to work with the committee members, the conferees and all my colleagues to increase NASA funding. I appreciate the work of the Rules Committee, and I ask all of our colleagues to support this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Let me talk about this process of defeating the previous question so we can take up the amendment regarding the FISA Act.

This does not slow down the process at all. I want to repeat that, Mr. Speaker; this does not slow down the process at all. It simply makes in order, with the appropriate waivers, to discuss the amendment that was described by Mrs. WILSON from New Mexico.

This is a very, very serious issue. It has been described by a number of people how important this is to our Intelligence Community. And by definition, it falls into the area of secure knowledge. But for those that are on the committees of jurisdiction, those that hear this on a regular basis, we need to act on it sooner than later. And we can act on it today without slowing down the process whatsoever by defeating the previous question, voting "no" on the previous question.

I will be submitting an amendment that will be made in order, with the appropriate waivers, and we can debate the issue. It sounds to me, Mr. Speaker, that there is strong bipartisan support in order to achieve this end that has been described. We have the opportunity to do it now. We ought to do it before the August recess.

And so, Mr. Speaker, I am asking my colleagues to vote "no" on the previous question. By defeating the previous question, we will give Members the ability to vote today on the merits of changing current law to ensure our Intelligence Community has the tools that they need to help protect our Nation from a potentially imminent terrorist attack.

And with that, Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, the Appropriations Committee has presented us with a bill that will provide funding agencies related to Commerce, Justice and Science for the fiscal year 2008.

The bill contains a higher overall allocation than was requested by the President, but with very good reason. By all measures this bill will have a real, tangible impact on all Americans, improving their daily lives in many ways. It funds the Economic Development Administration, Weed & Seed program, prescription drug monitoring, National Oceanic and Atmospheric Administration, the National Science Foundation, NASA, the Census Bureau, the National Institute of Standards and Technology, the U.S. Patent and Trademark Office, and community-oriented police services.

And I would just like to mention in that regard, from a personal perspective, in my community in which I live, there is a small police department, 20 officers; that as a result of the community-oriented police in New Hartford, New York, they were able to get three additional police officers, increase their technology significantly. That's a 15 percent increase in officers to that department. The COPS program makes our streets safer.

The Drug Corps program is a phenomenal program that this bill will continue to fund. And I would urge any of my colleagues in Congress to someday sit through a Drug Corps graduation program. When they see that, and they see the testimonies of the people who have finished, and listen to their families talk about how devastating drug addiction has been to their family and how this program has helped them, they would strongly support this bill and strongly support the Drug Corps program.

In short, H.R. 3093 provides critical funding for programs that keep our streets safe, our economy prosperous, and allows our scientists to continue studying global warming and climate change.

Mr. Speaker, I strongly urge a vote of "yes" on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 562 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution insert the following:

SEC. 4. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment printed in section 5 of this resolution if offered by Representative Hoekstra of Michigan or his designee. All points of order against consideration of the amendment printed in section 5 are waived.

SEC. 5. The amendment referred to in section 4 is as follows:

At the end of the bill (before the short title), insert the following: Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows—

'(f) 'Electronic surveillance' means—

'(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

'(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.'.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution (if ordered); and suspending the rules with respect to H.R. 2929; H. Res. 345; and H. Con. Res. 187.

The vote was taken by electronic device, and there were—yeas 221, nays 195, not voting 15, as follows:

[Roll No. 716]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Baker
Bishop (UT)
Carson
Clarke
Cole (OK)
Cubin
Davis, Jo Ann
Israel
LaHood
Marshall
Melancon
Murtha
Stark
Wamp
Young (AK)

□ 1243

Mr. NEUGEBAUER, Mr. HELLER of Nevada and Mrs. MUSGRAVE changed their vote from "yea" to "nay."

Messrs. MARKEY, BOUCHER and MATHESON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2929, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 2929.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 24, not voting 9, as follows:

[Roll No. 717]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott

McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—24

Bachus
Baker
Barrett (SC)
Barton (TX)
Blackburn
Brady (TX)
Burgess
Campbell (CA)
Cannon
Flake
Franks (AZ)
Gingrey
Hastert
Herger
Inglis (SC)
Jordan
King (IA)
Linder
Miller (FL)
Pearce
Sali
Shadegg
Thornberry
Turner

NOT VOTING—9

Carson
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Stark
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1252

Mr. LAMBORN and Mr. MARCHANT changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TURNER. Mr. Speaker, on rollcall No. 717, I am recorded as having noted "no", having intended to vote "yes."

COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 345, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 345.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 8, as follows:

[Roll No. 718]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Carson
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1258

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE DUMPING OF INDUSTRIAL WASTE INTO THE GREAT LAKES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Con. Res. 187.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 26, answered "present" 2, not voting 16, as follows:

[Roll No. 719]

YEAS—387

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—26

Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Burton (IN)
Buyer
Cannon
Cantor
Conaway
Culberson
Flake
Foxx
Franks (AZ)
Hensarling
Lamborn
Lungren, Daniel E.
Marchant
Miller, Gary
Pence
Poe
Royce
Shadegg
Simpson
Souder

ANSWERED "PRESENT"—2

Gohmert
Sali

NOT VOTING—16

Abercrombie
Brown-Waite, Ginny
Carson
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Diaz-Balart, L.
Diaz-Balart, M.
Hobson
LaHood
Marshall
Peterson (PA)
Sensenbrenner
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minute remaining in this vote.

☐ 1305

Mrs. BLACKBURN changed her vote from "yea" to "nay."

Mr. JOHNSON of Georgia changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. Conferees will be appointed at a later time.

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3093 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3093.

☐ 1306

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and

Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, today we're considering the fiscal year 2008 appropriations bill for the Departments of Commerce, Justice, Science and Related Agencies.

Before I get into the substance of the bill, Mr. Chairman, I want to thank my ranking member, RODNEY FRELINGHUYSEN, for his important contributions to this bill. He's done an outstanding job. He's been a terrific partner, and I respect and appreciate the expertise that he brings to our subcommittee. He has a strong commitment to our law enforcement agencies and grant programs for at-risk individuals. Mr. Chairman, he's demonstrated a real desire to make sure that the U.S. has adequate resources to negotiate fair trade agreements and the means to obtain an accurate census. I thank him for his assistance. I sincerely also want to thank his personal staff, Katie Hazlett and Nancy Fox, and minority staff, Frank Cushing and Mike Ringler, for their help during this whole process.

Mr. Chairman, I also want to express my thanks to Chairman DAVID OBEY who has done an excellent job leading the Appropriations Committee through a hectic year that began with a continuing resolution.

I also want to express my sincere gratitude to a tremendous subcommittee staff. This bill would not have been possible without the extreme hard work of Michelle Burkett, Meg Thompson, Marjorie Duske, Tracey LaTurner, Dennis Dauphin and Jennifer Eskra, who sacrificed long hours many days to complete this bill.

I also appreciate the strong efforts and expertise of the full committee, including majority staff director Rob Nabors, John Daniel, David Reich, and Leslie Turner.

Lastly, I want to recognize my personal staff for their hard work, Sally Moorhead and Julie Aaronson, who have done a tremendous job working on the bill as well.

Now, Mr. Chairman, turning to the substance of the bill. Mr. Chairman, this bill totals $53.6 billion in spending and was formulated with input gathered from 24 hearings, including agencies that had not had a hearing since fiscal year 2005. We also heard expert testimony from outside witnesses regarding law enforcement needs, the importance of scientific research for our Nation's competitiveness, and the need for Federal investment in local and regional economic development.

Through these hearings, we developed a fair and bipartisan appropriations bill that responds to legislative priorities supported on both sides of the aisle. Those priorities include both programmatic funding and congressionally directed spending for projects in individual districts. Pursuant to the strong rules put in place by the House and the full Appropriations Committee this year, designated funding has been cut in half from the fiscal year 2006 enacted level, and oversight has been increased by examining closely and carefully each earmark request and the accompanying certification letters.

In several areas in the bill, Mr. Chairman, this subcommittee has eliminated earmarks and instead has created competitive accounts in which eligible entities may compete by submitting proposals to the agency for Federal funding. This process will increase transparency, spur innovative solutions, and allow programs nationwide to compete in the marketplace of ideas.

Mr. Chairman, I'm particularly pleased that this subcommittee, which funds the major science agencies for the Federal Government, has taken on the issue of climate change. This bill funds $1.9 billion worth of climate change initiatives, an increase of $164 million above the President's request. Now that the scientific community has determined that global warming and the resulting climate changes are real phenomena, we must identify steps to be taken and strategies to be adopted in response to global climate change, and this bill does so by funding new programs in the Department of Commerce, in NASA, and in the National Science Foundation. Some of the climate change initiatives in this bill include:

Funds to improve data collection associated with understanding global climate change, including restoring critically important sensors on the National Polar-orbiting Operating Environmental Satellite System, NPOESS;

Second, funding increases for competitive climate research grants in NOAA's operating, research and facilities account;

Third, two new education programs directed at climate change as recommended by the National Academies;

Fourth, additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change;

And, finally, Mr. Chairman, $6 million in NOAA for an investigation and study by the National Academy of Sciences on climate change.

This climate change study by the National Academy of Sciences will be a science-driven report examining the climate change data that has been collected in the last decade to provide the Federal Government, the business sector and other interested parties with an understanding of what we know and what we don't know about climate change and the options for how to proceed in the future. This landmark study process will begin with a 3-day climate change summit, at which top experts in the field will gather to determine the study's scope and topics. This subcommittee will take great efforts in this process to assure that agency agendas and politics do not get in the way of good science guidance to this country which it needs to move forward.

Mr. Chairman, perhaps the most vital theme in this bill is law enforcement and protection for our communities. The job of funding the Department of Justice was made more challenging by funding holes in the President's inadequate budget request. In this bill, we increased funding for the Department of Justice above the President's request by $1.68 billion for a total funding for the Department of Justice of $23.9 billion.

The President requested $1.475 billion for State and local law enforcement. Well, this was $1.4 billion below the fiscal year 2007 enacted level, thus creating a huge hole in the bill.

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The bill provides $3.195 billion for State and local law enforcement, and that is a 53 percent increase above the President's request and a 10 percent increase above fiscal year 2007 levels.

The President's request would eliminate the existing Office of Justice Program's formula program and discretionary grants, and create three vaguely defined initiatives to be administered under the sole discretion of the Attorney General. This bill rejects the administration's proposal and provides funds directly to State and local law enforcement.

Other key funding increases in the Department of Justice include two new competitive grant programs. The first is the Youth Mentoring Grants, funded at $100 million. The second, a $10 million program, will provide competitive grants to programs of national significance to prevent crime and improve the administration of justice or assist victims of crime. This bill provides $725 million for the Community Oriented Policing Services programs, which played a vital major role in reducing crime in the 1990s.

Within this total, $100 million is for restarting the COPS hiring program, which has not been funded since 2005. Many Members contacted the subcommittee and myself and the ranking member with regard to the COPS program. I am very pleased that we were able to restart this COPS hiring program, which was extremely effective in reducing that crime rate in the 1990s.

This bill also offers comprehensive funding to help State and local law enforcement address the methamphetamine epidemic, including $600 million in Justice Assistance Grants, $85 million for meth-specific COPS grants, $40 million for Drug Court programs, $10 million for State Prison Treatment Drug Programs, and $20.6 million for DEA Mobile Enforcement teams, which Mr. FRELINGHUYSEN was so instrumental in advocating. The President proposed to terminate all of these programs.

The bill also provides funding for Southwest Border Methamphetamine Enforcement. The bill increases funding for Violence Against Women Act, the VAWA programs, by $60 million for a total funding of $430 million, and rejects the President's proposal for VAWA's 14 grant programs. Tremendous interest among both the parties, Democrats, Republicans, for VAWA, and we are very pleased to bring a bill to the floor that can increase the violence against women programs by $60 million, I repeat, for a total of $430 million.

Lastly, within the Department of Justice, the bill provides $25.4 million and increases for several Federal law enforcement agencies to implement the Adam Walsh Act of 2006. Increased funding is provided in several accounts within the Department of Justice for the apprehension and prosecution of sex offenders. An increase of $14 million, for a total of $61.4 million, is also provided for the Missing Children programs.

Mr. Chairman, the Department of Commerce recommendation is $7 billion, a little over $7 billion, an increase of $497 million above the President's request.

In the bill the committee restores funding for a number of programs that the President cut or eliminated, including the Advanced Technology Program, the Manufacturing Extension Program, and the Public Telecommunications Facilities Program.

In the Census Bureau, funds were restored for the Survey of Income and Program Participation, an extremely important program with great interest among the body, and community partnership program has been restored as well. For the Economic Development Administration, an increase of $100 million was provided to reverse a recent downward trend in funding. The bill also rejects the President's proposal to consolidate the economic development programs into a single regional development account.

Mr. Chairman, for the National Oceanic and Atmospheric Administration, the bill provides robust funding of almost $4 billion. The bill establishes competitive funding in the Coastal Estuarine and the Land Conservation Program and the Integrated Ocean Observing System, and also competitive funding in the education account.

In support of the Innovation Agenda, the committee funds the National Institute of Standards and Technology at $831 million, an increase of $190 million above the President's request, and provides $6.5 billion to the National Science Foundation to continue the goal of doubling the National Science Foundation funding in 10 years.

The bill also provides an increase of $72 million in National Science Foundation over the President's request for education programs.

In NASA, the bill provides $17.6 billion, an increase of $313 million above the President's request. This funding restores the cuts made by the administration in science and aeronautics and the education portfolios, and provides the funding in a new account structure to improve transparency and understandability of NASA's submissions.

We have tried in a small way to give NASA the increases that it needs where the President has been negligent. The President's budget request made an ambitious proposal in the Vision for Space Exploration for the United States to return to the moon and to eventually go to Mars; however, by all accounts, he did not fund his vision adequately. The most recent telling evidence of this shortfall is the fact that the President's proposal assumes the inability of the United States to access space for a gap of 4 years between when the space station retires and when the CEV launches on its first official flight, the crew exploration vehicle. This leaves the United States with no guaranteed source of transportation during that gap to the space station.

I want to make clear to Members that the gap has nothing to do with the continuing resolution of last year. Full ownership of this gap resides with the President. His unfunded mandate of the vision, as well as the fact that NASA had to pay for return to flight after the Columbia accident out of its own hide, has resulted in NASA being forced to rob Peter, science and aeronautics, to pay for Paul, shuttle, space station and exploration. In the end there is not enough for either Peter or Paul.

The President has to acknowledge his inadequate budget request in this area. We invite him to reinvigorate and legitimize the Vision for Space Exploration by asking for necessary funds for returning to the moon and for going to Mars eventually and for other key NASA missions through a budget amendment or through an adequate fiscal year 2009 request. Otherwise, limited U.S. access to space and stagnation of key NASA programs will be, in this area, the President's legacy, the President's legacy in space.

This bill makes positive changes in some of the smaller agencies. We have added $66 million above the President's request to the Legal Services Corporation for a total of $337 million. We have added $5 million to the EEOC to reduce the backlog of pending cases, and included a provision to eliminate the outsourcing of the EEOC call center. We have restored funding for the National Veterans Business Development Corporation, which was zeroed out in the President's request, and we have provided additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change.

There are many worthwhile programs in this bill. This reviews the highlights of them, and this bill represents a responsible bipartisan approach to funding these priorities, and we are pleased to bring it to the body today.

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	403,604	425,431	430,431	+26,827	+5,000
Offsetting fee collections	-8,000	-13,000	-8,000	---	+5,000
Direct appropriation	395,604	412,431	422,431	+26,827	+10,000
Bureau of Industry and Security					
Operations and administration	60,815	64,009	64,009	+3,194	---
CWC enforcement	14,579	14,767	14,767	+188	---
Total, Bureau of Industry and Security	75,394	78,776	78,776	+3,382	---
Economic Development Administration					
Economic development assistance programs	250,741	170,000	270,000	+19,259	+100,000
Salaries and expenses	29,882	32,800	32,800	+2,918	---
Total, Economic Development Administration	280,623	202,800	302,800	+22,177	+100,000
Minority business development	29,725	28,701	31,225	+1,500	+2,524
Economic and Statistical Analysis	79,751	85,000	86,500	+6,749	+1,500
Bureau of the Census					
Salaries and expenses	196,647	202,838	196,838	+191	-6,000
Periodic censuses and programs	696,365	1,027,406	1,035,406	+339,041	+8,000
Total, Bureau of the Census	893,012	1,230,244	1,232,244	+339,232	+2,000
National Telecommunications and Information Administration					
Salaries and expenses	18,062	18,581	18,581	+519	---
Public telecommunications facilities, planning and construction	21,728	---	21,728	---	+21,728
Technology opportunities program	---	---	---	---	---
Total, National Telecommunications and Information Administration	39,790	18,581	40,309	+519	+21,728
United States Patent and Trademark Office					
Current year fee funding	1,771,000	1,915,500	1,915,500	+144,500	---
Offsetting fee collections	-1,771,000	-1,915,500	-1,915,500	-144,500	---
Total, Patent and Trademark Office	---	---	---	---	---
Technology Administration	2,020	1,557	1,000	-1,020	-557
National Institute of Standards and Technology					
Scientific and technical research and services	434,371	500,517	500,517	+66,146	---
(Transfer out)	(-987)	(-12,500)	(-12,500)	(-11,513)	---
Industrial technology services	183,819	46,332	201,819	+18,000	+155,487
Manufacturing Extension Partnerships	(104,757)	(46,332)	(108,757)	(+4,000)	(+62,425)
Advanced Technology Program	(79,062)	---	(93,062)	(+14,000)	(+93,062)
Construction of research facilities	58,686	93,865	128,865	+70,179	+35,000
Working capital fund (by transfer)	(987)	(12,500)	(12,500)	(+11,513)	---
Total, National Institute of Standards and Technology	676,876	640,714	831,201	+154,325	+190,487

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,738,169	2,763,866	2,847,556	+109,387	+83,690
Emergency appropriations (P.L. 110-28)	170,400	---	---	-170,400	---
Promote and Develop Fund (by transfer)	(79,000)	(77,000)	(77,000)	(-2,000)	---
Coastal zone management transfer	2,962	3,000	3,000	+38	---
Subtotal	2,911,531	2,766,866	2,850,556	-60,975	+83,690
Procurement, acquisition and construction	1,110,119	979,893	1,039,098	-71,021	+59,205
Pacific coastal salmon recovery	66,638	66,825	64,825	-1,813	-2,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fisheries finance program account	-7,000	-1,000	-1,000	+6,000	---
Total, National Oceanic and Atmospheric Administration	4,078,288	3,809,584	3,950,479	-127,809	+140,895
Departmental Management					
Salaries and expenses	47,121	58,693	58,693	+11,572	---
Travel and tourism	3,949	---	---	-3,949	---
HCHB renovation and modernization	---	4,300	3,364	+3,364	-936
Office of Inspector General	22,592	23,426	23,426	+834	---
National Intellectual Property Law Enforcement Coordination Council	---	1,000	1,000	+1,000	---
Total, Departmental Management	73,662	87,419	86,483	+12,821	-936
Total, title I, Department of Commerce	6,624,745	6,595,807	7,063,448	+438,703	+467,641
Appropriations	(6,454,345)	(6,595,807)	(7,063,448)	(+609,103)	(+467,641)
Emergency appropriations	(170,400)	---	---	(-170,400)	---
(By transfer)	(79,987)	(89,500)	(89,500)	(+9,513)	---
(Transfer out)	(-987)	(-12,500)	(-12,500)	(-11,513)	---
TITLE II - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	97,832	104,777	104,777	+6,945	---
Justice information sharing technology	123,559	100,500	100,500	-23,059	---
Tactical law enforcement wireless communications	89,198	81,353	81,353	-7,845	---
Total, General Administration	310,589	286,630	286,630	-23,959	---
Administrative review and appeals	229,142	247,499	247,499	+18,357	---
Office for Immigration Review (by transfer)	---	(4,000)	(4,000)	(+4,000)	---
Detention trustee	1,225,816	1,294,226	1,260,872	+35,056	-33,354
Office of Inspector General	70,603	73,208	74,708	+4,105	+1,500
Transfer from FBI (P.L. 110-28) (emergency)	(500)	---	---	(-500)	---
United States Parole Commission					
Salaries and expenses	11,509	12,194	12,194	+685	---
Legal Activities					
General legal activities: direct appropriation	677,154	750,584	750,584	+73,430	---
Emergency appropriations (P.L. 110-28)	1,648	---	---	-1,648	---
Vaccine injury compensation trust fund (permanent)	6,252	6,833	6,833	+581	---
Antitrust Division	147,819	155,097	155,097	+7,278	---
Offsetting fee collections - current year	-129,000	-139,000	-139,000	-10,000	---
Direct appropriation	18,819	16,097	16,097	-2,722	---
United States Attorneys					
Salaries and expenses	1,654,886	1,747,822	1,747,822	+92,936	---
Emergency appropriations (P.L. 110-28)	5,000	---	---	-5,000	---

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Trustee System Fund	223,152	231,899	189,000	-34,152	-42,899
Offsetting fee collections	-218,216	-184,000	-184,000	+34,216	---
Interest on U.S. securities	-4,936	-5,000	-5,000	-64	---
Direct appropriation	---	42,899	---	---	-42,899
Foreign Claims Settlement Commission	1,561	1,709	1,709	+148	---
United States Marshals Service					
Salaries and expenses	812,070	899,875	883,766	+71,696	-16,109
Emergency appropriations (P.L. 110-28)	6,450	---	---	-6,450	---
Construction	6,846	---	2,451	-4,395	+2,451
Total, United States Marshals Service	825,366	899,875	886,217	+60,851	-13,658
Fees and expenses of witnesses	171,000	168,300	168,300	-2,700	---
Community Relations Service	10,221	9,794	9,794	-427	---
Assets forfeiture fund	21,211	20,990	20,990	-221	---
Total, Legal activities	3,393,118	3,664,903	3,608,346	+215,228	-56,557
Salaries and expenses, National Security Division	66,970	78,056	78,056	+11,086	---
Emergency appropriations (P.L. 110-28)	1,736	---	---	-1,736	---
Interagency Law Enforcement					
Interagency crime and drug enforcement	497,935	509,154	509,154	+11,219	---
Federal Bureau of Investigation					
Salaries and expenses	3,729,518	4,041,370	4,189,531	+460,013	+148,161
Emergency appropriations (P.L. 110-28)	258,000	---	---	-258,000	---
Transfer to OIG (P.L. 110-28) (emergency)	(-500)	---	---	(+500)	---
Counterintelligence and national security	2,259,663	2,308,580	2,308,580	+48,917	---
Direct appropriation	6,247,181	6,349,950	6,498,111	+250,930	+148,161
Construction	51,392	81,352	33,191	-18,201	-48,161
Total, Federal Bureau of Investigation	6,298,573	6,431,302	6,531,302	+232,729	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,956,967	2,041,818	2,081,818	+124,851	+40,000
Emergency appropriations (P.L. 110-28)	16,166	---	---	-16,166	---
Diversion control fund	-212,078	-239,249	-239,249	-27,171	---
Total, Drug Enforcement Administration	1,761,055	1,802,569	1,842,569	+81,514	+40,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	984,097	1,013,980	1,013,980	+29,883	---
Federal Prison System					
Salaries and expenses	4,995,433	5,151,440	5,171,440	+176,007	+20,000
Emergency appropriations (P.L. 110-28)	17,000	---	---	-17,000	---
Buildings and facilities	432,425	210,003	95,003	-337,422	-115,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,322	2,477	2,477	-845	---
Total, Federal Prison System	5,448,180	5,363,920	5,268,920	-179,260	-95,000
Violence against women office	382,571	370,005	430,000	+47,429	+59,995

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Justice Programs					
Justice assistance	238,340	167,269	250,000	+11,660	+82,731
State and local law enforcement assistance	1,236,804	550,000	1,315,000	+78,196	+765,000
Emergency appropriations (P.L. 110-28)	50,000	---	---	-50,000	---
Weed and seed program fund	49,361	---	---	-49,361	---
Community oriented policing services	541,838	32,308	725,000	+183,162	+692,692
Juvenile justice programs	338,361	280,000	399,900	+61,539	+119,900
Public safety officers benefits:					
Death benefits	65,000	66,000	66,000	+1,000	---
Disability and education benefits	8,834	9,100	9,100	+266	---
Subtotal	73,834	75,100	75,100	+1,266	---
Total, Office of Justice Programs	2,528,538	1,104,677	2,765,000	+236,462	+1,660,323
Total, title II, Department of Justice	23,210,432	22,252,323	23,929,230	+718,798	+1,676,907
Appropriations	(22,854,432)	(22,252,323)	(23,929,230)	(+1,074,798)	(+1,676,907)
Emergency appropriations	(356,000)	---	---	(-356,000)	---
TITLE III - SCIENCE					
Executive Office of the President					
Office of Science and Technology Policy	5,528	5,515	5,515	-13	---
National Aeronautics and Space Administration					
Science	---	---	5,696,100	+5,696,100	+5,696,100
Aeronautics	---	---	700,000	+700,000	+700,000
Exploration	---	---	3,923,800	+3,923,800	+3,923,800
Education	---	---	220,300	+220,300	+220,300
Cross-agency support programs	---	---	356,000	+356,000	+356,000
Space operations	---	---	6,691,700	+6,691,700	+6,691,700
Science, aeronautics and exploration	10,086,482	10,483,100	---	-10,086,482	-10,483,100
Exploration capabilities	6,145,594	6,791,700	---	-6,145,594	-6,791,700
Emergency appropriations (P.L. 110-28)	20,000	---	---	-20,000	---
Office of Inspector General	32,224	34,600	34,600	+2,376	---
Total, National Aeronautics and Space Administration	16,284,300	17,309,400	17,622,500	+1,338,200	+313,100
National Science Foundation					
Research and related activities (non-defense)	4,598,430	5,064,690	5,072,690	+474,260	+8,000
Defense function	67,520	67,000	67,000	-520	---
Subtotal	4,665,950	5,131,690	5,139,690	+473,740	+8,000
Major research equipment and facilities construction	190,881	244,740	244,740	+53,859	---
Education and human resources	796,693	750,600	822,600	+25,907	+72,000
Agency operations and award management	248,245	285,590	285,590	+37,345	---
National Science Board	3,969	4,030	4,030	+61	---
Office of Inspector General	11,427	12,350	12,350	+923	---
Total, National Science Foundation	5,917,165	6,429,000	6,509,000	+591,835	+80,000
Total, title III, Science	22,206,993	23,743,915	24,137,015	+1,930,022	+393,100
Appropriations	(22,186,993)	(23,743,915)	(24,137,015)	(+1,950,022)	(+393,100)
Emergency appropriations	(20,000)	---	---	(-20,000)	---
TITLE IV - RELATED AGENCIES					
Antitrust Modernization Commission	462	---	---	-462	---
Commission on Civil Rights	8,972	8,800	9,000	+28	+200
Equal Employment Opportunity Commission	328,746	327,748	332,748	+4,002	+5,000

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission	61,950	68,400	68,400	+6,450	---
Payment to the Legal Services Corporation	348,578	310,860	377,000	+28,422	+66,140
Marine Mammal Commission	2,896	2,299	3,000	+104	+701
National Veterans Business Development Corporation	1,481	---	2,500	+1,019	+2,500
Office of the U.S. Trade Representative	44,207	44,407	48,407	+4,200	+4,000
State Justice Institute	3,455	---	4,640	+1,185	+4,640
Total, title IV, Related agencies	800,747	762,514	845,695	+44,948	+83,181
TITLE VI - RESCISSIONS					
DEPARTMENT OF COMMERCE					
National Institute of Standards and Technology					
Industrial technology services (rescission)	-7,000	---	---	+7,000	---
National Oceanic and Atmospheric Administration					
Rescission	-25,000	---	---	+25,000	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-48,607	---	---	+48,607
Department-wide (rescission)	---	---	-41,848	-41,848	-41,848
DEPARTMENT OF JUSTICE					
Violent crime reduction program (rescission)	-8,000	---	---	+8,000	---
General Administration					
Working capital fund (rescission)	-2,500	-41,000	-41,000	-38,500	---
Telecommunications Carrier Compliance Fund(rescission)	-39,000	---	---	+39,000	---
Detention trustee	---	---	-135,000	-135,000	-135,000
Legal Activities					
Assets forfeiture fund (rescission)	-170,000	-240,000	-240,000	-70,000	---
Office of Justice Programs					
Office of Justice programs (rescission)	-78,000	-87,500	-87,500	-9,500	---
Community oriented policing services (rescission)	-31,000	-87,500	-87,500	-56,500	---
COPS violent crime reduction fund (rescission)	---	---	-10,278	-10,278	-10,278
Department-wide (rescission)	---	---	-86,000	-86,000	-86,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Agency-wide (rescission)	---	---	-69,832	-69,832	-69,832
NATIONAL SCIENCE FOUNDATION					
Agency-wide (rescission)	---	---	-24,000	-24,000	-24,000
Total, title VI, Rescissions	-360,500	-504,607	-822,958	-462,458	-318,351
Grand total	52,482,417	52,849,952	55,152,430	+2,670,013	+2,302,478
Appropriations	(52,296,517)	(53,354,559)	(55,975,388)	(+3,678,871)	(+2,620,829)
Emergency appropriations	(546,400)	---	---	(-546,400)	---
Rescissions	(-360,500)	(-504,607)	(-822,958)	(-462,458)	(-318,351)
(By transfer)	(80,487)	(93,500)	(93,500)	(+13,013)	---
(Transfer out)	(-1,487)	(-12,500)	(-12,500)	(-11,013)	---

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join my chairman, the gentleman from West Virginia (Mr. MOLLOHAN), in beginning the consideration of H.R. 3093, making appropriations for fiscal year 2008 for the Departments of Commerce and Justice, and Science, and Related Agencies. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities to the farthest reaches of space exploration.

The bill before the House today addresses a number of critical national needs and requirements. The chairman has done an outstanding job in balancing many competing interests and has put together a solid bill in a fair and even-handed manner. I appreciate his openness and responsiveness, as well as his thorough understanding of each and every program in this bill.

I would also like to thank all Members of the subcommittee for their help and assistance and their advocacy, and also the staff on both sides of the aisle who spent long, long hours in putting this bill and report together.

On the minority side Mike Ringler and Frank Cushing, who have been mentioned; and Nancy Fox and Katie Hazlett of my personal staff; and on the majority side, Michelle Burkett, Marjorie Duske, Tracey LaTurner, Meg Thompson, Dennis Dauphin, Jennifer Eskra; and, as the chairman has noted, his great personal staff, Sally Moorhead and Julia Aaronsen.

Mr. Chairman, the bill includes important increases to priority programs that all Members can support. Throughout our extensive hearing schedule, we heard about urgent funding requests, including the need to address a growing violent crime rate that has begun to rise again after many years of decline, and the need to boost our Nation's competitiveness through more investments in scientific research and science and math education.

However, I also believe we could have met the most pressing needs by prioritizing within a lower allocation, the allocation giving this subcommittee $53.5 billion, which is $3.2 billion, or 6.4 percent, over 2007; and $2.3 billion, or 4.5 percent, over the President's request. This very generous allocation allows everything to grow and is, I believe, more than sufficient to address the highest-priority needs in a satisfactory way.

By comparison, the House passed a CJS bill with an allocation that exceeded the President's request by less than a quarter of 1 percent last year. That bill addressed critical priorities and passed overwhelmingly on the House floor.

As others have stated about earlier bills, the size of the allocation this year may make it more difficult to produce a bill that will get signed into law, so I look forward to continuing to work together with the chairman towards that goal.

I would also like to briefly highlight some of the more important contents of the bill. For the Department of Commerce, the bill includes $7.1 billion, including the full requested level for the critical functions of the National Weather Service, and important investments in NOAA's ocean and climate research.

I appreciate the chairman has included funding in the bill to strongly support the trade agencies empowering the U.S. Trade Representative in the International Trade Administration to negotiate, verify and enforce trade agreements that are free and fair, and to ensure an even playing field for American businesses and workers.

Requested increases for NIST under the President's American Competitiveness Initiative are fully funded, as is the Manufacturing Extension Partnership at $108.8 million.

The bill also included $1.9 billion, or an 8½ percent increase, for the Patent and Trademark Office, and fully funds the request to support the ramp-up to the 2010 decennial census.

On the Justice side for the Department of Justice, the bill includes $23.7 billion, $1.7 billion above the request. The bill restores $1.7 billion to the administration proposed to reduce from State and local law enforcement accounts, including programs addressing violence against women, violent gangs, the meth epidemic, child exploitation and the continuing need for interoperable law enforcement communications.

I am very pleased that the chairman agrees that we must insist on standards and best practices for the use of these types of grant funds. It is not acceptable simply to pass out money to local jurisdictions without stringent requirements to follow accepted standards and proven program models. I salute the chairman for including language specifically under the COPs law enforcement technologies to ensure that funds go towards equipment that meets all relevant Federal standards.

Despite the sizeable increase in State and local law enforcement programs, many Members are concerned about the funding for SCAAP, the State Criminal Alien Assistance Program. An amendment to increase the funding to the current-year level was adopted at the committee level.

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We may see further amendments to increase it even further. The costs incurred to incarcerate undocumented criminal aliens continue to be an enormous financial burden on our towns and cities. The SCAAP program provides important partial Federal reimbursement for costs relating to what is truly a national, not a local, problem, immigration enforcement.

The bill also includes important investments to fight the national epidemic methamphetamine abuse: $600 million for Justice Assistance Grants which support local drug task forces, the Byrne Grants; $85 million in grants to combat meth, that epidemic; $40 million for drug courts; and funding for the DEA to support State and local efforts and to fight international drug trafficking.

The FBI is funded above the President's request, which is necessary in order to continue current staffing and operations levels while also funding urgent increases in counterterrorism programs. The Appropriations Committee has been at the forefront of the FBI's transformation into our Nation's premier counterterrorism agency, and I am pleased we are able to continue that support this year.

Too often we fail to recognize the critical and often dangerous work that the FBI special agents and, may I say, also the DEA and AFT special agents do both at home and abroad in order to detect and prevent terrorist and other types of attacks. This is incredibly important work. This bill strongly supports those efforts while providing necessary funding for the FBI to fulfill its traditional roles and address emerging problems, such as child exploitation, the growth of violent gangs, and human trafficking.

One area where I believe we should have done more in light of the generous allocation is in Federal law enforcement. In the joint resolution for 2007, the Congress provided more than $1 billion above the freeze to support current operations and urgent increases for Federal law enforcement. In many cases, these increases were not assumed in the formulation of the President's budget for 2008. So while most Federal law enforcement accounts are funded at least at the President's request in this bill, there still will be some negative consequences in the form of personnel reductions and hiring freezes at some agencies, including the DEA, the AFT, and the new National Security Division. The chairman has been very cooperative thus far in helping to lessen the impacts on the DEA, and I hope we can work together to improve funding for Federal law enforcement generally as the bill moves forward to conference.

In addition, I am concerned that the Justice Department rescissions included in this bill may turn out to be based on unrealistic assumptions. The balances available could likely fall far short of the rescinded amounts, and I hope to continue to work with the chairman to avoid any harmful cuts.

In the area of science, this bill also funds important initiatives in science and competitiveness. The capacity to innovate is the primary engine of our economy and our way of life. In order to sustain it, we must increase our investment in basic scientific research and strengthen science education.

This bill fully funds the President's competitive initiative, which includes a commitment to double the funding for basic scientific research over 10 years, and also to strengthen and encourage education and entrepreneurship.

For the National Science Foundation, the bill provides $6.5 billion, or 10 percent, above the current year for research that will set the groundwork of the development of new technologies and science education programs that will continue to ensure that we have a well-educated and skilled workforce to improve our competitiveness.

For NASA, the bill provides $17.6 billion. This level supports the President's vision for space exploration with the full request for the continuing development of the Crew Exploration Vehicle and the Crew Launch Vehicle, keeping to a minimum the gap in flight capability after the retirement of the shuttle.

The bill also includes funding for the request for aeronautics research, space science programs, and NASA education programs.

In closing, Mr. Chairman, despite concerns about the overall level of spending, this bill represents the chairman's best efforts to distribute the allocation he was given to the various competing requirements under our subcommittee's jurisdiction. I highly commend him for an outstanding job and will be urging all Members to support this bill.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he might consume to the distinguished chairman of the full Appropriations Committee, Mr. OBEY.

Mr. OBEY. I thank the gentleman for the time.

Let me simply say that I do appreciate very much the initiatives that are being taken by this subcommittee with respect to the climate change problem facing the globe. These are small initiatives; they are nonetheless important. They are not nearly sufficient to deal with the long-term problem, but we will have to mount a much greater effort on this front in the years to come.

I would like to comment on what has happened with respect to local law enforcement assistance over the past 3 years. We have had a Kabuki dance going on for years between the White House and the Congress of the United States. Each year, the President proposes very deep cuts in the law enforcement assistance grants to localities, and each year the Congress only partially restores those cuts. It then pats itself on the back, says, "Oh, what a good boy am I. Look how much we added to law enforcement," when, in fact, all they did is restore a small portion of the President's reductions. As a result, these programs, which were funded at the $4.4 billion level in fiscal 2001, are now funded at about $2.8 billion, $1.6 billion below the high watermark. That is ill-advised, in my view.

I appreciate the fact that this bill provides a substantial increase in that funding for local law enforcement, $1.7 billion, or 53 percent, above the President's request. I think that is essential.

The committee also recognizes that State and local law enforcement benefits from the criminal investigation resources and capabilities of the Federal Bureau of Investigation, and so this bill provides $148 million over the President's request for that purpose. I think that money is very badly needed.

Having said that, I have to confess a significant degree of discomfort with the way the FBI has performed in recent years. As we know, investigations of the use of national security letters by the FBI have told us that the FBI issued approximately 8,500 of those in 2000. The March 2007 Senate investigation of the Justice Department's Inspector General puts that number now at over 143,000 NSLs issued between 2003 and 2005. The same investigation found serious FBI abuses of NSL regulations. And what is even more alarming is the report that the FBI's own lawyers counseled against the illegal use of emergency letters requesting telephone and Internet information, and still the practice continued for 2 years. This practice continued for 2 years, despite counsel's recommendation to cease, and Congress only found out about the situation upon public release of the IG report when the FBI's general counsel had been briefing special agents in charge on reversing the practice for 2 months prior to that.

I am disconcerted by that fact, and I have talked to the director of the FBI about this on two occasions. I was pleased when he got the job in the first place, but I am not pleased with the way this has worked out. I would certainly hope that the agency would shape up so that it does not continue to be an embarrassment in terms of its declining to adhere to rule of law.

With that said, I also am pleased that the Legal Service Corporation is funded at a level $66 million higher than the President's request. All I can say about that is that it is about time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Florida (Mr. WELDON), an outstanding member of the committee.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to commend him and Chairman MOLLOHAN for fully funding the exploration initiative. These are the funds that will allow us to continue to operate the shuttle and as well to continue to develop a replacement for the shuttle. And, importantly, that replacement, the Orion capsule, will be a safer and less expensive space vehicle, and so it is very important that we keep funding on track.

I want to commend Chairman MOLLOHAN for bringing up the important issue of the gap in human space flight. I would simply point out that when the President originally put forward this proposal, I shared Chairman MOLLOHAN's criticism that this gap in human space flight is not good for America, and I am certainly anxious to work with the administration and with the committee to see if it will be possible for us in the years ahead to reduce that time where Americans will be relying on the Russians, essentially, to put our astronauts into space.

While I certainly share the concerns raised by Ranking Member FRELINGHUYSEN about the veto threat against this bill because of the excessive spending, I just want to go on record regarding the spending increase concerns raised by the administration in the aeronautics account.

I am very concerned about our air traffic control system and its ability to handle the ever-increasing volume of commercial air traffic, and that we are falling behind on this critical investment of modernizing our air traffic control system.

Additionally, I want to comment on the accounting changes in the NASA account that Chairman MOLLOHAN has championed. While I agree that they represent perhaps a more elegant way for us to keep track of NASA funding, the 90-day time window he has provided NASA to implement this new initiative may not be physically feasible for the agency, and I am certainly hoping that he is willing to work with NASA officials in the years ahead.

And then, finally, I just want to comment on two other important issues. One, I am very pleased that both the chairman and the ranking member are seeking to protect the census account. This is a very important account. It is probably one of the few constitutionally mandated responsibilities in this bill. I know that the census account is frequently used as a piggy bank by Members seeking to increase various sections of the bill, and I am pleased and I would want to continue to encourage both the chairman and the ranking member to protect the census account.

Then finally, I want to comment on two amendments that I am offering in the bill. I have two amendments that deal with the issue of cities and municipalities that create sanctuaries for illegal aliens who basically say that we are not going to enforce Federal laws in our jurisdiction, and then they turn around and apply for grants in this bill to help them with the responsibility of dealing with criminal illegal aliens. In my opinion, that is inappropriate, and if they want to have access to the money, they shouldn't be creating sanctuaries.

I thank the gentleman for yielding.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to a distinguished member of the subcommittee. We have a great subcommittee on both sides, Democrats and Republicans, who work extremely well, and every one of them brings a lot to the bill as we marked up, and Mr. HONDA is certainly no exception.

Mr. HONDA. Mr. Chairman, I rise in support of H.R. 3093.

Mr. Chairman, this is my first year as a member of the CJS Subcommittee. It has been a great experience working under the leadership of Mr. MOLLOHAN and Mr. FRELINGHUYSEN, and I just want to indicate that it has been a good experience because it has been very bipartisan.

I wanted to make a couple of comments about law enforcement. Between 2001 and 2006, the funding for State and local law enforcement grants was cut 43 percent during the time when State and local law enforcement agencies have been expected to take on increased homeland security responsibilities. As a result, last year the FBI reported that violent crime has had its biggest increase in over a decade. This bill reverses that trend, making its biggest investment in restoring the State and local grants and funding for the FBI.

The bill includes funding to restart the COPS hiring program to put more than 2,800 police officers on the streets to fight crime, and in my district it is critical to be able to address the gang activities out there.

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I represent Silicon Valley, Mr. Chairman, and it's the home of technological innovation in America, so I'm keenly aware of how innovation is the driving force behind our Nation's economy, and that to keep our economic preeminence in the world, we need to stay on the cutting edge of science and technology.

It's been mentioned before, our support for NSF and for NASA, and I support that, and I think that it's a good step in the .right direction. And re-aligning how we budget NASA has made a critical difference, being that it's going from FTEs to mission-oriented budgeting. That's going to make a great big change.

In the Department of Commerce, the National Institute of Standards and Technology, we see a funding increase that restores program cuts that would have been eliminated by the President that included ATP and the Manufacturing Extension Program. These are critical programs to continue to fund if we're going to maintain our edge.

NOAA has been funded just over $4 billion, and since climate change is such a big issue, NOAA has a big role in that, and we need to continue to support that group.

I'd like to thank, again, the leadership and this opportunity to be part of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to another distinguished member of the subcommittee, Mr. RUPPERSBERGER.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of this very responsible funding bill. I commend the Chair and the ranking member for working together in a bipartisan way to come up with an outstanding bill.

Mr. Chairman, you are a true leader, and I respect the way you've handled yourself throughout the process.

In my former position as a Baltimore County Executive I was required to submit a $2 million operating budget each year, and I did so without raising taxes and without cutting vital public safety or economic development programs.

I call this bill today our Law Enforcement and Investment Budget for America. This is where we fulfill our obligation to protect our citizens from crime. It is where we invest in our economy, our sciences and new technologies. This is where we keep America competitive in a global economy.

I learned in my former position as county executive that if you neglect public safety, and you neglect public investment, the taxpayers end up paying a higher price down the road and get less for their money. They pay in more crime, a lagging economy and a higher price tag on new infrastructure.

Some of my friends on the other side are proposing across-the-board cuts. Congress should never impose such cuts for two reasons. First, you cut the meat with the fat, the good programs with the bad. Second, as a leader, you fail in your duty to make tough choices and to provide vision and direction for our country.

A proposed 1 percent cut would mean we can fund about 7,000 fewer bulletproof vests for cops in your police and sheriff departments.

A proposed 6 percent cut means $12 million less for STOP grants to fight violence against women.

For many years Congress has neglected the law enforcement budget in the CJS appropriations bill. We have underfunded law enforcement.

As a former prosecutor, I was shocked this year when the administration proposed a hiring freeze for the DEA at a time when drugs are the scourge of so many of our communities. This bill corrects that.

These are tough fiscal times, yet this is the first time in the history of our country that we have cut taxes while we are at war. We borrow from our children and countries like China, and then continue to spend and spend in Iraq. What kind of fiscal management is this? It leads to huge deficits, and it is fiscally irresponsible.

This CJS bill reflects new priorities and new direction. Congress would never propose a 1 percent cut in the funding of our troops in Iraq. Congress should never have a 1 percent cut in funding for cops on the beat in our communities. It is time we stand up for our cops and first responders, just like we stand up for or troops.

It is bad fiscal policy to have across-the-board cuts in the vital economic development programs of Commerce, Department and Census Bureau. Cuts in the census harm our local communities and leave us behind in the information economy.

Mr. Chair, if we did not have this deficit we confront today, I would support even more funding for law enforcement.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to another distinguished member of the subcommittee, Ms. DELAURO.

Ms. DELAURO. Mr. Chairman, I rise today in support of this bill and want to commend the chairman and the staff for an excellent bill which signals a new direction and reflects our priorities as a Nation. The goal of this bill has always been to make a strong investment in our future, to take seriously our responsibility to the American public.

I'm proud to see that this bill will provide $10 million to the Sexual Assault Service Program directly for rape crisis centers, State and territorial sexual assault coalitions and culturally specific programs and tribes.

This is the only Federal funding stream dedicated entirely to providing direct services for victims of sexual violence. That is vital because, without a consistent and a specialized funding stream for direct services, rape crisis centers are stretched to the limit trying to meet increased demand for services with reduced government funding.

We are finding other ways as well to strengthen services to victims of all domestic violence, dating violence, sexual assault and stalking, by significantly boosting funds for the Office of Violence Against Women, $430 million, or $60 million above the President's request.

We know these programs are both necessary and effective. Since the Violence Against Women Act was first passed in 1994, reports of domestic violence have decreased by half. But as long as domestic violence continues, we must continue fighting to ensure women have the tools to fight back.

The bill also works to strengthen local law enforcement $3.2 billion to protect our communities and our quality of life, including COPS grants to put 2,800 new police officers on the streets, drug courts, Byrne grants for local crime prevention programs, and a competitive youth mentoring grants program to prevent juvenile delinquency.

Mr. Chairman, this bill reflects a commitment to our longstanding responsibilities and true fiscal responsibility. Together we can meet our obligations as a Congress and a Nation to the American people.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I yield the remaining time to another distinguished member of the subcommittee, Mr. KENNEDY.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 2 minutes.

Mr. KENNEDY. Mr. Chairman, let me just commend both the chairman and the ranking member for producing a bill which certainly goes a long ways to meeting the needs of our country in a number of areas.

But let me particularly point out an area that concerns me a great deal, and that's the area where I think there's a large indictment on our country; that's the area of the fact that this country has more people incarcerated in its jail system per capita than any other industrialized Nation on the Earth. More people in jail in our country than any other free Nation on the Earth.

My friends, that is an indictment on us as a Nation, that we can't do better. This bill invests more in preventing people getting in jail.

We add over $80 million to the Juvenile Justice Delinquency Act, section 5, title 5, which is prevention dollars. We have decreased that money over $280 million over the last 5 years, under the previous Congress. This year, under this bill, we increase it by $50 million, add another $30 million to the JBAG program, which is the gang prevention section of the Juvenile Justice act. We add $10 million to the Mentally Ill Offender Program, which helps us to put more money into identifying mentally ill offenders at the time of their offense, helping them to divert them from having to go into jail, and properly treating them, rather than accepting them into prison. And we quadruple the amount of dollars that are going into drug courts, the best-known source of reducing recidivism that we have in this country.

If you want to have a war on drugs, the best war on drugs is to treat people for their addictions rather than to put them in jail, and this bill goes a long ways in doing just that.

I want to commend the chairman for his work on this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to Mr. GILCHREST from Maryland, a strong voice for the Chesapeake.

Mr. GILCHREST. Mr. Chairman, I want to stand and thank Mr. MOLLOHAN and Mr. FRELINGHUYSEN for bringing forward this comprehensive piece of legislation. And in particular, I want to thank both of these men for recognizing the work of the Ocean Commission and the Pew Oceans Commission in understanding the world's oceans.

There's $4 billion to NOAA in this legislation, $4 billion. To some folks it might sound like a lot of money, but that is actually a very small sum. We appreciate that sum, but it's a small sum considering what's at stake.

Three-fourths of the world's surface is covered by oceans. It governs our everyday weather. It governs the climate. It is the source of air we breathe. It is the source of food for much of the world's population. Coastal communities, the economy, literally of all our coastal communities are dependent upon the health of the oceans. Our national security is dependent on understanding the nature and changes of our world's oceans. Literally, life on this planet is dependent upon our knowledge of the world's oceans. And this $4 billion given to NOAA will be to do more research to understand more effects and to implement better policies dealing with the pervasive dead zones; red tides; coral reefs, which is a predominant area where fish spawn; fish habitats; the acidification of the world's oceans as a result of CO_2.

Now, the acidification of the world's oceans, that's what happened to the northeastern forest as a result of acid rain from sulfur dioxide from power plants. The same thing as a result of global warming is having an effect to the world's oceans. Because of human activities and its degrading effect, now with climate change, NOAA needs the dollars and the tools to make the oceans resilient.

I urge an "aye" vote on the legislation.

Mr. CONYERS. Mr. Chairman, the problem of animal fighting has been in the news a lot lately, with the recent indictment of quarterback Michael Vick, who is alleged to have been involved in a major dogfighting ring. As we are debating the bill that provides funding for the Department of Justice, I wanted to express my hope that the Department will devote the needed resources to bring an end to this vicious so-called "sport." It's cruel and barbaric, and often associated with other crimes. I commend the Department for its ongoing work to determine the truth of the allegations in the Vick case, and urge that it continues to expand its efforts to crack down on animal fighting across the country. I also wanted to note that the DOJ's Safe Streets Task Force could play a key role in increasing law enforcement action against dogfighting.

Sadly, animal fighting occurs in all corners of our country, impacting hundreds of thousands of animals every year, and also our communities. Indeed, it is estimated that there are more than 40,000 professional dogfighters nationwide and 10 underground dogfighting magazines. Cockfighting is also a multi-million dollar nationwide industry.

I'm pleased that this Congress took action against animal fighting earlier this year when we passed the Federal Animal Fighting Prohibition Enforcement Act and established felony penalties for these crimes. That measure will provide an important additional tool for law enforcement to combat dogfighting and cockfighting enterprises.

To make this new law truly effective, though, we need to encourage the active and ongoing participation of Federal law enforcement. Such participation would bolster protection for our neighborhoods in addition to assuring the welfare of animals. Animal fighting is often associated with illegal gambling and acts of human violence. The Chicago Police Department recently revealed that over a 3 year time period, two-thirds of 332 people arrested for animal abuse crimes in the city were also involved in drug crimes, according to the Humane Society of the United States.

To combat dogfighting and associated crimes, I recommend that the Safe Streets Task Force devote a considerable amount of its attention and funding to the issue of dogfighting.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally directed projects in my home State of Idaho that are contained in the report of the FY08 Commerce, Justice, Science, and Related Agencies Appropriations Bill.

I would like to take just a few minutes to describe why I supported these projects and why they are valuable to the Nation and its taxpayers.

The report contains $1,200,000 for the Idaho State Police to participate in the Criminal Information Sharing Alliance Network, CISAnet. CISAnet is a fully functional information-sharing network comprised of law enforcement agencies from 10 States, including Idaho. The program focuses on drug trafficking and border security issues. Sharing of criminal law enforcement information by and between these 10 States is vital to securing an area regarded as one of the most vulnerable to our Nation's security. These funds would enable Idaho to continue participating in CISAnet. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho State Police.

The report contains $800,000 for the Idaho Department of Corrections to participate in the National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project. NCOMS is a web-based system allowing States and governmental agencies to share offender information. NCOMS and the CIS system make it a reality to track offenders across State lines and beyond with the use of Extensible Markup Language, XML, global standards and partnerships across the law enforcement and corrections communities. Funding would be used to allow more government agencies and entities to effectively use the system and to modify the "coding" of the application to make it more modular, allowing organizations to implement pieces of the application as needed. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho Department of Corrections.

I appreciate the opportunity to provide a list of Congressionally directed projects in my district and an explanation of my support for them.

1. $1,200,000 for Criminal Information Sharing Alliance Network, CISAnet; Idaho State Police

2. $800,000 for National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project; Idaho Department of Corrections

Mr. KUCINICH. Mr. Chairman, I rise in support of this bill, in large part because of its support for NASA. The Committee did an admirable job of finding money to keep NASA healthy and balanced in the face of a destructive budget request from the Administration.

Ultimately, inadequate funding puts at risk NASA's most valuable asset, its workers. It is the workers who have won the awards and have driven the incredible accomplishments the agency has amassed. When its world class work force gets a message from Congress or from the Administration that funding is not reliable, the workers often feel the need to leave the agency. When given the choice, no worker wants to worry about whether their job will be there next year. When employees leave, they not only take their award winning talent and intelligence, but their deep institutional knowledge. These losses are dents in NASA's armor that take years, if not decades, to repair.

That is why I am so glad to know that the committee has acted to protect NASA. This bill prevents unnecessary layoffs, it funds Aeronautics and Exploration in order to fulfill the agency's mission, and it prevents the administration from moving large chunks of money around the agency against the will of Congress.

I am proud to represent the NASA Glenn Research Center in Brook Park, Ohio. Its economic impact is felt throughout the entire state. In FY04, the year for which we have the most recent data, the economic output of NASA Glenn alone was $1.2 billion per year. It was responsible for over 10,000 jobs and household earnings amounted to $568 million.

I urge my colleagues to support this bill and to protect NASA.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I rise in support of the 2008 Departments of Commerce, Justice, Science and Related Agencies Appropriations Bill. This bill funds domestic priorities that are important to all Americans and invests in our Nation's future.

To help keep our families and neighborhoods safe, it provides a much-needed increase to the COPS program. To support American competitiveness and improve science and technology education, this bill increases funding for the National Science Foundation.

In a global economy, investment in American innovation and regional development must be a priority. Madam Speaker, I am pleased that this appropriations bill provides over $300 million for the Economic Development Administration and encourages new investment in green technologies to reduce energy use.

Over the past 50 years, my district in Bucks County, Pennsylvania has lost most of its manufacturing jobs. While towns in my district still struggle with these dramatic economic changes, I am encouraged by forward thinking plans that have brought high-tech and green energy companies to my district.

Fairless Hills, Bucks County, once home to heavy steel manufacturing, now boasts one of Pennsylvania's premier examples of industrial revitalization. Twenty-four hundred acres in Fairless Hills, known as the Keystone Industrial Port Complex (KIPC), are designated a Keystone Opportunity Improvement Zone by the State of Pennsylvania. The important economic incentives available at KIPC, coupled with its strategic location on the Delaware River, make the site attractive to new companies. Two renewable energy companies have already located there.

Public and private economic development professionals continue to work hard at every level to attract new investment, support workforce development and improve regional infrastructure. I am a proud partner in these endeavors because I know the enormous potential of this project to revitalize the region.

The United States must look to the future and support proactive regional initiatives that not only create jobs, but advance our Nation's commitment to energy independence. New investments for the Economic Development Administration will go a long way toward achieving these goals.

Mr. Chairman, by passing this bill, we provide our communities with the resources necessary for successful development and we invest in America's future.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of this bill.

The bill includes funding for many important programs, and while I think some do deserve more funding than the bill provides, I recognize that the appropriators had a challenging task in shaping the bill because of budget constraints. Overall, I think the bill is a good one and I congratulate Chairmen OBEY and MOLLOHAN for making these difficult decisions in a very constructive manner.

As Chairman of the Space and Aeronautics Subcommittee of the House Committee on Science, I am pleased that the bill includes $17.6 billion for National Aeronautics and Space Administration (NASA) funding. NASA's work in human space exploration, space and earth science, and aeronautics plays an important role in advancing our knowledge, expanding our economy and inspiring Americans both young and old. I believe NASA performs important research which allows us to better understand our climate, our planet and the universe beyond.

I am pleased that the Committee funds NASA's Science Mission Directorate at $5.7 billion, an increase of $180 million over the President's request. This increase will help reverse the recent decline in funding for science at NASA. NASA research helps us better understand the universe at large, but it also greatly contributes to our knowledge of our own planet.

I am especially encouraged that the Committee recognized the recommendations of the National Research Council's recent Decadal Survey on Earth Science by targeting $60 million towards the highest priority missions recommended in that survey, as well as ensuring that work on critical climate instruments that were de-manifested from the National Polar-orbiting Operational Environmental Satellite System (NPOESS) can continue. The Committee specifically noted the importance of the Total Solar Irradiance Sensor (TSIS), which is being built by the University of Colorado's Laboratory for Atmospheric and Space Physics in my district, and instructs NASA to continue to support this program. TSIS will ensure that we continue to receive important information on the sun and how it interacts with our climate—a data stream that has been continuous since 1979 and has contributed to our understanding of climate change.

I am also pleased that the Committee increases NASA's aeronautics budget by $146 million over the President's request. Progress in aeronautics is crucial to the health of the Nation's air transportation industry, which in turn is critical both to the continued strength of our domestic economy and to our international competitiveness. The additional funding will help NASA contribute meaningfully to the development of the Nation's Next Generation Air Transportation System, which will enhance the capability of our air transportation system to handle the enormous increases in air travel projected over the next 20 years. Moreover, this bill recognizes that aeronautics R&D at NASA can help develop more environmentally compatible commercial aircraft, with significantly lower noise, emissions, and energy consumption compared to aircraft in commercial service today, and the bill provides funding to support that R&D.

This bill also provides significant funding for the President's exploration initiative at NASA by providing the President's full request of $3.9 billion. I support the President's Vision for Space Exploration and believe human space exploration is a worthwhile undertaking. The funding in this bill will keep the Crew Exploration Vehicle on track in FY 2008. However, I am concerned that the administration's current plan for the shuttle replacement system, the crew exploration vehicle (CEV), is not scheduled to be finished until 2015. This will leave a potential 4 to 5 year gap when the United States will be dependent on other countries to travel to and from the International Space Station. It is within the administration's power to send over budget requests in FY 2009 and FY 2010 to address this gap within the context of a balanced overall NASA program, and I hope that the administration will do so.

I am pleased that the Committee increases NASA's education programs to $217 million, up $64 million over the President's request. This increase will provide additional funds for the Space Grant program, which helps undergraduate students participate in cutting-edge research, and in the process trains and inspires the next generation of scientists. The Committee also provides $2 million for the NASA Aeronautics Scholarships program, which encourages more students to pursue graduate degrees in aeronautics. I helped create this program in the 2005 NASA Reauthorization Act and am pleased that the Committee has recognized its importance.

The Committee provides $6.7 billion for space operations, which is a $100 million cut relative to the President's request. I understand that the Committee had difficult decisions to make, but I am concerned about the impact that these cuts will have on the International Space Station's reserves posture, as well as on the upcoming Tracking and Data Relay Satellite System (TDRSS) procurement. I hope that it will be possible to address these problems when the House and Senate move to conference on this legislation.

Funding for the National Institute of Standards and Technology (NIST), which has one of its two laboratories based in my district in Colorado, is also an improvement on past years. I am pleased that the Committee met the President's request of $500 million for research, which will help fund components of the Innovation Agenda, such as nanotechnology and materials science.

I also support the bill's inclusion of $109 million for the Manufacturing Extension Partnership (MEP) and $93 million for the Advanced Technology Program (ATP). MEP serves small- and medium-sized manufacturing companies nationally to enhance their ability to compete globally. Every federal dollar appropriated for MEP leverages $2 in state and private-sector funding, which means that a small federal investment of $109 million translates into more millions of dollars in benefits for the economy in terms of jobs created and retained, investment, and sales. ATP helps businesses develop high-risk, high-reward research into commercial applications that often have wider social benefits.

And, because of its importance for my own Congressional District, I am glad to note that the NIST budget includes $129 million for construction and specifically $28 million for the extension of building 1 at the Boulder facilities. NIST's Boulder laboratories were built in the 1950s and are in critical need of modernization to ensure the continuation of world-class research.

After several years of disappointing funding for the National Oceanic and Atmospheric Administration (NOAA), I am pleased that this bill will set NOAA back on the right track. The Committee funds NOAA at $3.950 billion, an increase over both the President's budget and the fiscal year 2007 spend plan. There is certainly still room for improvement, but I hope that this is the first step forward for increasing NOAA funding.

The office of Oceanic and Atmospheric Research (OAR), which funds the important work being conducted in the NOAA labs in my district, is funded at $410 million in the bill—an increase of $52 million over the President's request and $46 million over the FY 2007 spend plan. This funding will help NOAA continue to perform vital research in climate change and other areas.

In particular, I am encouraged that the Space Environment Center is being funded at the President's request of $6.2 million. While this funding is still below the $7.2 million that the SEC received in FY 2002, it is an increase over what Congress appropriated in FY 2006 and indicates that the Committee realizes the important work that the SEC does on space weather monitoring and prediction.

The bill also includes important funding for law enforcement, at both the federal and state level.

It rejects the President's proposal to slash the COPS program by 94 percent and instead provides $725 million, $183 million above 2007. This includes funding for such items as: $100 million for the COPS hiring program; $175 million for expanding DNA analysis and forensic crime lab capacity; and $85 million for beefing up enforcement in "meth hot spots," places where meth is a serious problem.

Similarly, the bill includes $600 million for Byrne Justice Assistance Grants to assist local law enforcement agencies and which the President's budget proposed to terminate. It also includes continued funding for the State Criminal Alien Assistance program (SCAAP), which assists state and local governments with the costs of jailing undocumented immigrants who have committed crimes not related to their immigration status—another vital program the President's budget proposed for elimination.

The bill also rejects proposed cuts in the Violence Against Women programs and includes vital support for competitive youth mentoring grants, delinquency prevention grants, and Justice Accountability Block Grants.

In summary, Mr. Chairman, this is a good bill that provides funding for many important purposes. It is good for Colorado and good for the country, and it deserves approval.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $430,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $49,564,000 shall be for Manufacturing and Services; $42,960,000 shall be for Market Access and Compliance; $65,601,000 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; $245,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

Mr. CLAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLAY. Mr. Chairman, today I rise in support of H.R. 3093 as reported by the Appropriations Committee with the understanding that Chairman OBEY, Chairman MOLLOHAN and the other House conferees will make every effort to restore $30 million in funding for the Census Bureau that was removed during the committee's markup of this important funding bill.

As reported by the Commerce, Justice, Science Subcommittee, the bill included $13 million above the President's request to fund the partnership program which is so critical to our efforts to count traditionally undercounted populations.

The bill also included $35 million above the President's request for the SIPP program, which was slated for elimination until the Census Bureau and the Department of Commerce, to their credit, reevaluated and reversed that misguided policy decision.

I applaud Chairman MOLLOHAN, Mr. RUPPERSBERGER and others for their leadership in working to include funding for this vital program in the original bill, in spite of the administration's decision not to fund them in fiscal year 2008.

Unfortunately, both of these advances would be jeopardized if the $30 million removed in full committee is not restored. This would undermine our efforts to achieve a thorough and accurate enumeration of the U.S. population in 2010. It would also hamper our ability to gather critical data about poverty, program participation and performance in the future. The data collected during the decennial census and annually by the SIPP impact the way billions of dollars are allocated and the way the programs throughout our government are run.

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Indeed, cutting the money from the Census would undermine the very program our colleagues are trying to fund at the expense of the Census Bureau.

And now, Mr. Chairman, I would like to engage the gentleman from West Virginia in a colloquy.

Let me begin by congratulating the chairman for his leadership in working to provide and protect funding for the Census Bureau. As we continue the fight to protect the Bureau's funding from being raided to support other programs, I would like to ask the gentleman about his commitment to ensuring that the Bureau is inclusive in its contracting activity, particularly with regard to the 2010 census. And as the gentleman knows, the Census Bureau, according to GAO, will "make the most extensive use of contractors in history," which includes information technology systems, advertising, and the leasing of local census officers.

I believe the gentleman shares my view that in order to carry out its mission effectively, the Bureau must have a workforce that reflects the diversity of this Nation and that that idea extends to the private entities with which the Bureau contracts to perform mission critical activities.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the gentleman for raising this issue. I assure him that I share his concern. I think most members of our subcommittee share his concern with any unwise cuts to Census. That happened in full committee. There was an amendment which used Census as an offset; $25 million came from the periodic census, $5 million came from salaries and expenses. Both of them were very regrettable offsets. We are going to work to restore those offsets as we move forward into conference, and I have a considerable amount of confidence that we will be able to achieve that.

Again, I commend the gentleman for bringing this up and giving us an opportunity to express and share our concerns with him and also to make that commitment that we are going to work as hard as we can as we move forward to restore this funding to Census. It is usually important to the Nation that the decennial census move according to a regular process which requires a lot of preparation in the early years. And the gentleman's foresight in seeing that and his insistence on our proceeding accordingly is really appreciated because we want that pressure from the body to make sure that we adequately fund Census.

Mr. CLAY. Mr. Chairman, reclaiming my time, I am certainly aware and the gentleman is aware also that it is so important that the Census be diverse and that they practice it in their contracting opportunities as well as within the makeup of the Bureau itself, because I think that the Bureau should reflect this country and its diversity.

Mr. MOLLOHAN. Absolutely. And we will take the gentleman's concerns about that to heart as well.

We appreciate the gentleman's hard work on this and appreciate the excellent staff work that he has had in bringing this to the floor.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Page 3, line 4, after the dollar amount, insert "(increased by $6,000,000)".

Page 3, line 11, after the dollar amount, insert "(increased by $6,000,000)".

Page 6, line 19, after the dollar amount, insert "(reduced by $6,000,000)".

Mr. ROGERS of Michigan. Mr. Chairman, to my distinguished colleagues, I certainly understand the efforts to fence off issues when it comes to the census, and I think there are some issues of which we can find a level of importance to take a very small amount of money, make that census more efficient, and do some great good for the United States of America.

Think about some of the goods that we have had coming to the United States of America from China that have been counterfeited, adulterated, contaminated just recently: pet food, toothpaste, bottled water, auto parts. There is an assessment that just counterfeit auto parts coming out of China alone cost American jobs to the tune of $750,000.

A couple of years ago, in 2004, the Department of Commerce's Trade Agreement Compliance Center was created, and it was designed to specifically and solely go after Chinese unfair trading practices. And if we are going to have free trade, it must be fair trade. The deficit with China in 2006 was $230 billion, and it is getting bigger. But think of the products that they are selling. Think of the products that they are working into the system. Think of the unfairness to American workers who are playing by the rules, producing products that are safe and legal and in compliance with intellectual property.

So you think about what they are doing: currency manipulation to unjustly compete against American jobs that robs us of jobs unfairly in the trade world, certainly not appropriate. Counterfeiting not only of auto parts that we have just seen, but the things they have done with pet food and toothpaste and bottled water. The chemicals used on some food products that they brought in a few years ago. Michigan apples is an example where they used a pesticide that we don't allow in the United States because it is dangerous to public health. All of those things have happened and will continue to happen if we don't step up and make a serious statement about our commitment to stop unfair trade practices by China and stop counterfeit parts that are robbing jobs and products that may, in fact, take the lives of Americans. This is serious business.

We ask for just $6 million. It will double the Office of Compliance where these trade cops will look specifically at Chinese trade violations. I can't think of anything more important for us to do given the recent cases that are coming out of China. And only with vigorous and well-funded trade monitoring and enforcement can we provide a level playing field and allow U.S. manufacturers to compete around the world.

In order to deliver the promises of free trade, we need to guarantee fair trade. I urge my colleagues to support this important amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment and, at the same time, I share concern with the gentleman for our ability to monitor, carefully and comprehensively, compliance regarding our trade with China.

We have an Office of China Compliance, which the gentleman wants to increase by $6 million, which about doubles the funding. There is a group in the Congress, and I am certainly one of them, who are extremely concerned about foreign competition. I am very concerned about how, as this world increasingly is becoming a smaller economic community, how we compete successfully, particularly as competition relates to the impact on traditional industries in this country and making sure that a fair and level playing field exists. That is why we have the Office of China Compliance. That is why we have funded it in this bill.

The gentleman suggests that the funding level is inadequate, and we have very consciously funded it at the President's request. A $6 million increase doubles the Office of China Compliance, and given the balances that are necessary in this bill and the funding demands that exist, we feel that the level that we funded it at is adequate.

Let me also comment about the gentleman's offset. He offsets the Census Bureau, the salaries and expenses account, I believe. That is unacceptable.

Does the gentleman offset the salaries and expenses or the decennial census account? The decennial census account. That is a terrible offset, respectfully, because we have to prepare for the decennial census, and we have to prepare for it carefully and adequately.

First of all, I think the account is funded adequately at the President's request in last year's funding. Secondly, the offset is just terrible.

I would invite the gentleman to work with us as we move forward to conference and look carefully at the account and make more careful judgments about the adequacy of the funding, if he would like to do that.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, quite reluctantly, I oppose the gentleman's amendment, but certainly your views are held by quite a lot of people. I think it would be a mistake to cut the census, which is obviously a constitutional obligation. As I remember looking at that account, the Member's suggesting that we double the account, actually I think ITA got $10 million more than the President requested. So they actually have more money to deal with, maybe not the specific Office of China Compliance, but I think it would be a mistake to cut the Census, which is a pretty important thing we are trying to ramp up.

Mr. ROGERS of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I am pleased to yield to the gentleman from Michigan.

And I see I was wrong about your offset. But the point applies to your offset.

Mr. ROGERS of Michigan. So it is not nearly as terrible.

Mr. MOLLOHAN. No. It's terminal. It's a bad offset. It degrades the Census Bureau's ability to collect economic statistics, which is terrible. But please.

Mr. ROGERS of Michigan. I understand. I think a little under a 3 percent cut for counting versus our ability to go after what we know we have found. Contaminated pet food; contaminated toothpaste, which people consume, which is certainly a public health hazard; and auto parts that rob our manufacturers of important jobs must take priority. It obviously hasn't worked the way we want it. We should step up in a big way. A $230 billion trade deficit. This is the right investment.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I just will stipulate to our concerns about trade with China and the necessity to review it. That is why we have this office. You are suggesting that we need additional funding. You are suggesting doubling the funding, which impacts Census in its ability to collect economic statistics, which is also extremely important to the economic viability of the country.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I would suggest that if we are serious about looking at this issue of compliance, $6 million, frankly, for a country as big as China that is exporting to Wal-Mart toothpaste, pet food, auto parts and the like, $6 million ain't going to cut it; $6 million out of a budget that we are looking at here is really infinitesimal to think about in terms of really being serious about inspection.

If we are serious about looking at protecting consumer product safety, we ought to look at making sure that industry themselves are employing the proper safeguards in their own inspection safety, that they are obviously having to comply with our own U.S. inspection codes if they are selling within our own market. They are not having to comply with China's inspection. They have to comply with ours if they are selling in our marketplace.

So this is a broader issue in addition to just trade, and I think there are a lot of other significant aspects to this issue that we need to consider. I think we need to bring the trade groups that are involved with these issues to the table, and I would suggest that maybe the chairman and others maybe down the road we can begin to convene some of these trade groups.

I know from my State some of these interested groups are already working within their industries to deal with this because they know they have great liability. If they import products that they have manufactured in China here to this country that are faulty, they are on the hook and they are liable if those products are faulty, as they should be liable; that is, provided that they are not indemnified by the other side through product liability indemnification.

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Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGERS of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1 of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $270,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 5, line 15, insert "(reduced by $100,000,000)" after the dollar amount.

Page 29, line 19, insert "(increased by $6,000,000)" after the dollar amount.

Mr. SESSIONS. Mr. Chairman, my amendment is very simple. It would provide an additional $6 million to the FBI, and to reduce the Economic Development Administration account to offset this cost.

I think that Congress must do all that we can do to provide appropriate resources to the hardworking men and women serving at the Federal Bureau of Investigation. Every day these brave public servants stand on the front lines of our Federal law enforcement efforts and on the domestic front on the war on terror, and they need and they deserve all the support that Congress can give.

Many of my colleagues know that I have a real and very personal appreciation of the organization of which my father served as Director of the FBI between 1987 and 1993. I have nothing but the greatest respect for all the sacrifices that these agents make on behalf of our country, and I am happy to be able to come to the floor today with this amendment to support that great work.

As the report to the bill notes, since September 11, 2001, the FBI has undergone a significant transformation. They are being asked to make hard choices about resource allocation as they track domestic terrorist threats, arrest suspected drug kingpins, and ensure that criminals, from bank robbers to corrupt businessmen to tax cheats, are brought to justice.

Even with an increase of around $500 million in this bill, the FBI's salary request still faces a deficit. While I wish this amendment could go further, I understand the constraints of the budget authority and the outlay rules that Congress must follow.

Regardless, I believe that this is an amendment that will send a clear and unmistakable signal to the men and women of the FBI that we support them, that we support their hard work, and that we support all that they are doing to keep us safe.

I urge my colleagues to support this amendment and to show your support for these brave men and women.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me summarize the basic facts. The Economic Development Administration budget last year was $250 million. The President's request for this year was $170 million. The committee added $100 million to the President's request to take it to $270 million, and the gentleman's amendment would take it back down to $170 million, which is a 32 percent reduction below the amount provided last year.

With respect to the FBI, the committee has already added $148 million to the amount that the President requested. We are substantially above last year's budget. The FBI has been treated very, very well.

I find no reasonable justification for saying that we ought to provide the $6 million increase for the FBI when it's already received an increase of $148 million. And I certainly don't find any reason to say that we ought to reduce our efforts to support economic development around the country.

Economic development funds are used, among other things, to help localities establish industrial parks. I have to tell you there are literally thousands of jobs that have been added in my own district by corporations who were able to move into these industrial parks to get their services and grow. We have developed a very strong electronics industry in my district through the use of funds through EDA.

I think the key to this bill is balance. We have provided a significant increase for the FBI. We've provided a modest increase for EDA. And I think that the country is better off if we stick with the committee recommendations.

I would urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,225,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $86,500,000, to remain available until September 30, 2009.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $196,838,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,035,406,000, to remain available until September 30, 2009: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 6, line 23, after the dollar amount insert "(reduced by $10,000,000)".

Page 42, line 8, after the dollar amount insert "(increased by $10,000,000)".

Page 43, line 8, after the dollar amount insert "(increased by $10,000,000)".

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to enhance America's ability to prosecute and detain illegal aliens around our southwest border.

State and local law enforcement agencies along America's southwest border grapple with the serious consequences of our porous border every day. Prosecutors, probation officers, courts and detention facilities are all vital. They process drug and illegal alien cases referred from Federal arrests.

Currently, if the Federal Government decides to no longer pursue Federal criminal charges against the defendant, they often turn over the case to local law enforcement agencies. State and local agencies often need to be reimbursed for the costs of prosecution and court costs, as well as pre- and post-trial detention.

The Southwest Border Prosecutor Initiative helps relieve border communities of the steep costs of Federal drug prosecutions. Cases involving illegal aliens and drug traffickers are complex and urgent. That's why the Southwest Border Prosecutor Initiative needs and deserves vigorous Federal support.

Last year Congress funded this program with $29,617,000. The committee's recommended funding level for this year, 2008, amounts to only a 1 percent increase over last year's appropriation for the Southwest Border Prosecutor Initiative. Meanwhile, the Census Bureau stands to receive over $369 million more than last year. That amounts to an increase of 40 percent for the census.

Right now, I, along with the constituents I represent, believe the higher priority for our country must be to get a handle on our borders. Some aliens who illegally enter America only seek jobs, but then there are others who are very, very dangerous. These aliens, especially the drug traffickers, call for extra attention. My amendment would boost funding to the Southwest Border Prosecutor Initiative by $10 million, without costing the taxpayers any more money.

I ask my colleagues to join me in support of this important amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which, again, shows there is a run on the Census Bureau; it's as though the

Census Bureau wasn't important, and it's crucially important.

We have funded the southwest border prosecutors program at $30 million in this bill, and the President requested zero for it in this bill. So I think we're keeping faith with the southwest border prosecutors. And we have kept faith and funded in this bill tremendous amounts of money for State and local law enforcement above the President's request, $1.7 billion above the President's request. So we really are addressing these concerns.

We can go anywhere in the bill for any worthy cause, especially all of the law enforcement accounts, they're all worthy causes, and say, oh, let's increase the funding for that. It makes it sound like we are newly addressing an issue where it has been substantively addressed previously in this bill.

Now, let's look at the offset. And again, we're looking at Census like it's not important, and it's crucially important. Specifically these cuts that were represented by the offsets to this increase would eliminate the current Industrial Reports Program used by the Federal Reserve Board for the index of industrial production and also used in trade negotiations by our U.S. Trade Representative, the International Trade Commission and the Department of Commerce's Office of Textiles and Apparel. This amendment will also make it impossible to assess the impact of increased imports on domestic industries.

Secondly, this offset would eliminate the quarterly financial reports which are the government's most current and comprehensive reports on corporate financial activity. This break in this valuable time series program, which goes back 60 years, there is a continuity to this program, would erode the quality of our statistical measurements, hinder public and private decisionmakers and eliminate a critical source of information on corporate profits.

Next, Mr. Chairman, it would eliminate the Survey of Business Owners and Self-Employed Persons, which is the only comprehensive source of information on selected economic and demographic characteristics for businesses and business owners. The survey data is absolutely critical to the missions of the Minority Business Development Agency, the Small Business Administration, and other Federal, State and local agencies to assess changes in women and minority-owned business, and to analyze the effectiveness of these programs. And the amendment it would eliminate funding to the Foreign Research and Analysis Program, which generates economic, social and demographic information.

Do we see the harm that this amendment and this offset would do to the Census Bureau, to the statistics we gather that are absolutely crucial to business, in addition to the overall attitude about an almost frivolousness as we deal with the important business that the Census Bureau does?

Let's respect the Census Bureau. Let's respect the surveys and the reports and economic statistics which it generates, which we rely on in our daily lives for social programs, but also for the important purpose of assessing where we are and where we stand in business in an increasingly competitive world.

I oppose the gentlelady's amendment on all of those grounds, Mr. Chairman.

Mr. Chairman, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to my good friend's amendment. The census is critically important. It's even required in our Constitution. The importance of an accurate census cannot be overstated. The Founding Fathers of our country understood it; they wrote it right into Article I, section 2 of the Constitution.

It is very, very important for the reasons that Chairman MOLLOHAN mentioned, but it's absolutely our constitutional obligation to conduct the census and to do it to the very best of our ability.

To delete very important programs that put together data on which we make decisions, policy decisions, in our country is extremely short-sighted.

I rise in strong opposition, not because I oppose the program it seeks to add funding to, but because I oppose the offset, the cut to the census. And I think that it's easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface the census does not seem to have the direct connection to public safety that some of these programs do.

□ 1430

What many people do not realize, however, is that local law enforcements rely on the Census every day and an inaccurate count could jeopardize their ability to fight crime. Our businesses rely on it. Our funding formulas are tied to it.

We are required to conduct the census every 10 years by our Constitution in order to have reapportionment. Our representation is tied to it. So when you cut the money to the Census, you are cutting representation. You are cutting accurate data so that we can make accurate decisions in this body. It is very short-sighted.

Mr. Chairman, I rise today in strong opposition to this amendment, not because I oppose the program it seeks to add funding too, but because I oppose the offset. Every year we have the same fight to maintain funding for the Census Bureau. I don't know how many times I've had to come down here to try and explain how essential it is that we not cut funds for the Census Bureau.

The Census is the largest peacetime mobilization in history. It requires recruitment and training of over 500,000 enumerators and census workers, to count more than 300 million residents at 130 million unique addresses. All of this massive preparation takes place according to a strict, decade-long schedule. The closer we get to the decennial, the more important it is to adhere to that schedule. In 2008, there are two full dress rehearsals planned, one in California, and one in North Carolina.

Former Census Bureau Director Kenneth Prewitt once said that it is difficult to do a really good census, but it is easy to do a bad one. If we cut funds to the Census Bureau, we will easily do a bad one.

Census as a Good Taxpayer Investment

The Federal government depends on census data in three important ways. First, to distribute funding through eligibility criteria and allocation formulas. 69.3% of the Federal grants given out in FY2004 (the most recent year that we have this data for) were allocated based on Census Bureau data. Second, census data are used to enforce Federal civil rights and anti-discrimination laws such as the Voting Rights Act and the Fair Housing Act. Third, the Federal government uses census data to create models and estimates for various Federal programs, and to then evaluate their efficacy.

State and local governments use census data for different purposes. They allocate criminal justice resources based on crime maps and demographic profiles. They base disaster response plans on census data. They analyze their transportation systems using information from the Census Bureau. The list goes on.

Not only do governments of all levels rely on the census, but the private sector does as well. Businesses conduct market research based on census data. Hospitals identify their constituencies and how to better serve their needs based on census data. The real estate sector uses it to . . . .

One can argue, therefore, that the census is essential not only to democracy, but to the U.S. economy as well. With so many governments and businesses who rely on data, it is absolutely essential that that data be accurate.

Over ten years, the 2010 census will cost approximately $11.5 billion. That's an average of $1.2 billion per year. Divide that by the population of the U.S., and the cost is approximately $4 per person, per year. Four dollars. That's it. I don't know about you, Mr. Chairman, but I am willing to spend $4 a year to ensure that Federal, State, and local governments, businesses and non-profits, all have accurate data to conduct their business. In fact, considering the enormous benefit that the economy gains by having an accurate census, I'm willing to wager that this is one of the most cost-effective uses of taxpayer dollars. I urge my colleagues to spend your constituents' tax dollars wisely by opposing any amendments that cut funding from the census.

CONSTITUTIONAL OBLIGATION

The importance of an accurate census enumeration cannot be overstated. The founding fathers of our country understood, they wrote it right into the Constitution. In Article I, Section 2 of the Constitution, it says that congressional representation and taxes shall be based on the population. I quote directly, "The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." By extension, the census affects Presidential election, as the number of electoral college votes for each State is based on the number of representatives and senators from that State. There are several instances (listed below) in recent history where very close elections and redistricting hinged directly on census data. When the founding fathers rooted our representative democracy in an accurate enumeration of the population, they placed a great burden on the census. It is our constitutional obligation to conduct this census, and to absolutely do it to the best of our ability.

After Census 2000, the state of Utah missed gaining a fourth Congressional seat and sixth electoral vote by 856 residents; the 435th seat and 538th electoral vote went to North Carolina instead. Utah's experience has been highly instructive to states with regard to the 2010 Census. Realizing that apportionment is a zero sum game, more states will be working aggressively to bring about a full count.

The result of the 2000 presidential election turned on the accuracy of the 1990 census. The election was so close that a slightly more or less accurate census could have produced another pattern of Congressional apportionment and so a different outcome.

In 2003, the Texas state legislature's redrawing of Congressional Districts produced quite a commotion, as some legislators in the minority left the state in the hopes of blocking approval of the new boundaries.

CRIME-FIGHTING

It is very easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface, the census does not seem to have the direct connection to public safety that (anti-meth program, COPS, SCAAP) does. What many people don't realize, however, is that local law enforcement officials rely on the census every day, and an inaccurate count could jeopardize their ability to fight crime. One of the most valuable tools for local law enforcement is crime mapping. This technology allows them to more effectively allocate limited resources and manpower based on crime statistics and information on neighborhood characteristics. They are better able to predict where crimes will occur based on this information, and can therefore send more police officers as a preventative measure. Crime mapping programs draw heavily from demographic and housing data from both the decennial census and the yearly American Community Survey (ACS). When a census or ACS count is less accurate due to lower funding levels, it will jeopardize our ability to effectively fight crime at the local level.

DOMESTIC VIOLENCE

Let's be clear, I am extremely supportive of funding for programs to combat domestic violence. I have devoted much of my career to making women's lives better, and have been an outspoken advocate of reducing violence against women. However, I cannot support this amendment. Taking money from the census to fund a domestic violence prevention program is nonsensical. These programs rely on census data to recognize patterns of domestic violence, such as the link between poverty and domestic violence. Domestic violence advocates also use census data to analyze the impact of these programs. And finally, the funds that we would give to these programs will be based on funding formulas that use data from the census. If we do not have the most accurate census possible, this program, and all the other programs that receive Federal funding, will be at risk.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentlewoman will yield, we obviously respect our colleague's attempt to improve the financial situation for these border prosecutors, but the general feeling is that Census accounts are not the ones we want to use for that purpose. But we certainly respect what you would like to do to enhance their resources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

AMENDMENT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHIMKUS:

Page 7, line 8, after the dollar amount, insert "(increased by $5,000,000)".

Page 21, line 7, after the dollar amount, insert "(reduced by $5,000,000)".

Mr. SHIMKUS. Mr. Chairman, I come down to offer this amendment with respect to myself and my colleague, Anna Eshoo. She is tied up in an Intel briefing, or she would be down in support of this amendment.

We both cochair the E9-1-1 Caucus in which, in 2004, we passed on this floor an authorization of $1.2 billion over 5 years to help our first line responders roll out ENHANCE 9/11 in a 50 percent grant program with our public safety officials. Under Republican control over the past 2 years, and now under a Democrat-controlled appropriation budget, we have yet to see our first dollar from the appropriation process committed to ENHANCE 9/11.

So the basic premise of this amendment is just to get started. There is $1.2 billion authorized. This is the third year with no dollars appropriated. We are asking for a shifting of funds of $5 million to make this happen. Again, this amendment is supported by the National Emergency Numbering Association, which is commonly referred to as NENA; and APCO, which is the Association of Public-Safety Communications Officials.

We all know the stories about people who expect that when they dial 9/11 on a cellular phone that not only will someone answer that, but people will know where they are. I represent rural southern Illinois, parts of 30 counties. It is one of the largest congressional districts east of the Mississippi. You can go off in some area and folks may not find you until it is too late.

So the whole emphasis behind ENHANCE 9/11 is to use technology, work with the land line companies, work with the cell companies, work with the public service answering points of PSAPs, or we call them the E9-1-1 call centers, and in so doing, make sure that we move our country forward to be able to identify folks when they call 9/11 on their cellular phone. Again, I would venture to guess that almost everyone voted for ENHANCE 9/11, cellular identification authorization amount $1.2 billion over 5 years.

So it is time, my colleagues. Congresswoman ESHOO and I just want us to start. I think the public service, the first line responders and the public safety communities really want us to at least show some good-faith effort by finally releasing some dollars. That is the intent of this amendment.

I see there is some activity on the other side. I was hoping that the chairman would pay attention, because I am going to call, obviously, for the voice vote, but because of the way that it is worded, I will not call for a recorded vote, but I would like for him to be receptive to moving this provision, especially when it is brought in a bipartisan manner with a major member of the Commerce Subcommittee and the Telecommunications Subcommittee.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this bill is currently balanced among the many competing priorities between the Subcommittee on Commerce, Justice and Science. The amendment significantly upsets that balance.

This Congress has already provided the proper funding mechanism for enhanced 9/11 grants, which is through proceeds realized through the sale of the spectrum space. I have grave concerns about a $5 million reduction to the general administration account of the Department of Justice.

The Department may have to lay off its current personnel, reduce key projects that might have to be terminated, and substantially scale back others in order to absorb a reduction in this office.

We have to be respectful in the requests and the necessity of having adequate funding and adequate personnel to run these programs, to run the Department of Justice. Let's not be cavalier in these offsets. Just because the account is called "general" doesn't mean that it doesn't need funding. It also doesn't mean that we haven't been careful and deliberate as we have looked at the needs and funded these accounts. These are real people we are talking about laying off. They have real jobs, and they administer real programs.

So when we offer an amendment and suggest a $5 million offset, we have to be mindful of the consequences of that. DOJ is currently challenged to fill authorized positions at all of its components. We are increasing funding at the DOJ. Partly these funding requirements are the result of chronic gaps between the funding requested and appropriated for the S&E accounts and the true cost of pay raises. Let's be respectful of other people in their jobs as we consider these offsets.

I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, like the chairman, we want to salute Representative ESHOO and Mr. SHIMKUS. This is sort of a promise that has not been delivered on, and we are mindful of it. But I would agree with the chairman, to take a whack out of the Department of Justice general administration accounts would affect people that are working there presently.

There is the expectation, which, of course, it might irritate you for me to mention this, that somewhere along the line, goodness knows when it will happen, there will be a spectrum auction. I don't know, there is $40 or $50 million. I know you are looking for $250 million. It is not exactly inexpensive. When the auction should occur, this is the type of necessary project that needs to be funded.

But I would concur with the chairman, I know you tried to choose wisely, I am not sure these are the accounts that I would recommend taking money from. So I would concur with the chairman.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for those thoughts. If I have any time left, Mr. Chairman, I would just point out that about 90 percent of the account where the gentleman is seeking an offset, the general administrative account, goes towards operational support for the Department of Justice agencies and their missions, by maintaining and overseeing facilities, for procurement of law enforcement tools for agents and employees, and for management of financial systems.

Cutting this account could prevent implementation of a unified financial management system that would limit the fraud, waste, and abuse that everyone in this body talks about. These are not the areas in which we want to make cuts.

Ms. ESHOO. Mr. Chairman, the amendment that Mr. SHIMKUS and I are offering will provide $5 million for the National Telecommunications and Information Administration (NTIA) with the intent of allowing them to issue grants to upgrade Public Safety Answering Points (PSAPs), otherwise known as 9–1–1 call centers. Call centers across our country today need to enhance their 9–1–1 technology in order to actually locate where a mobile phone caller in crisis is.

Annually, over 200 million 9–1–1 calls are made, and increasingly those calls are made from mobile phones. According to CTIA, the wireless industry association, more than 10 percent of households now rely on wireless phones as their only telephone service. No wonder it's surprising to many Americans to learn that a 9–1–1 call center may not have enhanced technology to trace an emergency call from a mobile phone in order to dispatch help to exactly where it is needed.

Imagine calling 9–1–1 from your mobile phone at the scene of a car accident or a crime and being told the operator has no idea where you are.

Millions of Americans face this risk every day.

While coverage in many areas is improving, there are significant gaps in the public safety system, particularly in small, rural, and poor communities where federal assistance could be most meaningful.

In 26 states, more than 20 percent of counties have not deployed the latest 9–1–1 technology. In 15 states, well over half the counties haven't deployed this technology. In West Virginia (Chairman MOLLOHAN's home state), nearly one third of the population doesn't have enhanced 9–1–1 coverage. In Ohio, half the state's population lacks this coverage, and in Mississippi, two-thirds.

In 2004, Congress and the President attempted to address this problem by enacting the ENHANCE 9–1–1 Act. The law that Mr. SHIMKUS and I authored created a grant program to pay 50 percent of the cost for upgrading 9–1–1 call centers and ensure the most precise location (within 300 meters in most cases) of an emergency call from a mobile phone.

The program was authorized to provide up to $1.25 billion in grants over 5 years. Regrettably, 3 years later Congress has yet to fund the program. In fact, the NTIA and National Highway Traffic Administration (NHTSA), the agencies with responsibility for this program, haven't even established regulations for awarding grants. With only 2 years left in the authorization, it's time to get the program underway.

The modest amount of funding in our amendment will provide grants to approximately 54 smaller counties to upgrade their wireless E9–1–1 capabilities or up to 17 grants to counties with populations over 100,000. This public safety funding is offset by reducing funds from the Justice Department's General Administration.

Our Amendment has been endorsed by the Association of Public-Safety Communications Officials and the National Emergency Number Association and I urge my colleagues to join me and Representative SHIMKUS in voting for it.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHIMKUS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

Mr. CARDOZA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CARDOZA. Mr. Chairman, I intended to offer an amendment with regard to sea turtles. I would like to engage in that discussion for a bit. I will not offer that amendment; I would like to discuss it with the chairman of this Appropriations Committee.

There are currently six species of sea turtles, the green, the hawksbill, the Kemp's Ridley, the leatherback, the loggerhead and the Olive Ridley sea turtle. All six are listed as threatened or endangered species under the Endangered Species Act.

Sea turtles face a range of threats from land and sea. Their nesting beaches are under constant attack from pollution, trash, debris, predators and vehicles driving on the dunes.

Once out of the nest, sea turtle hatchlings use light cues to find the sea. Artificial lighting near the beach can disorient hatchlings, leading to dehydration and death.

In the water, sea turtles face even more serious threats. Every year, thousands of sea turtles are injured or die after becoming entangled in discarded fishing gear and other marine debris, from ingesting plastic bags or oil and tar, from being crushed by dredges, and by being accidentally caught by U.S. commercial fishing operations. The latter is one of the most serious threats facing sea turtles.

Sea turtles are accidentally caught in gill nets, trawls, long-lines and dredges, subjecting them to severe injury, crushing, or drowning.

The U.S. Government authorizes commercial fisheries to kill nearly 10,000 sea turtles and harm another 334,000 each year. And that is only what is authorized, not what actually occurs.

In addition, the government does not adequately take into account that when a sea turtle is injured, its swimming, hunting, and reproductive abilities may be severely impaired, further jeopardizing the population.

Currently, approximately one in 1,000 sea turtle hatchlings survives to adulthood, one in 1,000. While they are long-lived, they also reach reproductive maturity late in life. Due to the many risks they face, however, relatively few sea turtles survive to maturity, and even fewer live to reproduce.

In order for the sea turtle population to recover, we must do a better job monitoring the population and strengthen the necessary protective enforcement measures. The Cardoza-Hastings-Castor amendment was quite simple: it provided an additional $1 million for sea turtles under the Protective Species Research and Management account for the National Marine Fisheries Service.

What I have done with the chairman is to request that the chairman work with us, and I would like to now yield to discuss with the chairman what we might do moving forward.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will yield, first of all, I want to commend the gentleman for raising this issue. Six of the seven sea turtle species are endangered. It is a real concern. It is a real plight. We can be particularly proactive trying to address the endangered status of these turtles in our borders. It becomes far more difficult as we go out around the world.

□ 1445

It is important that we address it and we pay increasing attention to it. The gentleman requests an additional $1 million. There is a $9 million program looking at this. We intend to work with the gentleman, if he so desires, to ensure that NOAA is increasingly focusing on the problem, and we will be bringing the gentleman's concern to their attention, and letting them understand that. We will be working with the professionals at NOAA, and we want to give them all of the support that we can and let them know that this is a priority for us.

So I commend the gentleman for bringing the issue to our attention, and assure him that we look forward to working with him not only as we process this bill through to completion, but subsequent to that and throughout the year to ensure that NOAA gives it the adequate attention that this issue deserves.

Mr. CARDOZA. I thank the chairman. I look forward to working with him. That is acceptable to us. We will work together as this bill goes to conference to see how we can better deal with this issue.

My daughter Brittany is 13 years old, and my daughter Elaina is 10. They both have encouraged me to work on this. One knows that we have to try to abide by our children because they usually have the right take on what is right in the world. I thank the chairman for allowing me to work on this issue.

Mr. MOLLOHAN. They do have the right take, and she obviously has picked a substantive issue to be concerned about and defend, and the gentleman is to be commended for picking it up and fighting for her and sea turtles.

Mr. CARDOZA. I thank the chairman.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. CARDOZA. Again we have worked with the chairman. There was an amendment that I was going to offer with regard to the CASA, Court Appointed Special Advocates, program. This is an issue I am very passionate about as two of my children are adopted. They were into the foster care system and into adoptive placement because of a CASA volunteer seeing the desperate situation they were both in.

The current CASA funding only allows for 50 percent of the children who are under court supervision, under court custody to receive the assistance of a CASA volunteer. The program is underfunded.

I had originally intended to fully increase this funding so that every child could have a child advocate and a CASA. That is not authorized under the authorization, so we have withdrawn the amendment at this time, but I will work with the gentleman in the future to make sure that we do the right authorizing legislation so this appropriation can be dealt with in the appropriate way in the future.

I thank the gentleman for his advice and leadership in helping me work on this issue.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I point out that when the gentleman brought his interest in CASA to the attention of the committee, I pointed out to him that CASA is funded in our bill at the authorized limit of $12 million. We don't suggest that it does not merit and that the need isn't there for considerably additional funding. That is something that we can look at in the future, and I thank the gentleman from California for bringing this matter to the attention of the committee and to the attention of the full body.

CASA is a vital program that is important in the lives of countless children in foster care, and we will continue to work with the gentleman on his concern of ensuring that soon every child has a CASA representative.

As the gentleman represents, only 50 percent, if it is 50 percent, of those in need are served by this vital program. As my colleagues may know, 7 years ago, and as the gentleman pointed out, and we are very impressed by that fact and taken by it, adopted two foster children. There is no greater love than adopting children. We look forward to working with the gentleman as we move forward.

Mr. CARDOZA. I thank the gentleman for his extraordinary leadership and for his indulgence of his time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $21,728,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of Act of July 5, 1946 (60 Stat. 437; 15 U.S.C. 1113) and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further*, That in fiscal year 2008 from the amounts made available for "Salaries and Expenses" for the United

States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, of Public Law 108–447 shall remain in effect during fiscal year 2008.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology, $1,000,000, to remain available until September 30, 2009.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,517,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $108,757,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $93,062,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by the Act entitled "An Act to establish the National Bureau of Standards" (15 U.S.C. 278c–278e), $128,865,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,847,556,000, to remain available until September 30, 2009, except for funds provided for cooperative enforcement which shall remain available until September 30, 2010: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,938,556,000 provided for in direct obligations under this heading $2,847,556,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $11,000,000 is derived from recoveries of prior year obligations. *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 22 offered by Mr. ENGLISH of Pennsylvania:
>
> Page 11, line 19, after the dollar amount, insert the following: "(reduced by $2,000,000)".
>
> Page 68, line 16, after the dollar amount, insert the following: "(increased by $1,000,000)".

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the amendment I am offering today would redirect a very modest amount of funds from NOAA to the United States International Trade Commission, we hope to good effect.

The ITC serves on the frontline in the trade war against unfair and illegal imports. The Commission, an independent, quasi-judicial Federal agency, is part of America's critical network of "trade cops."

The Commission investigates the effects of dumped and subsidized imports on domestic employers and American workers, and conducts global safeguard investigations on import surges. The Commission also adjudicates cases involving infringement by imports of intellectual property rights.

Very simply, this amendment presents a clear choice and a simple one: Jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy.

Whatever an individual Member's views on international trade, no one can disagree with the notion that the United States is becoming more and more integrated into the global marketplace. U.S. exports are increasing; and, perhaps unfortunately, so are imports.

Unfortunately, all too often countries do not fulfill their promises to stay within the rules of the global trading system. These rulebreakers do not only cheat the system at our expense, but their action has the effect of costing America jobs. It is precisely for these reasons that we have laws on the books to police our markets, to combat illegal trade practices like dumping, subsidies and intellectual property theft. These laws, however, are only as good as the enforcement mechanism that sustains them.

There are countless examples of employers in congressional districts across the country that are being adversely affected by illegal trade practices. Everything from Channellock pliers in my district, or the Club in your car, to Zippo lighters are under assault by intellectual pirates. Everything from tires to lemon juice to honey to live swine to furniture to computer chips is under assault by illegal subsidies or dumping. And everything from steel pipe, hangers and brake drums and rotors are under assault from Chinese import surges. These industries illustrate the range of American employers that turn to the Commission to hear their case when our trading partners run afoul of their obligations.

And because of the volume of cases before the Commission, which is exploding, it is incumbent upon us to provide the necessary resources to our trade cops.

Intellectual property cases before the Commission have more than tripled since fiscal year 2000. The Commission expects an increase in dumping and antisubsidy investigations for the fiscal year 2008 compared to a relative decline in 2005 and 2006.

Also, the Commission will be tasked with examining the economywide economic impact that pending FTAs will have on our country.

All of these facets of the Commission are far too important not to put the necessary resources into the Commission to allow it to complete its mission. If we are concerned about the effects that illegal and unfair trade is having on the average working American, this amendment is the very least we can do.

Again, Mr. Chairman, this amendment presents a simple choice, jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy. I choose American jobs, and I hope my colleagues join me in passing this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. I rise in opposition to the gentleman's amendment. The gentleman attempts to move $2 million out of NOAA, out of the very important programs that fund the National

Weather Service—fisheries, oceans, climate—money that is used to do a lot of the research that is extremely important to all of these areas, including climate change.

We have tried to fund NOAA in a way that respects its mission this year in the House of Representatives. Typically we don't do that, and the Senate earmarks it. We have tried to go through account by account and look at the National Weather Service, look at the fisheries, look at oceans and look at climate change, and fund these programs accordingly. This money will take away from that effort.

Now, where is the money going? It is going to the ITC. During a hearing we specifically asked Chairman Pearson if he got his request, and he got the funding he requested as he requested it, if he would be happy and if he would be made whole. And his testimony specifically to us: "If you do that, Mr. Chairman, then we are very happy." And that's what we did in this bill, so I really don't see the need under any circumstances for increasing the ITC at this time.

The gentleman mentioned all of the important missions of the ITC and all of the work it does. And you know what? We respect that, and we have funded it completely in this bill and been responsive to the Chairman Pearson's request. He represented to us at the hearing that if we were to do that, which we did, that he would be totally happy with this funding.

I have to say that the gentleman is laboring on behalf of an agency that is fully funded and above that has received all of the funding requested in this bill. So I oppose this amendment to take money from science programs and to take it for no compelling reason from NOAA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 17 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. BORDALLO:

Page 11, line 19, after the dollar amount insert "(reduced by $500,000) (increased by $500,000)".

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purpose of ensuring that not less than $500,000 is expended by NOAA in 2008 for Western Pacific Fishery Demonstration Projects.

This amendment would effectively ensure that such funding is provided for this program. The Western Pacific Fishery Demonstration Projects program was authorized by the 104th Congress through the passage of an act that reauthorized the Magnuson-Stevens Fishery Conservation and Management Act. This is a program that was funded at the level this amendment proposes each year from 1999 to 2005. However, unfortunately, this program has not been funded in the past 2 years.

Valuable and economically innovative projects have been demonstrated and explored in the past through this program. It is important to the communities represented by the Western Pacific Fishery Management Council, which includes my home district of Guam, for this program to be funded.

This is a competitive program, and project proposals are reviewed against criteria established by NOAA. The program's chief purpose is to protect and promote traditional fishing practices in the American Pacific basin.

□ 1500

Development of sustainable fisheries in the islands is important to their economic diversification, growth and preservation of traditional cultural practices.

On Guam, for example, a proposal deemed to have merit awaits funding. Our fishermen and -women need continued support to demonstrate and establish a deep-set longline fishery. Funding this program is the key to ensuring that such a meritorious project can be pursued in a Federal-local partnership.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from New Jersey (Mr. FRELINGHUYSEN) at this time for their able leadership in bringing this bill to the floor, and also as Chair of the Fisheries, Wildlife and Oceans Subcommittee, I also want to acknowledge the full committee Chair, Mr. OBEY, here on the floor for his work and leadership on behalf of Members of this body, and I also would like to recognize Mr. LEWIS, the ranking member.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I accept the gentlelady's amendment.

The level of funding for this program needs to be increased to help foster and promote traditional indigenous fishing practices. The gentlelady has been a tireless supporter of assisting the indigenous people of Guam, Hawaiian Islands and the South Pacific.

And this funding provides funds for a competitive grant within NOAA to allow indigenous peoples of the western Pacific to explore new fishing means both which are safe and economically sustainable.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. ROGERS of Michigan:

Page 11, line 19, insert after the dollar amount the following: "(reduced by $16,000,000)".

Page 29, line 19, insert after the dollar amount the following: "(increased by $16,000,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Mr. Chairman, I have a series of three amendments, and what we are trying to do here today is solve a couple of very real problems for average FBI agents who, in my day, were called brick agents. These are the folks who are doing the real work, working organized crime or collecting intelligence on foreign spies or doing counterterrorism work here in the United States, trying to save and prevent any hazards from happening in our homeland, doing violent crime or chasing gangsters or involved in the public corruption that is pervasive in so many of our cities around the United States.

They're doing great work, and these are very talented people, and we don't really pay them a lot of money. We ask a lot of them. We tell them to move around a lot. We send them to very high-cost cities, New York City, and think what about we do.

We have an agent who's been in, say, 7, 8, 9, 10 years, he makes about $89,000 as a supervisor of other FBI agents, and he's in Alabama. You can do pretty well at that standard. And then we tell him or her, because his or her talents are needed in New York City, You're going to go. So you pack up your family and you show up in one of the world's most expensive cities, and for that, we give you $3,000.

So he or she goes from living pretty decently in a place like Alabama on $89,000 to a high-cost city making $92,000, and the hardship begins. It's wrong that we treat some of our front-line defenders in homeland defense in this way.

So, last summer, we sat down and tried to work with the FBI director to get a couple of things accomplished. One was a housing allowance. Other agencies in the city of New York have housing allowances for their agents and their officers who serve there because they recognize the need for, A, constant moving; and B, in high-cost areas, you need a little extra help just to get by. Some of these agents have 3-hour commutes to go into work, 3-hour commutes, work a very long day, longer than most Americans; then they have a 3-hour commute to go home. It's pretty tough on their family life. It's tough on their finances, and it's wrong that we ask these agents to suffer under that kind of financial difficulty. We should and could do better.

So, last summer, we agreed with the FBI director, of which we have public statements to the effect, that we would try a pilot housing project here in Washington, DC, another high-cost area. It's hard to attract FBI agents to come back to Washington, DC, because of the high cost that is uncompensated. So we agreed that we would try a pilot project here to see if we couldn't work out the kinks. Now, the FBI has agreed to this program. They said it's the right thing to do. They will try a pilot project. If it works here, we'll see where else it can go.

So we take a very small amount of money, about half of 1 percent from the $2 billion plus going to NOAA, and we say we're just going to redirect a little of this money into something that we know can make a difference for those who are defending the United States of America and doing some of the hardest work that is out there.

So, if we do this amendment, I won't have to do an amendment later on that specifically outlines how we would do a housing project for FBI agents across America. And think of those high-cost cities like Los Angeles or Miami or Chicago, New York City, places in New Jersey, Atlantic City, the cost of housing is ridiculous. And they're not well-compensated to begin with, and to ask that extra burden isn't right.

So we're going to do two things. We're going to do that. Hopefully, if we do this, I will be able to withdraw my second amendment on the FBI housing allowance. And secondly, they have something called an up-or-out policy of which, by the way, I oppose, but I worked with the director to protect the pensions of those FBI agents that have been impacted by this up-or-out policy.

And by the way, the FBI, after this agreement last summer, sent an internal communications and said basically, hey, we're going to do this for you. For those of you who are impacted, and these are supervisors who have served well for their country and their community and the Bureau who had to step down from being a supervisor because they didn't want to be forced to move to a high-cost city in Washington, DC, to further their career. Maybe their kids were in school, maybe they had to make other considerations. So they were forced not because of their lack of good work but because they were just serving in that capacity for 5 years. And those who were close to retirement, it significantly impacted their retirement, their pensions, and it's wrong.

There's a small number of agents that we can fix with this proposal that takes care of those agents who have served us all well. While we were sleeping, they were working. While we were in the safety of our barbecues, they were in danger protecting this country.

We owe it to them to have these two fixed. It's agreed to by the FBI director. It's agreed to by the FBI. We just need to get some language in to accomplish that. I would urge support of this amendment.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the gentleman's amendment.

The amendment proposes to increase the level of outlays in the bill. I don't think that's the intention, but that's the effect.

The fact is that the outlay rate in the NOAA account is 65 percent. The outlay rate in the FBI account is 80 percent. Therefore, the amendment is not budget neutral, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ROGERS of Michigan. Mr. Chairman, this certainly seems to me a change in policy. This is a straight transfer. Now, the other two amendments I understand we may have something to chat about, but this is a straight dollar transfer. We have reduced one account and increased another account. It is a straight transfer and should be considered made in order.

Mr. OBEY. Mr. Chairman, if I could respond, the fact is this may be a straight transfer as far as budget authority is concerned, but that is not the impact on the outlay side, and therefore, I ask for a ruling from the Chair against the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Michigan proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Committee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order is sustained.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK:

Page 11, line 19, after the dollar amount insert "(increased by $21,100,000)".

Page 16, line 20, after the dollar amount insert "(reduced by $21,100,000)".

Mr. MACK. Mr. Chairman, I first would like to start off by saying that I'm only here this afternoon because of a concern for an algae bloom that continues to grow off my coast. It's called red tide. It causes economic damage. It causes quality of life damage. It's also harmful to the fisheries.

I also understand that the majority is not really comfortable the way we constructed this amendment. I do want to say for the record that I've had a lot of support from Kathy Castor and Vern Buchanan on working, trying to get more research dollars on red tide.

Currently, NOAA has a program, a peer-reviewed program, that moneys are appropriated to that then are used for research all around the country on red tide and harmful algae blooms. This amendment would then fully fund to $30 million a year those research projects.

I spoke earlier to the chairman of the committee, and we talked about how we can move this ball down the road, how we can move forward on trying to get those research dollars up. It has a significant impact for our communities. The chairman was kind enough to agree to speak on this and to work with me and to work with my colleagues on ensuring that we at least have the discussion about making sure the research dollars are there.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I'm pleased to discuss this matter with the gentleman.

This issue was brought before the committee rather late, after we had marked up. The point was made on a bipartisan basis that the authorization for this program was not adequate. We accepted the authorization change on our bill and supported an increase in the authorization, I believe to $30 million.

The bill is already marked up, and we have funded this program at $8.9 million, recognizing that, like a lot of accounts in this bill, additional resources are needed. We would be pleased to work with the gentleman as the bill moves forward to see how we can augment this funding.

That's a difficult proposition, but we do commit ourselves to looking to see how and where we might be able to find some additional resources to fund these accounts, and we look forward to working with the gentleman in that regard.

Mr. MACK. Reclaiming my time, Mr. Chairman, I thank you for your remarks, and I do apologize for the last minute on this. We've been kind of trying to look through the language and understand completely what was there and what we need to do. We're going to continue to work through the authorizing committee as well. I appreciate the chairman's support.

Mr. BUCHANAN. Mr. Chairman, I rise in strong support of the Mack-Castor-Buchanan amendment to provide critical funding for red tide research.

Red tide threatens our environment, our health and our economy. But in recent years, the harmful effects of red tide have killed sea life, driven people from our beaches to our emergency rooms, and cost the economy millions of dollars in lost revenues.

This is a problem not just in Florida but in other coastal States.

Red tide is a naturally occurring phenomenon. Scientists differ on whether it is occurring more frequently and for longer periods of time. There is also disagreement on whether we should try to kill, contain, or minimize the impact of red tide.

That's why additional research dollars are needed. And that's why I support the Mack-Castor-Buchanan amendment.

My district is home to Mote Marine Laboratory, one of the Nation's premier private marine research laboratories. Mote conducts ongoing red tide research and research related to new methods for early detection of red tide, the role of coastal pollution and studies of ways to mitigate and control blooms.

This amendment would fund additional research at places like Mote Marine to better understand the issue, and these results of these studies can be used to develop better methods to predict and detect red tide, and if a consensus can be developed, control and mitigate red tide.

I want to thank my colleagues CONNIE MACK and KATHY CASTOR for working with me on this important issue.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 11, line 19, after the dollar amount insert "(increased by $2,000,000)".

Page 21, line 7, after the dollar amount insert "(reduced by $2,000,000)".

Mr. JINDAL. Mr. Chairman, the 2005 hurricane season featured 14 hurricanes, including Hurricane Katrina, which devastated the gulf coast and became the most costly natural disaster in U.S. history. The season's hurricanes were responsible for over $100 billion in damage and over 1,800 deaths. Both Hurricanes Katrina and Rita devastated my home State of Louisiana.

On August 23, 2005, Hurricane Katrina was nothing more than a mass of organized clouds over the Bahamas, but later that day, the storm quickly intensified and headed toward the U.S. coastline. Late on August 25, the storm made the first landfall just south of Fort Lauderdale, Florida, as a category 1 hurricane. By early in the morning of August 28, Hurricane Katrina's winds reached a remarkable 175 miles per hour, a category 5 storm. Hurricane Katrina seemingly intensified overnight from category 3 to a category 5 hurricane.

Just before Hurricane Katrina made landfall on August 29, NASA's QuikSCAT satellite mapped the storm's wind speeds. The data from the satellite helped forecasters describe Katrina's dangers in public information bulletins issued just before the storm slamming into New Orleans. Unfortunately, forecasting efforts may be crippled as data from the QuikSCAT satellite will become unavailable as the satellite's lifespan expires.

Measuring a storm's intensity and tracking its direction are critical to determining appropriate level of emergency preparedness efforts. Forecasters need alternate methods to measure intensity in order to convey potential storm damage. In addition to space-based monitoring platforms on which hurricane research and forecasting scientists rely, new research is now being conducted by NOAA that will allow forecasters to recognize rapid changes in intensity much more quickly.

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The National Hurricane Research Initiative has been estimated to have an annual cost of as much as $300 million, but will accelerate and improve measurement of hurricane wind structure. The President's 2008 budget request calls for just $2 million in additional studies aimed at improving hurricane intensity forecasts, an area that the NOAA Administrator claims is one of the agency's key concerns.

The amendment that I offer to the appropriations bill would double the President's increase for NOAA's hurricane intensity research. The amendment adds an additional $2 million to improve NOAA's ability to forecast hurricane intensity and to provide better and more usable information for emergency managers and the public. The activities will aid NOAA's operational hurricane forecasters and improve understanding of hurricane intensity and changes in storm structure, especially on the gulf coast where residents are so sensitive about potential evacuations, it would be extremely helpful to have better and more accurate information about intensity as well as the direction of a storm.

The offset comes out of salaries and expenses in the General Administration for the Department of Justice. This account received $104.7 million, which is $6.9 million more than last year's funding levels.

My amendment will reduce errors in the 48-hour hurricane intensity forecasting. I urge my colleagues to support my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentleman seeks to increase by a factor of two the hurricane intensity forecast capability.

There is a lot of concern with regard to this. We certainly are extremely sympathetic to the purpose of the amendment. We do not like the offset at all.

I am wondering if the gentleman would, and I will yield to him for a discussion of this, if the gentleman would like to work with us and secure this funding, do everything we can. I think $2 million we certainly can do as we process this bill forward to conference.

Mr. JINDAL. If the gentleman would yield?

Mr. MOLLOHAN. I yield.

Mr. JINDAL. I certainly would be happy to withdraw the amendment. I look forward to working with the chairman. I thank him for his interest in improving the ability of NOAA and to predict the accuracy and intensity of hurricanes as they form along the coast.

Mr. MOLLOHAN. The gentleman is totally correct. Additional funding in this area could be used. We are convinced of that. We look forward to working with the gentleman.

Mr. JINDAL. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents, Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

NATIONAL ACADEMY OF SCIENCES' CLIMATE CHANGE STUDY COMMITTEE

Of the amounts provided for the "National Oceanic and Atmospheric Administration, Operations, Research and Facilities", $6,000,000 shall be for necessary expenses in support of an agreement between the Administrator of the National Oceanic and Atmospheric Administration and the National Academies under which the National Academies shall establish the Climate Change Study Committee to investigate and study the serious and sweeping issues relating to global climate change and make recommendations regarding what steps must be taken and what strategies must be adopted in response to global climate change, including the science and technology challenges thereof.

The agreement shall provide for: establishment of and appointment of members to the Climate Change Study Committee by the National Academies; organization by the National Academies of a Summit on Global Climate Change to help define the parameters of the study, not to exceed three days in length and to be attended by preeminent experts on global climate change selected by the National Academies; and issuance of a report by the Climate Change Study Committee not later than 2 years after the date the Climate Change Study Committee is first convened, containing its findings, conclusions, and recommendations. Of such amount, $1,000,000 shall be for the Summit on Global Climate Change and $5,000,000 shall be for the other activities of the Climate Change Study Committee.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,039,098,000, to remain available until September 30, 2010, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code. *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $64,825,000, to remain available until September 30, 2009: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska, and the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds: *Provided further*, That non-Federal funds provided pursuant to the second proviso be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act, 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $58,693,000.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ZOE LOFGREN of California:

Page 16, line 20, after the dollar amount insert "(reduced by $25,000,000)".

Page 21, line 7, after the dollar amount insert "(reduced by $25,000,000)".

Page 30, line 10, after the dollar amount insert "(reduced by $5,000,000)".

Page 42, line 8, after the dollar amount insert "(increased by $55,000,000)".

Page 43, line 3, after the dollar amount insert "(increased by $55,000,000)".

Ms. ZOE LOFGREN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer this amendment on behalf of myself, Ms. LINDA T. SÁNCHEZ of California, Mr. DREIER of California, Mr. HUNTER, and Mr. CARTER of Texas.

This amendment would increase the State Criminal Alien Assistance Program funding by $55 million, a 14-percent increase over the funding level currently included in the bill.

The offset for this increase would be a transfer from three different accounts, $25 million from the departmental management of the Department of Commerce, $25 million from the Department of Administration from the Department of Justice and $5 million from the FBI's Construction and Acquisition Fund.

The State Criminal Alien Assistance Program, or SCAAP, provides critical reimbursement to States and localities for the incarceration of undocumented criminal aliens. This program was created in 1994 to ease the fiscal burden on States and local governments.

SCAAP had its highest funding relative to authorization in fiscal year 1998, 1999 and 2000 under the Clinton administration when $585 million was appropriated. By increasing SCAAP by $55 million, this amendment would bring funding to States and local governments closer to the authorized amount. I would note that this would still be under 50 percent of the authorized amount for SCAAP of 48 percent, in fact. It would bring needed assistance to States such as California, Arizona, Texas, Florida and New York, all of whom have come to rely on SCAAP reimbursement to help absorb the high financial cost of incarceration of aliens.

Over the last 6 months, I have met with many Members of this House, both Republican and Democrat, to listen to their concerns about immigration as we examined the comprehensive immigration reform proposals and various elements of it. One of the issues that was raised on both sides of the aisle is the cost of incarcerating undocumented criminal aliens that is being passed on to States, counties and other localities.

I would note that this amendment, a modest increase of 14 percent, is endorsed by the National Association of Counties, and, likewise, we have a letter from 17 Governors who support increased SCAAP funding going to their States. These States' Governors include Arizona, Oklahoma, South Dakota, Oregon, California, Washington, Utah, Georgia, Florida, Kansas, Illinois, Virginia, New Mexico, New York, Minnesota, Texas and Nevada.

This is a good investment for local governments, for our States. It's part of shouldering our responsibility, because immigration is a Federal responsibility.

I think it's an item where, on a bipartisan basis, Mr. DREIER and I chair our respective State delegations, he the Republican delegation, I the Democratic delegation, that we can deliver jointly.

I respect a great deal, as Mr. MOLLOHAN knows, the chairman of this subcommittee. We have worked together on many items. This amendment should not be seen as critical of his wonderful efforts, but I think we can do just a little bit better, and I think our constituents and counties and our constituents and States will appreciate that we are doing something to ease the burden of incarcerating illegal immigrants.

I would note that all of the studies show that immigration is good for America. Legal immigration is good for America. It boosts productivity. We know that in our high-tech sector, more than half of the startups in Silicon Valley have an immigrant cofounder. There is much to revel in immigration in America.

But having said that, there are costs. This is one of them, something we can do something about, do something about. This bipartisan amendment really deserves the support of us all.

Mr. Chairman, I yield the remainder of my time to the cosponsor, Ms. LINDA T. SÁNCHEZ of California, noting that the Judiciary Committee on which we both serve is the authorizing committee. She has been a true partner in this effort.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I want to thank our chairwoman of the subcommittee, Ms. ZOE LOFGREN of California, for her efforts on behalf of this issue and many others as well.

I rise today to urge my colleagues to support this bipartisan amendment to increase funding for the State Criminal Alien Assistance Program, the SCAAP program.

The CHAIRMAN. The time of the gentlewoman from California (Ms. ZOE LOFGREN) has expired.

(On request of Mr. DREIER, and by unanimous consent, Ms. ZOE LOFGREN of California was allowed to proceed for 2 additional minutes.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the 2 minutes to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. When the Federal Government passed SCAAP in 1994, it recognized its responsibility to reimburse States and localities for the arrest, incarceration and transportation costs associated with criminal aliens.

Unfortunately, this program has been consistently underfunded. In fact, the President's budget proposal for next year provided no funds for SCAAP whatsoever. Fortunately, the Appropriations Committee and Chairman MOLLOHAN wisely allocated $405 million, $164 million more than the current level. However, this is not even enough.

States and localities are still only getting a small fraction of what they are spending. This inadequate funding has had a devastating effect on public safety, especially in California and other border States. At a time when many States and counties face budget shortfalls, every dollar reduced in SCAAP reimbursement means one dollar less to spend on essential public safety services.

Following SCAAP funding cuts in 2003, the L.A. County Sheriff's Department was forced to implement a new early release policy for inmates convicted of misdemeanors. From a public safety standpoint, it is far better for criminals to serve their full sentences.

Without adequate resources, other programs will have to be scaled back or cut all together. Programs that are in jeopardy could include basic police protection, anti-gang activities, homicide investigations, anti-terrorism activities and rehabilitation programs to reduce recidivism. We introduced this amendment to ensure that police chiefs and sheriffs do not have to choose between keeping children out of gangs and incarcerating criminal aliens.

I urge my colleagues to support this amendment.

Mr. DREIER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Chairman, I rise in strong support of this amendment.

I would like to first express my appreciation first to Chairman MOLLOHAN and to the gentleman from New Jersey (Mr. FRELINGHUYSEN) and to the members of the Appropriations Committee for increasing the level of funding within the committee.

My colleague Mr. CARTER, who is a coauthor of this amendment and was involved in this, in the work of the Appropriations Committee, I have to finally say we brought the level of the committee funding to exactly $405 million, which is where we actually had it last year.

I would say I was very pleased in working with then-chairman Jerry Lewis and other members of the Appropriations Committee in the 109th Congress to add an additional $50 million to the State Criminal Alien Assistance Program. We got to that $405 million level. This year we are at the same level thanks to the work of Messrs. MOLLOHAN, FRELINGHUYSEN, CARTER, and others who have been involved in this.

This was an issue that actually came to the forefront in 1994 when a number of us felt very strongly about the fact that cities, counties and States are not responsible for protecting international borders. It is the responsibility of the Federal Government to secure our Nation's borders.

It saddens me greatly that here we are, 13 years later, still struggling with the issue of securing our borders. Ms. ZOE LOFGREN, the distinguished Chair of the Judiciary Subcommittee on Immigration, has spent a great deal of time reaching out to me and others working on our effort to try to deal with this issue of border security and bringing an end to illegal immigration.

I will say that we haven't gotten there yet, as we found from the actions or lack of actions so far in the other body, and, frankly, in this House as well, on the issue. What we do know is it is still the responsibility of the Federal Government to secure our Nation's borders. That is why we should not, as a Federal Government, be imposing on cities, townships, counties or States the responsibility for incarcerating those who have come into this country illegally and have committed crimes against our fellow Americans.

□ 1530

I happen to live in Los Angeles County, and our county alone, the cost for incarcerating people who are in this country illegally and have committed crimes is in excess of $150 million a year.

The level of funding in this program is $405 million right now. If we are successful, which I suspect we will be, with passage of this amendment, we will add $55 million taken from accounts which I know concern the distinguished ranking member and I suspect the chairman as well, deal with the $5 million from the construction fund for the Federal Bureau of Investigation, and the administrative funds in both the Department of Commerce and the Department of Justice.

Mr. Chairman, we feel very strongly that as we look at the challenge of securing our borders, of ending illegal immigration, and of creating, creating a degree of equity when we look at the costs inflicted on local and State taxpayers, we need to pass this amendment.

We know that as we look at the challenges ahead, the costs are going to continue to be very, very high, as I said, with my county alone at $150 million. And the total program will end up, assuming passage of this amendment, to be $460 million for the entire country. We still have a ways to go.

I was very pleased, Mr. Chairman, in the 109th Congress, as I said, to have offered this amendment. I was hoping in the 109th Congress to have built the kind of bipartisan support that we enjoy for this amendment. I was saddened that we weren't able to do that, but we were nevertheless able to succeed in passing that and at the end of the day actually have that funding level increased. But as the problem continues, it is essential that we step up to the plate and take on our responsibility for dealing with this issue.

So once again, Mr. Chairman, I express my appreciation to all involved. The lead author of this amendment, Ms. ZOE LOFGREN, has worked, as I said, on the immigration issue for a long period of time, and I believe that she is going a long way towards addressing this question.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 3 additional minutes.)

Mr. DREIER. Mr. Chairman, I am happy to yield time to my friend from Texas, a member of the Appropriations Committee who has worked very, very hard on this, Judge CARTER.

Mr. CARTER. I thank my friend for yielding, and I thank both the chairman and ranking member of my committee.

I bring to this discussion and this bipartisan support, I hope, the perspective of having been in the trenches and having dealt with this issue.

I can't count on all the digits that I have the number of times that I have sat in a meeting of the Williamson County law enforcement group about the overcrowdedness of our jail in Williamson County, Texas, now a county of about 350,000 people.

We always look to see how many Federal prisoners we had in our jail, and always we would see 22 to 30 percent of these people would be what we considered Federal prisoners, illegal aliens, that had committed crimes. Now, yes, this is an immigration issue. Yes, it is a border protection issue. And these are issues that we all agree we must address. We will, I am confident, address them. But it is also a law enforcement issue. It is an issue that our people who enforce our laws at the local level and do the right thing, take them to court, try them, convict them, hold them while they are ready for trial, have space taken up by a responsibility of our Federal Government. And what we are doing here today is providing resources for those local people so that they can do their job and enforce the laws of the United States and of our various States.

This is a good use of our money to assist our locals, counties, States, and other authorities that have this duty of enforcing our laws in America, to help them do their job so we are not burdening the taxpayer at the local level and shifting funds from good things that keep our communities safe in order to keep these people in jail. And, believe me, they will do what it takes to keep them in jail.

So, therefore, let's do our job. Let's pass this additional funds for helping those who would incarcerate criminals on our behalf, and by that, I think we will be doing a good thing for our country.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the gentleman from Texas and, again, congratulate him on the hard work that he has put in this effort. His judicial experience is such that he understands this problem as well as any Member of this body. And I will join again of my California colleagues, Ms. SÁNCHEZ and Ms. ZOE LOFGREN, that I do believe that recognition now that we can do this in a bipartisan way is a very, very, very important achievement for this institution.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. And I want to begin by saying I am very impressed by the bipartisan presentation by the representatives from California, all of whom I respect very highly and many of whom I work very closely with.

Let me start off by saying their support for increasing SCAAP is not misplaced on its merits. Indeed, I am struck by the fact that their efforts on a bipartisan basis are evidence, pretty strong evidence, of inadequate funding, certainly in the request of the President. We have increased SCAAP by multi-billions of dollars, as we have already said, above the President's request. But the one argument against the bill that comes from the minority side is that we have too much money in this bill to fund the priorities in this bill.

I think this amendment is evidence in an argument against that position. There is not too much money in this bill to fund the priorities in this bill, and SCAAP is certainly a priority.

Let me help those who are moving this amendment with their argument. Certified requests for reimbursement to this SCAAP account from the jails, the sheriffs, and the State prison systems would demonstrate or would evidence the fact that there is twice the certified merit for reimbursement of this program than this program has funded.

In other words, we are only having 50 percent of the money that is in the bill. And even if we raise it, it is virtually not increased much more. We are only funding 50 percent of the certified demand for this program in this bill. Well, that is not unusual. There are a number of programs in this bill that certifiably we are only meeting 50 percent of the need.

When I was before the Rules Committee, the distinguished gentleman, Mr. DREIER from California, talked about our increase in funding for Legal Services. Well, we have increased Legal Services by $28 million in this bill to $377 million. And there is a study that was recently completed, a credible study that we are only serving 50 percent, just coincidentally, of the demand of people across the country who need legal services, but because of their financial condition cannot access the courts of this land. Now, that is meritorious.

It is meritorious, I believe, that we have a program, Legal Services Corporation, that meets that need and allows people to access the legal system. If equal protection under the law means anything, it means equal access to the law. So we have a legal services program to do that, but it is only 50 percent adequate in its funding. Well, SCAAP is only 50 percent. So we all have to sacrifice here, and this is a reimbursement program to States and local governments that are incarcerating illegal aliens. It is meritorious. So is Legal Services. I am just saying that the funding is inadequate, Mr. Chairman, and that we need additional resources in this bill.

So now we are down to prioritizing, and we think that we have done a good job in crafting the priorities of this bill. We are funding Legal Services at 50 percent. Legal Services' high watermark in 1995 was $400 million. We are not there, but SCAAP is there. We are not there. We are not back there. We are at $377 million in this bill.

SCAAP is not disadvantaged in this bill. Relatively speaking, look back over the years. In 2005, SCAAP was funded at $305 million. From 2005 to 2006, it jumped to $405 million. Why? Because of the good efforts of the distinguished chairman of the Appropriations Committee at the time, Chairman LEWIS, and the chairman of the Rules Committee at the time, Mr. DREIER, to effect an increase of $100 million.

So if you go off the base of 2005 of $305 million, Legal Services was increased to $405 million; we funded it at $375 million. At full committee, it was increased back up to $405 million. It is where it was. It is where it was last year. Relatively speaking, off of that 2005 base, SCAAP is enjoying a privileged position in this bill of strongly competing programs which rate merit.

So now where is the offset? So I am just saying, admitting, acknowledging, stipulating to SCAAP being underfunded, along with a lot of programs, State and local programs, as well as agency programs in this bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word and to yield 2 minutes to my chairman.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes and yields 2 minutes.

Mr. MOLLOHAN. I thank my distinguished ranking member, Mr. FRELINGHUYSEN.

Since we are talking about increasing inadequate funding in the bill, Mr. Chairman, let me explain that in our law enforcement agencies, we had a gap in the funding of the bill versus the need. The Department of Justice faced the challenge to fill authorized positions in all of its components, and partly as a result of chronic gaps between the funding requested by the President and the appropriation for these administration accounts and the true cost of paying for raises. We had going into this bill, underfunding in the Department of Justice, which we have tried very hard to address.

The offsets for funding SCAAP in this amendment impact those administration accounts in Justice and in Commerce. These are real people doing real jobs, and we have very carefully funded them. These accounts are underfunded by the President, just like SCAAP and just like Legal Services are underfunded. We have tried to balance priorities as we move forward, and there are lots of people concerned about these offsets.

This amendment proposes to offset $25 million in the S&E accounts for the Department of Commerce. Commerce runs good programs. The amendment proposes to offset $25 million in the Department of Justice for general administration. The Department of Justice has a lot of programs to administer, and many are State and local programs which distribute those funds to our local law enforcement. We can't cut either program by $25 million. This would hurt real people with real jobs. We are not funding overemployment in these agencies and we are not funding salary increases at adequate levels, either.

A lot of folks are concerned about this, and that is why we tried to balance the bill fairly. The folks that are going to be RIFed and laid off are government employees and are concerned about it. Their union representatives, the American Federation of Government Employees, AFL–CIO, are concerned about amendments such as this one and they have written us a letter:

"Dear Chairman MOLLOHAN, On behalf of the American Federation of Government Employees, AFL–CIO, I strongly urge you to oppose any amendments that would substantially reduce fiscal year 2008 funding for the salaries and expenses account in the Department of Justice agencies." And they are concerned about the others besides Commerce and Justice as well. These offsets have cavalierly, I would say, respectfully, targeted these administrative accounts.

I thank my ranking member for yielding me time. I respectfully engage this debate with my colleagues who I respect, and it brings me to respectfully opposing this SCAAP amendment. If our bill were to receive any more money, and I note that the Senate has $800 million more, maybe we can address these concerns in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I reluctantly oppose the amendment as well. And obviously we have a strong appreciation and affection for the power and the reasonableness of the delegations from California and Texas. The nexus between Texas and California is a pretty strong nexus here.

And I am supportive of SCAAP. I think Mr. DREIER kindly has acknowledged that the committee did put money in there through a Honda amendment, and obviously we would like to plus it up. The costs have somewhat escalated from what we originally anticipated from the floor debate here.

But I would agree with the chairman. The cuts that are proposed from these accounts actually affect real people.

□ 1545

And in the Commerce Department management account, and I know Mr. DREIER is an advocate of trade, it's a 40 percent cut in the management account for the Department of Commerce, which leaves them with 60 percent for operating costs. And for the Justice Department general account, which is $104 million, $104.8 million, this account is reduced by $25 million. They're down to $79 million. That means people out the door who are doing prosecutions that are important to all of us, perhaps even related to the issues that we're focused on today, which is criminal aliens.

So I reluctantly oppose the amendment, but certainly am sympathetic and have been because I've been well educated by not only the Member of Congress from California.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. FRELINGHUYSEN was allowed to proceed for 3 additional minutes.)

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman from California is kind to yield to me. I reluctantly oppose the amendment.

Mr. DREIER. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. And, Mr. Chairman, I will again state my great appreciation to the distinguished chairman from West Virginia and the gentleman from New Jersey. And the gentleman from New Jersey has just bragged on the States of Texas and California, and I will reciprocate by bragging on both New Jersey and West Virginia and saying that they're both great and very important States.

And I suspect that in West Virginia and New Jersey, the challenge of trying to deal with the cost of the incarceration of people who are in this country illegally and have committed crimes is a very serious and important one, and I recognize the sensitivity.

I personally am not a huge proponent, as I said earlier in response to the distinguished chairman of the subcommittee's comments on the Legal Services Corporation when he was testifying before our Rules Committee. And as I look at the numbers for both of these accounts, and I know that my friend from New Jersey, when the chairman and the ranking member were testifying before the Rules Committee, argued for a slightly, he said that he believed that the level overall could be slightly lower. And I looked at the level of funding, and the gentleman is absolutely right. I am a huge proponent of trade, breaking down barriers, and I want to do everything that I possibly can to expand export opportunities for the United States around the world.

But as I look at the level of funding, Mr. Chairman, for both the Department of Commerce and the Department of Justice, the Department of Commerce actually has a 7 percent increase over the President's request, 6 percent of the level of funding last year. That's $468 million more than has been requested by the President, and that's in the case of the Commerce Department. In the case of the Department of Justice, it's $1.7 billion more than the President has requested.

Now, in both of these areas we know that the President is absolutely committed to dealing with the crime problem, which is a very serious one, and obviously with the issue of expanding trade opportunities. And the overall level of funding in both of these areas is significantly higher than what was expended last year and what the President's request level is.

And I think that as we look at establishing priorities, it, from my perspective, is relatively, relatively, and I'll say that a third time, relatively easy. And I know how tough it is for the two gentlemen who manage this area to find that State Criminal Alien Assistance Program funding is, in fact, a very high priority for both Democrats and Republicans, as I said, for people in both West Virginia and New Jersey, as well as California and Texas and, frankly, all across the country. And so I would hope that as we move ahead with this process, that we'll see support in this House for this amendment.

And I know that as the two gentlemen head to working with our colleagues in the other body and ultimately with the administration, I hope that we will be able to keep this issue on the forefront as a very important priority.

Mr. FRELINGHUYSEN. I yield back, Mr. Chairman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are advised that under the 5-minute rule, Members who move to strike the last word may yield to other Members, but not for specific lengths of time. When the Chair purported to recognize Mr. MOLLOHAN for 2 minutes, in actuality that signified only that Mr. FRELINGHUYSEN would reclaim his time after that interval.

The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PRICE of Georgia:

Page 16, line 20, after the dollar amount insert "(reduced by $2,000,000)".

Page 65, line 21, after the dollar amount insert "(increased by $2,000,000)".

Mr. PRICE of Georgia. Mr. Chairman, this is an amendment in a little different vein. It's an amendment to increase funding in the Math and Science

Partnership Program under the National Science Foundation by $2 million, and reduce by $2 million the Department management salaries and expenses under the Department of Commerce.

I'll offer an amendment here to increase American competitiveness and to improve opportunities for America's children. My amendment proposes to offer additional funding to the Math-Science Partnership Program under the National Science Foundation. We must fund important priorities to ensure that our Nation continues to see positive growth in our youth in the area of math and science.

In my home State of Georgia, I recently had the opportunity to join over 25,000 students and teachers and researchers from 31 different countries at the Georgia Dome for the FIRST competition. The FIRST, as many of my colleagues know, stands for For Inspiration and Recognition of Science and Technology. It's a robotics competition. If any of my colleagues haven't been to a robotics competition, I encourage them to go see one. It is a remarkable experience.

I was extremely impressed with the level of enthusiasm and the remarkable educational benefit with this type of an initiative that's provided to thousands of American students. We should continue to promote this and other similar programs throughout the Nation.

I'm sure that my colleagues recognize the significance of promoting a strong interest in math and science and technology education. These fields of learning and research are vital to our country's continued success. In fact, investment in basic research and programs like this is an essential element in assuring future prosperity, security and leadership in our rapidly evolving world.

The National Science Foundation has a mission to achieve excellence in science and technology, engineering and mathematics educational at all levels and all settings, from kindergarten through postdoctoral training. One of the most important successful initiatives under the NSF is the Math and Science Partnership Program, established in 2002, to strengthen and reform mathematics and science education for children around the Nation.

It's important to offer children guidance and examples set by mentors and role models, and provide students the opportunity to learn about the importance of higher education, and they're exposed to career options, especially from those folks who love and are enthusiastic about science and engineering and mathematics.

Under this commendable program, each State administers its own competitive grant program for institutions of higher education, K–12 schools and local partners.

In addition, the MSP program focuses on raising educational standards to prepare children for postsecondary education in math, science or engineering.

This program is worthy of additional funding because of its positive results for improving math and science skills which are vital for a developing workforce that's capable of increasing America's competitiveness internationally.

All jobs of the future will require a basic understanding of math and science. In fact, the 10-year employment projections showed that of the 20 fastest-growing occupations, 15 of them require significant math and science preparation.

This small adjustment is a symbol of our greater commitment to STEM education programs. Support for these programs is vital for the continued success of our children, our citizens and our Nation, and I encourage my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I find myself agreeing with everything the gentleman has argued, and at the same time being, unfortunately, opposed to his amendment.

It's hard for any of us to argue or to have a desire in our hearts to do anything but increase the National Science Foundation. We all understand what good work it does.

NSF provides competitive, peer-reviewed granting that translates into cutting-edge research that is the foundation for the future economic viability of the Nation. Our economy is increasingly becoming an international one, and we have to be on the cutting edge.

That's why we have funded NSF at a rate that guarantees its doubling in a 10-year time span. We embrace and salute the doubling and have been responsive to that need that is expressed by members and the community.

Nothing is more important than funding education, and increasing NSF and its ability to develop and implement programs to facilitate education and to incentivize our best and brightest young people to go into math and science, and to choose those careers. That's what NSF does very well. The gentleman wants to facilitate that by augmenting our funding in the education accounts for math and science partnerships. I commend him for the initiative.

I oppose the amendment because we have funded the Math and Science Partnership Program. We increase it significantly in our bill, and I'm sure the gentleman knows that. We increased it $20 million over the President's request of $46 million for a total of $66 million. That's a 43 percent increase. And I will say that not only is it a generous increase, but perhaps it's an increase they need time to absorb.

The fact is that we have significantly increased Math and Science Partnerships $20 million over the President's request, funding it at $66 million.

Where does the offset money come from? It comes from Commerce. For every one million dollars that you offset in these administration accounts, at least seven people would be laid off. We're not funding these administrative and S&E accounts with the idea that we can use this funding for amendments on the floor. We're funding these accounts at the requested level or at the levels that we've discerned are adequate pursuant to information that we've received in our hearings. We're on the level with funding in these administration accounts. Again, I think these offsets are cavalier. No matter how meritorious the object of the funding increase, it's cavalier to cut S&E accounts.

The employees are saying, help. Time out. Stop. Their organizations, like the American Federation of Government Employees, AFL–CIO, are writing to us. They're saying, please stop invading these administrative accounts.

With that comment, Mr. Chairman, I yield to my distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, let me join with you in congratulating Mr. PRICE for pushing something which the committee has pushed, which is promoting math and science, especially encouraging young women to get into those pursuits and academics.

Mr. PRICE has indicated to me that he would be willing to withdraw his amendment if he had a commitment from us that we would work hard as we progress in putting our bill together matching it with the Senate to see what we could do to increase these accounts.

I should point out that we are doing more, as you have noted, for the National Science Foundation.

The CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

But our committee reverberates in every sense. It is an echo chamber that not only NSF, but NOAA, NASA, and all of these agencies ought to be promoting math and science education. So I will be happy to work with you.

Mr. PRICE of Georgia. I thank my friend from New Jersey, and I appreciate the chairman's comments, and I appreciate what the committee has done in terms of bumping up this money. I'm so impressed with the opportunities that children can have with appropriate programs like the FIRST program and like the math and science program.

I look forward to working with you as we move forward through this process to make certain that we're bringing all the resources to bear to be able to give our kids the greatest opportunity in the area of math and science.

Mr. MOLLOHAN. With that representation, I'll be extremely pleased to work with the gentleman in that regard.

Mr. PRICE of Georgia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

☐ 1600

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $3,364,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than ten percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Section 3315b of title 19, U.S.C., is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".

SEC. 106. Section 214 of division B, Public Law 108-447 (118 Stat. 2884-86) is amended by:

(1) inserting "and subject to subsection (f)" after "program" in subsection (a); and

(2) deleting subsection (f) and inserting the following:

"(f) FUNDING.—There are authorized to be appropriated to carry out the provisions of this section, up to $4,000,000 annually.".

SEC. 107. (a) Section 318 of the National Marine Sanctuaries Act (16 U.S.C. 1445c) is amended by:

(1) inserting "and subject to subsection (e)" following the word "program" in subsection (a); and

(2) deleting subsection (e) and inserting:

"(e) FUNDING.—There are authorized to be appropriated to the Secretary of Commerce up to $500,000 annually, to carry out the provisions of this section.".

(b) Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2001 (Public Law 106-553) is repealed.

SEC. 108. Notwithstanding the requirements of subsection (d) of section 4703 of title 5, United States Code, the personnel management demonstration project established by the Department of Commerce pursuant to such section 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by striking section 5 and paragraphs (1) and (3) of section 4, and redesignating paragraphs (2) and (4) through (13) of section 4 as paragraphs (1) through (11), respectively.

(b) Section 212(b) of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security for and construction of Department of Justice facilities, to remain available until expended: *Provided*, That not to exceed 45 permanent positions, 46 full-time equivalent workyears, and $12,684,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 24 permanent positions, 24 full-time equivalent workyears, and $3,734,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 22 permanent positions, 22 full-time equivalent workyears, and $2,968,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, it had been previously the intention of Mr. PLATTS and myself to offer an amendment to title II of the bill. In discussions with the chairman, we will not be offering that amendment today, but I rise to speak briefly on an issue that I know is of great importance to Chairman MOLLOHAN, and that is the issue of juvenile justice.

Mr. Chairman, I would like to thank Chairman MOLLOHAN for his incredibly hard work on this bill. I am particularly glad that the bill contains a significant increase for the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. At $400 million, the OJJDP saw a $62 million increase from last year's level. It received $120 million more than the President requested in his budget. It would be hard to overstate how meaningful these increases are going to be to the juvenile justice community.

The amendment that Mr. PLATTS and I were going to offer today would have increased the Juvenile Justice Title II State Formula Grants by $5 million. States rely on these grants to achieve and maintain compliance with the core requirements and protections of the Juvenile Justice Delinquency Prevention Act. These requirements protect children who become involved with the courts and ensure that the treatment and services they receive are appropriate for their age, their stage of development, and are suited to their specific offense.

Mr. Chairman, when I was in the State legislature, I had the great honor of working on issues related to juvenile justice, and we made great strides in Connecticut in terms of bringing more appropriate care to children in our juvenile justice system and really moving from simply punishment and towards prevention and rehabilitation. These kids don't have lobbyists. Many of them don't even have a home. And as a result, they are often forgotten and voiceless in the halls of State legislatures and here in Congress. Mr.

MOLLOHAN and his office have sought to bring a voice back to these children, and I hope that we can build on that.

Since 2002, States have seen an 11 percent decrease in State formula grants authorized under the JJDPA, meaning that States have had fewer resources with which to keep kids safe and handle their cases appropriately. States use these formula grants to divert status offenders away from jails and towards appropriate community-based programs to assist them and their families. Status offenders are children under the age of 8 who have committed acts that would otherwise not be considered crimes if they were adults, like skipping school, running away from home, and the possession or use of tobacco. Status offenders may not be held in secure detention or confinement, with a few exceptions.

States also use these funds to monitor adult lockups and ensure that youth are housed in age-appropriate settings. They enact mandates that youth may not be detained in adult jails and lockups. When children are placed in adult jails or lockups for any period of time, sight and sound contact with adults is prohibited.

States across the Nation are using these funds for very innovative programs to provide children with much more appropriate care. There is very little political utility in State legislatures and here in Congress to stand up for children who have gotten into our criminal justice system, but these funds are used to give these children another shot at success in life.

I am glad to be joined by Mr. PLATTS from Pennsylvania, who was going to cosponsor this amendment, and I would be glad to yield to him at this time.

Mr. PLATTS. Mr. Chairman, I will quickly just say that I am honored to have joined with the gentleman from Connecticut in offering this amendment. I want to commend him for his leadership both in the State legislature and now here in Washington on issues important to our Nation's youth.

I also want to reference I am the ranking member of the Healthy Families and Communities Subcommittee of the Committee on Education. And our chairwoman, Chairwoman MCCARTHY, has been a great leader this year on issues dealing with juvenile justice and the needs of our youth. And I just appreciate the efforts here in trying to strengthen our juvenile justice system and our treatment programs so that our youth get the services, the treatments they need as well, as the appropriate imposition of justice based on their age and stage of development. And that is what this amendment sought to do.

I very much appreciate the chairman of the subcommittee and the ranking member for their efforts in addressing the funding needs of this area and their efforts to work with the gentleman from Connecticut and me and others as we go forward to strengthen the funding for these very important programs so we can do right by the youth of our Nation and help those who are troubled and get into difficulties with the law to be treated and be rehabilitated and, as the title of the underlying act, the Juvenile Justice Delinquency Prevention Act, to prevent delinquency in the years to come.

So, again, I appreciate the gentleman from Connecticut's leadership on this issue.

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Mr. PLATTS again. And I would like to thank Mr. MOLLOHAN for his commitment to this issue. This is a very important increase in the underlying bill in juvenile justice funds. I know he is committed to continuing that upward trend. That is going to mean a great deal to the children who have ban caught in our juvenile justice system and still have a great opportunity to be productive members of society once their time is served.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Our bill demonstrates an upward trend in juvenile justice programs, indeed, Mr. Chairman. That has been a real focus and priority of this subcommittee as we have marked up the bill.

We have increased funding in juvenile justice programs $120 million over the President's request, and that is $62 million over 2007 funding. Why? Because of efforts from Members like Mr. MURPHY, who has been all over this issue, and I value very much his expertise as he has communicated with the subcommittee. He has expressed his concerns about juvenile justice, about the problems that these programs address; and he is really to be commended. He has also made it clear that Mr. PLATTS has been very active in this effort as his colleague, and I commend Mr. PLATTS as well.

We look forward to working with them as we move this bill forward, but also in future years to ensure that the juvenile justice programs not only are funded appropriately but also that they are focused as they should be so that we make sure this funding is spent to maximize not only its efficiency but its effectiveness.

So, Mr. PLATTS, Mr. MURPHY, we thank you for your assistance with regard to this issue, and we look forward to working with you.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 21, line 7, insert after the dollar amount "(reduced by $6,250,000)".

Page 25, line 12, insert after the dollar amount "(increased by $750,000)".

Page 29, line 19, insert after the dollar amount "(increased by $5,500,000)".

Mrs. BIGGERT. Mr. Chairman, I offer an amendment with my colleague from Florida (Ms. GINNY BROWN-WAITE) to the fiscal year 2008 appropriations bill to help the Department of Justice crack down on mortgage fraud.

This amendment will increase funding to allow the Department of Justice to secure two additional prosecutors, enable the FBI to hire 30 additional agents, and support the FBI's interagency task force operations to combat mortgage fraud.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I understand what the gentlewoman wants to do in terms of mortgage problems, and I understand that the source of her money, the offset, is from general administration for the Department of Justice.

Mrs. BIGGERT. That is correct.

Mr. OBEY. And given the performance of the Attorney General in the other body yesterday, I see no great harm in taking $6 million away from him; so I would be happy to accept your amendment.

Mrs. BIGGERT. I thank the gentleman.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in strong support of the Biggert-Brown-Waite amendment to H.R. 3093, the Commerce, Justice, and Science Appropriations bill.

Our amendment is vital in the FBI's efforts to crack down on the rampant mortgage fraud in our Nation.

FBI research showed over 3,000 reported incidents of mortgage fraud in 2000, but more than 37,000 in 2006.

This shocking, 10-fold increase shows that predators are hitting more and more homeowners in all walks of life—from first-time homebuyers to seniors.

My great State of Florida reported the highest incidents of mortgage fraud in 2006, followed closely by California, Michigan, and Georgia.

The FBI's fraud caseload is growing dramatically, but the funds in this bill do not go far enough to keep pace.

Our amendment transfers $6.25 million from the Department of Justice's General Administration account to the Offices of the United States Attorney and the FBI.

These funds will help provide additional staffing and resources so the FBI can get an adequate handle on these growing cases and bring relief to Americans who, in trying to achieve their dream of owning a home, have instead experienced their greatest nightmare.

I urge my colleagues to support the Biggert-Brown- Waite amendment.

Mrs. BIGGERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 21, line 7, insert "(reduced by $4,500,000)" after the dollar amount.

Page 21, line 26, insert "(reduced by $4,125,000)" after the dollar amount.

Page 22, line 9, insert "(reduced by $3,375,000)" after the dollar amount.

Page 22, line 19, insert "(reduced by $10,500,000)" after the dollar amount.

Page 22, line 25, insert "(reduced by $52,500,000)" after the dollar amount.

Page 46, line 6, insert "(increased by $75,000,000)" after the dollar amount.

Page 47, line 24, insert "(increased by $75,000,000)" after the dollar amount.

Mr. WEINER. Mr. Chairman, for those viewers of this debate each year and for my colleagues who think that really very little had changed when the House of Representatives changed from majority Republican to majority Democrat, we are seeing in this bill very profound changes in policy in this country, and none is more profound than the difference in the approach to the COPS program. This year's bill has $100 million for hiring in the COPS program.

In the COPS program, as many of you know, more than 100,000 police officers in small towns, big cities throughout the country were hired in the period beginning in 1995. Yet shortly after the beginning of the Bush administration, the COPS program was slashed and slashed and slashed to essentially die on the vine.

As you see in this chart, in 1995 you had in the neighborhood of 20,000 cops being hired each and every year. In 2005 and 2006, 2007, it was down to zero.

In this year's bill, to the enduring credit of the chairman and ranking member and members of the committee, this is now being funded at $100 million. That is going to allow us an opportunity to hire many, many more police officers.

Now, we have also, in the first couple of months of the new Congress, passed a reauthorization of the COPS program for another 50,000 cops on the beat. Now, it has gone to the other side of this building. It has gone to the other body and seems to be doing what so much legislation does, and that is dying a slow, excruciating death. They say the other body is the "cooling saucer of democracy." They have turned into the deep freeze when it comes to many of the things that this House is doing.

But what this amendment seeks to do is to say let's take that success and let's take it even further. This is one of the programs, the COPS program, it is democratic with a small "d." If you are in a small town, conservative neighborhood, you have gotten COPS. If you are in a big city like mine, you have gotten COPS. What the COPS program argues is that Federal law enforcement, that Federal anti-terrorism means helping local authorities hire more police officers. That is why the Fraternal Order of Police, the International Association of Chiefs of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, the National Sheriffs Association all support dramatically increasing this program.

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Now, Chairman MOLLOHAN has taken a program that has essentially been killed and gives it more life. And this is what we need to continue on the trend towards. Now, whether we do it more in this bill with my amendment, or whether we finally get the other body to reauthorize the program and we can start doing this in regular order, we need to realize that as Tom Ridge, the former Secretary of Homeland Security, once said, "Homeland security starts in our hometown." We can't just say to cities, go out and protect yourselves. We need a Federal program that works.

Now, I don't mind pointing out that at the apex of the hiring was also the highest point in our crime reduction in this country. We have seen over the course of several FBI index reports that it has started to creep up more and more and more, and by no small measure because of the reduction in the COPS program.

We need to continue on this arc. The committee has done an excellent job in doing that.

I would be glad to yield to the chairman if he has any feedback for me.

Mr. MOLLOHAN. I appreciate the gentleman from New York's interest in this. As a matter of fact, he was the mover and shaker in the Congress in pointing out that we had 2 years of successive increases in violent crime in the country. He was the first one to point out that in the 1990s, the COPS, the Community Policing Cops on the Beat Program, was extremely effective in reducing that; and in large part, along with other Members, advocated and encouraged the committee to reactivate the COPS hiring program, and we've done that. We've done that with $100 million, which we think will fund approximately 2,700 policemen.

This is a down payment. This is an initiative, and the gentleman is to be commended for providing the impetus for that initiative. So I thank him. We look forward to working with him in future years. I know this is a program that, because of its proven effectiveness in the past, is going to get increasing attention in the future.

Mr. WEINER. Reclaiming my time, I thank you for your attention. And when you're in conference with the other body, if you can grab them by their institutional lapels and get them to move on our COPS throughout the Nation.

Mr. MOLLOHAN. We're going to be up to it.

Mr. WEINER. I appreciate it.

Mr. Chairman, I request unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $100,500,000, to remain available until expended, of which not less than $21,000,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement and homeland security missions, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $81,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which, $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examination Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,260,872,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $74,708,000 including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $750,584,000, of which not to exceed

$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $139,000,000 in fiscal year 2008), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $16,097,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee System, as authorized, $189,000,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That amounts deposited in the Fund in fiscal year 2008 in excess of $184,000,000, but not to exceed $231,899,000, shall be available until expended for the necessary expenses of the United States Trustee System as provided in section 589a(a) of title 28, United States Code: *Provided further*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $883,766,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended; and of which not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $2,451,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $9,000,000 is for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,794,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any such transfer shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from these appropriations may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $6,498,111,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $170,000 shall be available in 2008 for expenses associated with the celebration of the 100th anniversary of the Federal Bureau of Investigation.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 19, insert ", increased by $1,000,000 and decreased by $1,000,000," after "$6,498, 111,000".

Mr. KING of Iowa. Mr. Chairman, this is an amendment that I bring to the floor here reluctantly. It's an issue of conscience, and I think an issue of appropriate posture that this Congress should take.

We have been, throughout the course of some in the 108th, and many in the 109th, and now more issues coming up within the 110th Congress that have to do with questions about the propriety of some of our Members, both sides of the aisle, Republicans and Democrats. And we're well aware of some of those cases. In a number of those cases, it was a good thing for us to step above that and seek to improve the integrity of this body.

The public is aware, I believe, that there is an investigation that is underway. It has been taken up by the Department of Justice and published in the New York Times, in the Wall Street Journal, and a number of other places, and the circumstances being that a former member of the Ethics Committee stepped down from the Ethics Committee to avoid the appearance of impropriety during an investigation. And yet, since that investigation began, the same Member has opted to step forward and take on the gavel of the very appropriations committee that deals with the funding of the investigation that's being conducted.

This was an issue that was a subject matter before the Judiciary Committee in hearings that brought our Attorney General Alberto Gonzales forward. And I asked the Attorney General, after the allegation was made by a majority member on the committee about impropriety of investigations or political intimidations on the part of the Department of Justice, I asked the Attorney General if he was intimidated. I said, "The question I would ask," and this is quoting from the CONGRESSIONAL RECORD, "to you is, Mr. Attorney General, if the chairman of the Justice Appropriations Committee happened to have been under that kind of scrutiny, would that affect the kind of prosecution that takes place out of your Justice Department with regard to that particular Member of Congress?"

The question has been raised, it's been raised by the national media, it's been raised before the Judiciary Committee, and it needs to be raised here on this floor while we deal with this issue of propriety. I make no allegations about guilt or innocence. I simply say that there is a huge question of impropriety when the chairman of justice approps has in one hand the gavel, and in the other hand the pursestrings that funds the very people that are conducting the investigation.

I bring this amendment forward to strike $1 million out and put $1 million in so that that $1 million can be used directly and exclusively for the investigation that's going forward and has been going on since December 2005. That's not swift and sure justice. That doesn't let this Member off the hook. He deserves an answer far more quickly from December 2005 until at least July of 2007.

All of those issues before us are raised and should be considered by this body. And I urge that the Members consider the reason that I reluctantly brought this amendment forward to take $1 million out and put $1 million, but to direct that that money be used to accelerate and complete the investigation that's underway now that casts such a shadow over this entire process, and particularly this appropriations process that's taking place before us here on the floor of Congress.

I think it's inappropriate. I think a decision should have been made by the Member. It has not been. That's why I have to bring this forward.

I urge the Members to support this amendment, and I intend to be able to review the RECORD that we expect to have on this amendment. So I would urge adoption of this amendment directing $1 million for the FBI to continue and accelerate their investigation so that they can either move forward to completion, or clear the individual who sits underneath this cloud.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, it's obvious how reluctant the gentleman is to bring this before the body. He has offered an amendment which does absolutely nothing in order to give him an opportunity to talk about something he says he doesn't want to talk about. Only in Washington would that be believable.

Let me simply say that I think I know something about the Code of Ethics in this House. I wrote the Code of Ethics in this House in the 1970s, and I think I know something about what this House regards as a conflict of interest.

Let me simply point out that the gentleman from Iowa has objected to a Member of the House chairing a subcommittee which oversees the agencies that he says are involved in an investigation of that Member. The fact is that that gentleman in question has recused himself from all matters relating to the FBI, the Attorney General, the Criminal Division, and U.S. attorneys. That's why I am here on the floor handling those portions of the bill today.

The gentleman in question has not reviewed any reprogramming letters. He has not reviewed any Member requests for any of the attendant agencies involved in that investigation. He has not presided over any hearings. He has not participated or made any recommendations with respect to funding either on this bill or in the continuing resolution.

So let me simply say that if the gentleman has a strong view about what the House rules ought to be, then the proper place to take that up is not on an appropriation bill. The proper place for him to take that up is with the Standards Committee and with the leadership of both Houses. By taking it up here, it is simply an excuse to bring into question the actions of one Member. And it would be very easy for us to respond in kind with respect to the activities of a number of Members on that side of the aisle. We choose to stay above that and allow the proper committee to deal with the issue.

Mr. Chairman, I do, very regretfully, yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I am disappointed by the introduction and consideration of this amendment.

I can attest to what the chairman of the full committee said about my colleague and friend recusing himself from any consideration. He has been absolutely scrupulous in terms of that regard.

I'm not a lawyer, but there are quite a number of lawyers here. Everyone under the law is entitled to due process. And I can't talk about how long this process has taken, but I have every confidence that justice will be served, and hopefully in an expeditious manner.

But I'm, indeed, sorry that this amendment has been brought to the floor. I think it is totally inappropriate. Obviously Members have a right to make motions of this kind.

Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. As cochair of the Judiciary Appropriation Subcommittee, someone who has attended these hearings all the way through, I am disappointed by this because I think it calls into question every single member of this committee and the integrity of every single member of this committee in saying that you're calling into question the integrity of this committee and what we have done as a work product as a committee. This is not the product of one individual; this is a product of a committee. So I take great exception to this Member's amendment and the questions that he has raised here.

I stand behind this work product, as do the colleagues that I serve with on this committee, both Republicans and Democrats. I serve proudly with this chairman. And we've worked as a bipartisan committee, worked together on a bipartisan basis in order to produce a work product that meets the needs of the public, to meet the needs of the law enforcement community in this country, and, I might add, way over and above the President of the United States' request for law enforcement, way over and above the request for law enforcement that this administration has put forward.

So I might say that it is ironic that this amendment comes up, that under this chairman, this law enforcement has gone further and farther than it has, indeed, under many, many previous chairs of this committee.

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For that reason, Mr. Chairman, I support today's mark and I ask my colleagues to do the same.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, in this body, anyone has a right and an opportunity, as the gentleman has taken advantage of, to raise whatever issue one wants. The gentleman raises an issue in the context of virtuousness and virtuosity. He raises a virtue issue here; he argues it from a premise of virtuosity.

I have no doubt that the gentleman is a good person and that the gentleman is a virtuous person. But I would suggest that the gentleman, number one, has expressed a greater knowledge about any investigation than I have. Perhaps he has inside knowledge about it. But I could not tell you actually if it exists, because I have never been approached with regard to it.

Number two, I would suggest that as the gentleman raises his point in the context of virtue, that he might want to be very cautious, because, as he says, he reluctantly does it, and he might want to be concerned about those who have raised this issue initially perhaps failing his test of virtue. I simply suggest that as a caution to him when he raises this kind of an issue in this context.

I could suggest that it is unworthy to raise it in this context because it is obviously ad hominem. But I am not going to go there. I would just suggest that the gentleman, as he contemplates this issue and as he raises a virtue question, that he satisfy himself in his own mind that those who have initiated and perpetrated this effort, that he contemplate the possibility that their motives are not pure and that they, in this instance, are not virtuous.

Mr. Chairman, I yield back the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JORDAN of Ohio. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Ohio for coming to the floor and gaining some time to give me the ability to respond to the gentleman from West Virginia.

Mr. Chairman, I listened to his response. His response was measured. It was appropriate. But I didn't hear a response to the question about the intimidation factor and, in fact, the appearance of impropriety that the man holding the gavel is also holding the purse strings of the agency that is doing the investigation, according to the New York Times and the Wall Street Journal and a number of other publications across this country.

I think that is an appropriate question. I think this Congress has to ask that question. I think we have to answer that question. I had hoped that it would get asked and answered by the leadership on the majority side of the aisle. The leadership knew about this when they made the appointments to the Chairs of the committee.

So it is reluctantly that I bring this here. I wish that someone had stepped forward and taken this cup from me. But I can't cross this spot, which I recognize to be the Rubicon, knowing what I know, without raising the issue for the Members, to ask them to make a decision as well.

It is appropriate for any Member to raise an issue when it hasn't been properly dealt with by the leadership of this Congress. It is appropriate to lay facts out in front and debate those facts. It is not inappropriate to ask questions and ask for answers.

There is a lot more data here that I am aware of, but, factually, this is as far as I care to go with this issue. I want to ask the Members to make a decision. History will make a decision on this moment here on the floor of this Congress. Our decision is just temporary, but history will write this.

Mr. JORDAN of Ohio. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: ": *Provided further*, That not to exceed $16,000,000 shall be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.".

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, distinguished Chair of the Appropriations Committee, I hope we can work this issue out. This is language that was agreed last year by both parties to take care of two, I think, very important fixes for the Federal Bureau of Investigation.

We have a segment of agents who are being punished, for lack of a better term, for not choosing to come back to Washington, DC. They have served their countries ably. They have served their tours as brick agents and worked the streets, and kicked in doors, and arrested drug dealers and mobsters, and gone after terrorists, and done all that hard work that we ask them to do every single day. Unselfishly, so, they have done it.

Through that course, they have decided to be supervisors and pick an area of expertise. In this particular case, they have picked a supervisory specialty that might be white collar crime, or it might be organized crime, or it might be counterterrorism or it might be foreign counterintelligence. That expertise allows them to lead these agents to better investigations.

In a new policy implemented by the FBI Director, these fairly senior agents, it asked them to step aside if they chose not to come back to Washington, DC. Some of them had their kids in high school.

You can imagine being in Des Moines, Iowa, close to home, and you have got 18 or 19 years of Federal service, maybe they are former military before that. They have got lots of Federal service, looking to move on in a few years. That is a hard choice for them to make. In doing so, it cost them that added benefit to their pension for serving in a leadership capacity in the FBI.

So what we simply did is last summer worked out some language with the FBI Director that said we were not going to let these 200 or so agents be punished by this new policy. They deserved to have that pension at the rate of service which they have ably given their country. Again, this language was agreed to by both parties last year, but because this was a continuing resolution and it was dropped in conference, we did not have that opportunity to get this fixed.

The second part of that, which I can talk to in the second amendment, is also about a housing allowance that would allow agents, for the first time, like other Federal agencies working in major cities across the United States, to enjoy a housing allowance in these very high-cost areas, so that we can keep, retain and really say thank you to the hardest working FBI agents who are working to protect the homeland.

With that, I would hope that the chairman and I could work this through and try to find some conclusion to what we have already agreed to needs to get fixed for these people, who, by the way, have already been told their pensions will be fixed, and yet to this date have not.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I must insist on my point of order.

Mr. Chairman, I certainly understand what the gentleman is trying to accomplish, and I probably agree with it. But, nonetheless, this committee is not the proper venue and this legislation is not the proper legislation upon which to raise the issue.

During the consideration of the Labor-H bill last week, I had to object to a number of amendments and lodge points of order because they were not appropriately offered to that bill, even though some of them were from my side of the aisle and I agreed with them.

This amendment, while I would certainly be happy to work with the gentleman, this amendment cannot be accepted by the committee without violating the rules of the House, and so therefore I make a point of order against the amendment because it provides an appropriation for a non-authorized program and therefore violates clause 2, rule XXI, which states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

The amendment proposes to appropriate funds for a program that is not authorized and therefore violates clause 2, rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. FRELINGHUYSEN. Mr. Chairman, first of all, let me thank Mr. ROGERS not only for his congressional service, but for his other life before he came to Congress. As I sort of said in my opening remarks, all of us on this floor salute the men and women who are special agents. They do dangerous work. The gentleman has been unstinting in terms of educating me as the new ranking member, you didn't have to do it to the other side, as to the sort of things that were discussed by Representatives WOLF, HOBSON and ROGERS.

We tried in our bill to give some direction and impetus to having these issues of retention up and out and housing allowance raised to a higher level of interest by the FBI Director. We are not going to stop that push.

The gentleman may or may not be successful with his amendments, but I am still committed, and I am sure the majority is, if there is something going on here that is unfair, promises haven't been kept, we are going to do our level best without authorizing on this bill to see that it is done.

I support the Chairman's point of order.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. ROGERS of Michigan. Yes, Mr. Chairman, I do.

Mr. Chairman, I thought this amendment was in order. But, in that vein, I thought I heard the chairman say that he would be willing to work with us maybe in conference and we could find some language that might be acceptable to the chairman where we could kind of conclude this deal that I think we all have agreed to in the past, that maybe we can work out that language in the conference.

Mr. Chairman, I just thank the gentleman for his willingness to sit down and work with us.

The CHAIRMAN. If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The proponent of an item of appropriation carries a burden of persuasion on the question of whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 6 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: ": *Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Breau of Investigation began implementing the policy.".

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, just for the purpose of a very short colloquy, I think we established the two issues here that we are trying to get resolved, and I would again just ask the chairman if he would have that willingness to work with us and see if we couldn't find some language acceptable to the chairman to correct these two egregious items. These agents certainly shouldn't bear the brunt of any disagreement.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I think on this issue there are certainly questions of equity on both sides. I think they need to be resolved. I understand why the FBI wants to follow the policy that they follow. I also understand why agents themselves feel it is unfair leaving them with the reduced retirement possibility.

So, again, I would be happy to work with the gentleman to see if we can't persuade the agency to come up with an agreeable solution to the problem.

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Mr. ROGERS of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $33,191,000, to remain available unitl expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,842,569,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2008: *Provided further*, That, beginning in fiscal year 2008 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution, or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent (1) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(1)(10) of such title), (2) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials, or (3) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 669, of which 642 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,171,440,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For the modernization, maintenance, and repair of buildings and facilities, including all necessary expenses incident thereto, by contract or force account, $95,003,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); $430,000,000, including amounts for administrative costs, to remain available until expended as follows:

(1) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $205,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which—

(A) $20,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act; and

(B) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $63,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(5) $10,000,000 for sexual assault victims assistance, as authorized by section 202 of the 2005 Act;

(6) $40,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $6,000,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $10,000,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $40,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $15,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act;

(13) $8,000,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act; and

(14) $10,000,000 for an engaging men and youth in prevention program, as authorized by the 2005 Act.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 38, line 20, after the dollar amount insert "(increased by $10,000,000)".

Page 39, line 22, after the dollar amount insert "(increased by $10,000,000)".

Page 66, line 7, after the dollar amount insert "(reduced by $10,000,000)".

Mrs. CAPITO. Mr. Chairman, I would like to begin, first of all, by thanking the chairman of the subcommittee and the ranking member for their good, hard work on this bill. They are very dedicated to seeing that we spend our taxpayers' dollars wisely.

Today I rise to offer an amendment to help break the cycle of violence against women, especially those living in the rural areas. We are facing an epidemic in this country. Sexual and domestic violence can happen to anyone, regardless of race, age, sexual orientation, religion or gender. One in four women will experience domestic violence during her lifetime. It is a frightening statistic, I think.

To be safe in their communities, women need to be safe in their own homes. Of the over 12,000 domestic violence victims reported in my State of West Virginia in 2005, a total of over 8,600, or 68 percent, were victims of intimate partner violence. What used to be called a "family matter" is now a crime. The Violence Against Women Act was much-needed landmark legislation that helped transform the perception of domestic abuse as a serious crime and created programs to increase access to services for women and victims.

My amendment builds on the successes of the last decade and prevents more women from suffering in silence. Victims of domestic violence and sexual assault in rural and remote communities face unique obstacles in their efforts to escape abusive and dangerous relationships. The geographic isolation, economic structure, and particularly strong cultural pressures and social pressures, and lack of available resources in rural jurisdictions significantly compound the problems confronted by those seeking support and services. Nonreporting of sexual assault in rural areas is a particular problem.

Other barriers to domestic violence and sexual assault intervention in rural communities may include gaps in the 911 emergency system that may delay responses, underfunded and understaffed law enforcement agencies that hamper the criminal justice response, and lack of legal representation for protective orders and other civil matters pertaining to domestic violence.

Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Grants fund cooperative efforts between law enforcement, prosecutors, and victim services. They provide treatment, counseling and assistance to victims, and work with rural communities to develop education and prevention strategies.

Last year Congress funded this program with $38.8 million. The committee's recommended funding level for this year amounts to only a $1.2 million increase over last year's appropriations for the Rural Domestic Violence Grants program.

Meanwhile, the National Science Foundation Agency Operations and Award Management line item, which was the old salary and expense line item, stands to receive $285.59 million. This amounts to an increase of over $37 million, or 13 percent.

My amendment would boost funding for the Rural Domestic Violence and Child Abuse Enforcement Assistance Grants by $10 million without costing the taxpayers additional money.

I ask my colleagues to join me in support of this important amendment to help provide victims with the protection and services in the rural areas they need to pursue safe and healthy lives while simultaneously enabling communities to hold offenders accountable for their violence.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentlelady offers an amendment to one of the grant programs in the Violence Against Women Office of the U.S. Department of Justice. To give a little bit of context to the amendment, the Office of Violence Against Women was funded in fiscal year 2007 at $382.571 million. The President requested $370 million, about $12.5 million less than was funded in 2007. So the President's request for the office was decreased. He requested less money than was appropriated last year.

In addition to that, the President wanted to eliminate all of the grant programs, including the one that the gentlelady seeks today to increase funding for specifically. The subcommittee increased funding over the President's request by $60 million. So the subcommittee looked at the Violence Against Women Office and looked at the scourge that office addresses and fights every day and the programs that the office administers, and we said not only do we need to increase the President's request from last year's level, we need to increase this program above the President's request, and we did by $60 million. We also rejected the President's request to eliminate all of the grant programs under Violence Against Women. We retained those grant programs and those categories, and then we funded each and every one of them handsomely.

So the request before us today, or the recommendation of the committee before the body today, increases over Fiscal Year 2007 funding by $47 million, over the President's request by $60 million. As for the grant program that the gentlelady offers an amendment to, we fund it at $40 million, which is 100 percent over the President's request, because he wanted to eliminate that program, and 3 percent over the 2007 funding.

Now, there is no question that the Office of Violence Against Women deserves adequate funding. That is why we funded it at $60 million over the President's request. It enjoys a privileged position on our committee. Chairwoman DELAURO is aggressive in her leadership on this issue as is every member of our subcommittee. The Rural Domestic Violence Assistance Grants have been funded at $40 million and are extremely proud of that funding level.

The gentlelady looks for her offset in the National Science Foundation, the premier research and development agency in the United States Government. It offers peer-reviewed granting; it looks at education programs; it looks at research programs, cutting-edge, transformational research, the research that we rely upon in order to ensure our competitiveness in the arena and also lay a foundation for our competitiveness in the global economic marketplace.

Don't make any mistake about it, everyone who has testified before our committee agrees the National Science Foundation is not only an economic security issue, it is a national security issue, and it is not the place where we ought to be taking funding. There is a recognition that we need to double the funding for the National Science Foundation, and that is the track we are on with the level of funding in this bill. We should not, and hopefully we won't, reduce funding to the National Science Foundation by $10 million. That would knock us off of the track.

To summarize, Mr. Chairman, funding in the Violence Against Women programs is robust: $60 million above the President's request. The particular grant programs, one of which the gentlelady addresses, each have been retained, and each of those grant programs has been funded robustly.

So, like every other account in this bill, we could use additional money, and if the budget resolutions that the minority would vote for would allow us additional money, we would be pleased to look at increasing funding for violence against women programs.

But given our allocation, and given the priorities and the conflicting demands in the bill, and given the importance of the National Science Foundation and the robust nature of our funding for violence against women, I must oppose the gentlelady's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. BAIRD. I have great respect for the gentlelady's intent here. As a clinical psychologist before entering this body, I worked with victims of domestic violence and have been a strong advocate for the Violence Against Women Act and other things to support victims of domestic violence.

The challenge I face here, and I think we all face, is that this is not a good offset. As Chair of the Research and Education Subcommittee of the Science Committee, I have met extensively with the National Science Foundation, and I will tell you that they are already substantially overstretched in their ability to manage the numbers of grant applications and oversee the grants that are already being administered.

The President himself has asked for a substantial increase in funding for the National Science Foundation. That has broad bipartisan support within this body and within the other body.

If we were to cut the management funds, as this proposes, we would dramatically impair the NSF's ability to manage that increase; indeed, to manage their current workload.

I have met with the people managing the grant process at the NSF. I have met with the applicants, and we have spent extensive time on this in our subcommittee. While I support the intent of trying to provide more funding for violence against women, this is not the way to do it.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. I would like to read very briefly from the agency operation and award management section because I agree with you. I was a science major in college. I am very dedicated to the forward-leaning research and development that NSF has provided.

But in this particular account, this is for agency operations and award management necessary in carrying out the National Science Foundation Act, services authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, not to exceed $9,000 for official reception and representation expenses, uniforms or allowances therefor, rental of conference rooms in the District of Columbia, and reimbursement for security guard services.

I tried to look for an area that would not harm research or researchers or the dedicated folks that are working on forward-leaning and futuristic advances for our Nation. I am very concerned about domestic violence in the rural area, and that is why I pinpointed this particular area.

Mr. BAIRD. I appreciate that. I understand you have done that, and I respect the diligence here.

The challenge they face is they are literally bursting at the seams. They do not have office space, sufficient computer architecture, they do not have sufficient personnel. I can't vouch, and it would be foolish for any of us to try to line-item or justify each and every expense, but I can tell you what they have told me is they lack the space.

If you are finding items for conference room rentals for meetings, that is perfectly understandable to me that when you have people coming back to have meetings, you may occasionally need additional space.

My bottom line here is this is an agency that I think by and large gives a very strong return on investment for the government and for the taxpayers, and a $10 million cut to an administrative fund for an agency that already tells us they lack adequate resources I think is excessive.

I am sorry, I am going to have to say we should defeat this amendment and try to find other ways. As the distinguished gentleman mentioned earlier, we have already seen substantial investments in this area over and above the President's request as far as the area of violence against women.

□ 1700

I would just encourage the gentlelady to say well done to the Democratic majority for adding to this relative to what the President offered.

But I would urge my colleagues, and I can tell you personally from having met with and visited with NSF administration, they do not feel, and my understanding, they can sustain a $10 million cut to any portion of their budget. But the administration portion is what enables them to manage the grants, to manage the research that this country's future and domestic security and economic competitiveness depends on.

So I'd urge defeat of this well-intentioned amendment with unfortunately an undesirable offset.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FATTAH) having assumed the Chair, Mr. SNYDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3093

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3093 pursuant to House Resolution 562, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that reduced-time voting in the Committee of the Whole may span the intervention of a rising of the Committee for the administration of the oath of office to a Representative-elect in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Members are advised that the 2-minute voting authority just granted may be applied to questions already postponed.

APPOINTMENT OF CONFEREES ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oberstar, Ms. Eddie Bernice Johnson of Texas, Mrs. Tauscher, Messrs. Baird, Higgins, Mitchell, Kagen, McNerney, Mica, Duncan, Ehlers, Baker, Brown of South Carolina, and Boozman.

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. Rahall, Mrs. Napolitano, and Mrs. McMorris Rodgers.

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

☐ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) had been postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21), the Justice for All Act of 2004 (Public Law 108-405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), and the Victims of Crime Act of 1984, $250,000,000, to remain available until expended: *Provided*, That not to exceed $127,915,000 shall be expended in total for Office of Justice Programs management and administration.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 41, line 19, after the dollar amount insert "(reduced by $34,000,000) (increased by $34,000,000)".

Mrs. BIGGERT. Mr. Chairman, I offer this amendment with the gentleman from Texas (Mr. LAMPSON).

Every year, the National Center for Missing and Exploited Children, or NCMEC, receives funding through the Justice Assistance Account's Missing Children Program. For the past several years, the House has allocated funding in the Missing Children Program to NCMEC; however, in this year's bill, there is no allocation. My amendment carves out of the Missing Children Program $34 million for the National Center for Missing and Exploited Children.

Authorized by Congress in section 404 of the Juvenile Justice and Delinquency Prevention Act, the National Center is a true public-private partnership, funded in the current fiscal year by Congress at $26.6 million and augmented by $11 million in private sector donations.

Since its inception in 1984, NCMEC has handled more than 2.1 million calls, trained 226,000 professionals, printed and distributed over 42 million publications, worked more than 130,300 missing children's cases, and perhaps most importantly, played a role in the recovery of more than 112,900 children. In fact, NCMEC's total recovery rate is an impressive 96.3 percent.

Furthermore, the National Center operates the CyberTipline, the congressionally mandated "911 for the Internet." NCMEC has handled more than 475,000 leads since March 1998. These leads have resulted in hundreds of arrests and prosecutions for such crimes as child pornography, online enticement of children, and sexual molestation.

Mr. Chairman, for generations the message was simple. Parents told their children to never talk to strangers. My parents told me, and I told my children. Times have changed. There are more threats to our children, and our message must change with technology. Similarly, the role of the National Center has changed. The Internet opened a new world of child exploitation, and in order to sufficiently protect our children, we must give the National Center the resources it needs to help keep our children safe and at home.

I would urge my colleagues to adopt this amendment.

Mr. Chairman, I know that you are committed to the National Center for Missing and Exploited Children, and I know that this will be an important issue discussed at conference, and I understand that you would like me to withdraw this amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman for yielding, and at the same time, let me compliment her for her leadership in this area and her concern for this huge problem and these extremely important programs that are focused in these organizations.

We have funded this account handsomely. The bill provides $61.4 million for missing children programs. As we move to conference, I know the gentlelady is interested in funding for particular organizations to focus on the problem. We are as well. At the same time, we want the universe to be able to access these programs, and that's the way we have structured our bill.

As we move toward conference, we look forward to working with the gentlelady with regard to her particular concerns in this area.

Mrs. BIGGERT. I think that if the gentleman would commit to working with Mr. LAMPSON and me to sufficiently fund the National Center for Missing and Exploited Children at conference, I would be willing to withdraw the amendment.

Mr. MOLLOHAN. Well, we are and we will work toward that. I know that we are going to become more specific in these accounts as we move toward conference. We anticipate that, and we look forward to working with the gentlelady in that regard.

Mrs. BIGGERT. Reclaiming my time, I guess I was really concerned because in the past there's always been the definite allocations for these various groups.

Mr. MOLLOHAN. There have been earmarks for it, and what we are looking forward to doing is working with the Senate on this, and we anticipate and will work with the gentlelady to do just that.

I can't commit to a specific result here, but I can assure the gentlelady that we will work for funding for the National Center for Missing and Exploited Children, as we move through conference. All this time working with her is all that I can commit to specifically.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I would like to enter into a colloquy with the chairman.

First of all, I want to thank the chairman and ranking member of the committee. Many of you remember, last year I was down here haranguing the committee for dropping the "O" for oceans out of NOAA, and I want to thank the chairman for putting the "O" back into the National Oceanic Atmospheric Administration in this year's CJS appropriations bill, and I want to thank the gentleman for providing ample funding for the National Marine Sanctuary program as well.

It is the funds in the sanctuary program's construction account that I would like to ask the chairman about.

The Monterey Bay National Marine Sanctuary would like to build a visitor's center in the city of Santa Cruz. This center will be the only one of its kind in the country. The site was chosen because it attracts people that do not regularly have access to the ocean.

It is my understanding that this project is one of NOAA's highest priorities, and they intend to grant the city of Santa Cruz $5 million from the construction account for the visitors center.

The question is, is it the intent of the committee to support the partnership between NOAA and the city of Santa Cruz by providing NOAA with the necessary funds so that they can grant the $5 million to the city of Santa Cruz for the construction of the visitors center? The money is included in the bill.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Yes, and that's the intent of the committee, to work with you in this regard.

Mr. FARR. I thank the chairman. That was the purpose of this, to get that intent on record, and I want to thank the ranking member as well.

AMENDMENT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ETHERIDGE:

Page 41, line 20, insert "(increased by $1,747,111)" after the dollar amount.

Mr. ETHERIDGE. Mr. Chairman, I offer this amendment with my colleague, Mr. REICHERT of Washington State, to force the administration to really do right by the widows and orphans of fallen public safety officers.

For nearly 4 years, the U.S. Department of Justice has been dragging its feet on providing benefits to the families of brave men and women who have died in the line of duty protecting their communities.

There are more than 200 claims, some of which have been waiting for decisions since 2003, languishing in the Public Safety Officers' Benefits office at the Office of Justice Programs.

This is in clear conflict with the intent of Congress, which unanimously passed the Hometown Heroes Survivors Benefits Act to expedite cases and streamline the process. Instead, there has been delay after delay from the Department of Justice, and the PSOB office has created an incredibly complicated system that even personnel at the PSOB office have been confused by.

My amendment would simply ensure that there are enough benefits personnel to deal with this backlog, enough appeals officers to address the concerns of families who are wrongfully denied, and additional managers or ombudsmen to help streamline claims and interact with claimants to make an emotional and difficult process easier.

We owe our first responders no less than to be sure that their loved ones are taken care of if they fall while working to ensure that our communities are safe. These families should not have to jump through hoop after hoop to receive what they justly deserve.

JoAnn Tilton of Katy, Texas, whose husband, Fire Chief Gary Tilton, died of a heart attack after responding to a traffic accident, has waited 2½ years to hear from the PSOB office.

□ 1715

In that time she has been asked for volumes of information, been given conflicting information. She had basically been given the runaround in a bureaucratic marathon. She is one of the lucky ones, because at least she has gotten information from the PSOB office, even though that information includes having been told that a decision would be made earlier this month, before going forward with the claim. Now she is going to have to go through a second round of medical information reviews.

Shelly Hardin of Hope Mills, North Carolina, whose husband, Sergeant James Heath Hardin, died of a heart attack while working to apprehend a criminal, did not even receive notice from the PSOB office that their claim was being processed. The PSOB office still cannot say when they will begin the processing.

They are but 2 of the hundreds of individuals whose lives have been tragically disrupted, once by the death of the loved ones, and whose lives continue to be disrupted by the Department's delays. These additional funds will make sure that they wait no longer.

The brave men and women who serve our communities every day, many of whom volunteer their time, don't ask when they get a call from someone in distress. They act immediately, and the Justice Department should do the same.

The history of the Hometown Heroes Act is riddled with delays. The first delay came when they proposed regulations that were in direct conflict with the legislation. Then came more delays when they quibbled over wording and phrases and claims that they were waiting for approval from the OMB.

It took 3 years to finalize the process. Since the law went into effect, only 10 families have been approved for the Hometown Heroes benefit out of 264 that have applied. Forty-seven claims have been denied, and more than 200 families still await a verdict.

The U.S. Justice Department appears to be intentionally misinterpreting the intent of Congress to create the presumption that the death was caused by work in the line of duty. I urge the Justice Department to act swiftly and fairly on the remaining claims to provide the needed benefits, the much-deserved benefits.

I urge my colleagues to support these amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. REICHERT. Mr. Chairman, I am proud to stand today with my good friend Mr. ETHERIDGE in support of this amendment to the CJS appropriations bill.

Nearly 4 years ago the President signed into law the Hometown Heroes Survivors Benefit Act. This legislation, which was championed by the author of this amendment Mr. ETHERIDGE, corrected a technicality in how public safety officers' benefits were paid. Specifically, the law allowed for families of those killed in the line of duty, by heart attack or stroke, to claim the benefit. It sounds simple.

I didn't have the opportunity to vote for this legislation because at the time I was the sheriff in King County, Seattle, Washington, completing my 33-year law enforcement career. During my time as a police officer, I saw firsthand the pain that a family endures when they lose a loved one. I have lost partners over those 33 years that I was in the Sheriff's Office in Seattle. I know that pain. It doesn't go away.

But yet they go out on the street day after day after day, and they put their lives on the line. Their families are standing there with them. Unfortunately, the families, who are dealing with this pain, and who are eligible for this compensation under the Hometown Heroes Survivors Benefit Act, are being stalled and denied by our government.

It took the Department of Justice almost 3 years just to issue a rule that would dictate how these benefits would be paid. On top of the 3 years, in the last 10 months, since the rule was issued, only 10 claims have been completed favorably, which averages to 1 claim a month. There are approximately 200 claims left, as Mr. ETHERIDGE indicated, still in limbo.

I have seen the tears of these families. We just met with three families last week. Through the Federal Government's inaction and complacency, more tears will be shed.

This is absolutely unacceptable, outrageous. This amendment is simple. It will double the current funding for the Public Safety Officers' Benefit Program. This amendment will take away the excuse that the Department of Justice does not have the people or the resources to process these claims. The issue of taking care of first responders, as I have said, is close to my heart.

Let's take care of the families. Let's implement a law that we put into the books years ago. Passage of this amendment will send a strong message to our Nation's first responders that we, the United States Government, truly stand behind them and their families.

Please support the Etheridge-Reichert amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to support the Etheridge-Reichert amendment. The Attorney General of the United States, Alberto Gonzales, was up here on the Hill this week. The Attorney General was trying to appeal to the United States Congress of the United States, trying to appeal to the American people to restore the American people's confidence in the Justice Department. I think one of the first steps he can take to restore confidence in the American people and the Department of Justice is to ensure that the people who are on the front lines of the war against terror here in our own country, the men and women in blue, the people who are protecting our men and women across this country from crime, in our neighborhoods and our cities and our towns, that those people who make the ultimate sacrifice and lay down their lives for the protection of our citizens in our own communities, that those people, when they make that ultimate sacrifice, that this country is not going to let them down. It's not going to let their families down.

The notion that we're going to make them wait for an insurance policy, make their families wait, make their widows wait, make their orphans wait, is an insult. The fact that the Department of Justice is not willing to simply step up and pay $250,000 tax-free dollars to the widow and children of fallen officers who have fallen in the line of duty protecting people in this country from the criminal element of this society is unforgivable.

The fact that this Attorney General is up here on the Hill and has no understanding of this, has no sensitivity to this, is one more example of how out of touch this Attorney General is.

This amendment, this Etheridge amendment, is another example of how this Congress has to remind the executive branch who needs to be in charge when it comes to running the pursestrings around here, where the priorities of the American people are. The priorities of the American people are let's spend money where our law enforcement is. That is where their families are.

This, my friends, is where our hometown heroes are. In my State we have people like Deputy Assistant Day, who died trying to fight a fire, and his family's widow is still waiting for that benefit. In the 1970s, President Nixon put the public safety officers' benefit in at $100,000. We never even increased it. We tried to increase it; wasn't even increased for rate of inflation, cost-of-living adjustment. I worked to try to increase it, as did Mr. ETHERIDGE.

It took 9/11, unfortunately, it took a crisis like 9/11, before we were able to attach this bill to the PATRIOT Act and get it included as part of the PATRIOT Act and get it pushed through this Congress so that we could increase it up to over $250,000. Now that it's up there, and it's tied to the rate of inflation, it's there.

But it's not going to do a lot of good unless it's going out the door, and it's going into the pockets and into the households and the families that need it. That's why we need to pass this amendment to give the administration and the Department of Justice the resources it needs in order to give them no more excuses in order to process these claims and get those families the resources they need in order to take care of the widows and the orphans of our fallen heroes.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in support of Mr. ETHERIDGE's amendment. I can tell you that the beneficiaries of the Public Safety Officers' Benefit Program and the Hometown Heroes Survivors Benefit Program are extremely lucky to have advocates like Mr. ETHERIDGE in the United States House of Representatives. I mention him first and most often because he has been all over this issue for the last 6 months, since I have been chairman of this subcommittee.

I am extremely pleased to see Mr. REICHERT on this, a person who comes from law enforcement, who understands the issues of law enforcement, and is probably personally acquainted with cases of disappointment of beneficiaries under this program. It is tremendous that this program is bipartisan.

You can tell by Mr. KENNEDY's remarks and the sincerity behind them that this is an issue of vital concern to the subcommittee as well. Mr. KENNEDY has been championing Mr. ETHERIDGE's cause and Mr. REICHERT's cause through the process of this bill.

I give credit to these people because they have been especially attentive to this concern. It is, indeed, something that we should be concerned about.

As we talk about homeland security, as we talk about State and local law enforcement, and as we recommend a bill with this kind of funding to the House of Representatives, we have to be mindful of those people who have made sacrifices and who have suffered greatly. That's what these programs are about. That's why the Congress authorized them, and that's why we have provided appropriations for them.

It is not acceptable that the Department of Justice has not moved these beneficiary cases, with far greater expediency than they have. It is actually a denial of the benefit that some of these cases have been processed so slowly. So that's the initiative, that's the purpose of Mr. ETHERIDGE's amendment.

I am pleased to accept the amendment because of its merit.

Mr. Chairman, I yield to my ranking member, who has likewise been passionate about ensuring that the Department of Justice moves these beneficiary programs in the Office of Justice programs.

Mr. FRELINGHUYSEN. Thank you for yielding. I echo your sentiments.

Let's move on this amendment. I highly support it.

Mr. MOLLOHAN. Mr. Chairman, we accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

□ 1730

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; $1,315,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended as follows:

(1) $600,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of

the 1968 Act, as amended by section 1111 of Public Law 109–162 (except that the special rules for Puerto Rico under section 505(g) of the 1968 Act, as amended by section 1111 of Public Law 109–162, shall not apply for purposes of this Act), of which $25,000,000 is for State and local law enforcement for security associated with the 2008 Presidential Candidate Nominating Conventions, to be divided equally between the conventions; and $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement;

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), as amended by section 1196 of Public Law 109–162;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, municipal governments only for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $124,500,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;

(5) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(6) $15,000,000 for activities authorized under Public Law 109–164;

(7) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act, as amended by section 1142 of Public Law 109–162;

(8) $7,500,000 for a prescription drug monitoring program;

(9) $25,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $1,800,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) $5,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected;

(12) $31,000,000 for assistance to Indian tribes, of which—

(A) $12,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $12,000,000 shall be available for the Tribal Courts Initiative; and

(C) $7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(13) $1,000,000 for a capital litigation improvement grant program;

(14) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act; and

(15) $10,000,000 for sex offender management assistance as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322):

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) (including administrative costs), $725,000,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided—

(1) $30,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of part Y of the 1968 Act;

(2) $85,000,000 is for grants to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177;

(3) $128,000,000 is for law enforcement technologies and interoperable communications;

(4) $15,000,000 is for an offender re-entry program;

(5) $12,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $175,000,000 is for a DNA analysis and capacity enhancement program, and for other local, State, and Federal forensic activities, of which not less than $151,000,000 shall be for reducing and eliminating the backlog of DNA samples and for increasing State and local DNA laboratory capacity;

(7) $18,000,000 is for improving tribal law enforcement, including equipment and training;

(8) $80,000,000 is for programs to reduce gun crime and gang violence;

(9) $4,000,000 is for training and technical assistance;

(10) $49,692,000 is for the Office of Weed and Seed Strategies, as authorized by section 103 of the 1968 Act, as amended by section 1121 of Public Law 109–162;

(11) not to exceed $28,308,000 is for program management and administration; and

(12) $100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 47, line 1, after the dollar amount, insert "(reduced by $15,000,000)".

Page 47, line 14, after the dollar amount, insert "(increased by $15,000,000)".

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Chairman, this amendment is really very straightforward. It would add $15 million to the $15 million presently designated for jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. My amendment would offset this increase by taking $15 million from a new offender reentry program that the underlying bill appears to authorize.

Mr. Chairman, there is no doubt that reentry programs play a critical role in the criminal justice system, ensuring that offenders who are released back into our communities receive the assistance they need to make them productive members of our communities. Indeed, millions of offenders are released back into our communities each year. More often than not, these individuals are released back into society without support, increasing the likelihood of recidivism, jeopardizing the safety of our communities, and ultimately increasing the cost to society.

In fiscal year 2006, more than $13 million in Federal funds were awarded to States to assist them with their reentry programs. During that same year, more than $146 million was allocated to the Federal Bureau of Prisons to help community corrections centers across the Nation get inmates who are close to being released the assistance they needed.

This Congress, the House is set to consider H.R. 1593, the Second Chance Act of 2007, of which I am an original cosponsor. This legislation would, among other things, reauthorize State and local adult and juvenile reentry programs at a level of $65 million for fiscal year 2008 and 2009. Yet, at the same time we cannot forget the needs of our communities. More must be done to give State and local law enforcement the resources they need to combat the violent crime and gang activity that continues to plague our cities, including my city, Cincinnati, particularly violent crimes committed with firearms.

According to the Bureau of Justice statistics, in 2005, 65 percent of all murders, 42 percent of all robberies, and 21 percent of all aggravated assaults that were reported to police were committed with firearms.

Moreover, the violent crime associated with gang activity continues to leave residents in our Nation's cities and towns feeling like prisoners in their own homes. In my own city, Cincinnati, crimes committed with firearms, local gang activity, and drug trafficking continue to threaten the well-being of law-abiding citizens. In fact, this past spring the Cincinnati City Council voted to obtain the help of renowned Professor David Kennedy to assist the city in fighting violent crime.

Making additional funds available in this jurisdiction and jurisdictions across the country will empower residents of cities and towns to take back their communities and make them a safer place to live and work and raise our families. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I admit to being a bit confused by the gentleman's logic here, who I have great respect and great regard for. He comes out of an exemplary academic background, and I can't imagine how we could be thinking differently on this amendment. Nevertheless, we do, and I rise in strong opposition to the amendment as I understand it.

I am particularly pleased that the bill provides $80 million for State and local grants to address violent crime and gun crime across the Nation, the two issues that the gentleman expresses concern about. I hope he agreed with the committee when we increased funding for this purpose by $35 million over 2007. I have to oppose his amendment because of the offset of $15 million for law enforcement costs of offender reentry programs.

These are the programs that go hand in glove with our other law enforcement activities. Recidivism is a terrible problem. These programs establish partnerships with correctional institutions, with community corrections, with social services, with faith-based institutions and with community policing groups. They want to help make our communities safer.

Our Nation's prisons are bursting at the seams. In the Federal prisons alone we have an inmate population that has risen six-fold since 1980; we have 195,000 inmates in Federal prison. The recidivism rate is 40 percent, and in the States it is 67 percent. If we reduce those numbers, we are dramatically not only reducing crime in the country and reducing the recidivism rate in the process, we are doing both at one time. So these statistics being deplorable, we need more resources applied to addressing recidivism. For those reasons, I must oppose the gentleman's amendment.

In light of the fact that we have increased funding significantly for the violent gang and the gun crimes across the country by $35 million and by providing $80 million in this bill, that seems to be a healthy increase for that purpose that the gentleman expressed his concern about.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Ohio.

Mr. CHABOT. I thank the gentleman for yielding.

I want to first of all compliment him for the fact that he also attended an institution which I think is probably one of the best colleges in the country.

Mr. MOLLOHAN. It certainly is.

Mr. CHABOT. We happened to go to the same college, by the way.

As far as the committee report, it says that the committee directs that the remaining $15 million will be available to jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. And we certainly support that.

What we are trying to do is increase that, because we think there should be additional funding because we do believe that gang activity and violence is plaguing a number of communities, including the one that I happen to represent, the city of Cincinnati. And when we looked into the bill, when we called the committee for further clarification about what the other $15 million went toward, we were told that this provision had been inserted in previous Congresses, but that they weren't really sure what, if any, reentry program that they were referring to.

So rather than just let the money sit, I propose to give it to those jurisdictions that are falling victim to violent crime and drug traffickers, particularly those that are committed with firearms. And I don't believe that the $15 million, as I said, that is currently in the bill is sufficient. And since this money was available and wasn't designated, to our knowledge, in any particular program, we thought that it would be appropriate to increase the funding so that we could help more cities better fight against gang activity and violence, and particularly when those are involved with firearms.

Mr. MOLLOHAN. I can assure the gentleman that I am fully in support of his purpose. This is the first time that I have been introduced to his concerns specifically, and I am advised our staff haven't really talked.

I don't know if there is a way that the gentleman feels we can accommodate him.

The Acting CHAIRMAN. The time of the gentleman from West Virginia has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 2 additional minutes.)

Mr. CHABOT. If the gentleman would yield, I would be happy to work with the gentleman in good faith, and perhaps we could work out something that would boost up the money for our cities.

Mr. MOLLOHAN. I just can't believe that we cannot do that, if the gentleman would wish to withdraw his amendment.

Mr. CHABOT. With that understanding, we would be happy to withdraw the amendment and work with the gentleman on that issue.

Mr. MOLLOHAN. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I just wanted to say that it has been interesting to be a spectator between two William & Mary graduates. We are not allowed to make product endorsements on the floor, but it is good to see that the logic will reign, and I will be supporting the Chair's logic.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent to withdraw the amendment, with the understanding we can work together.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. ROGERS of Michigan.

An amendment by Mr. SESSIONS of Texas.

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. SHIMKUS of Illinois.

Amendment No. 22 by Mr. ENGLISH of Pennsylvania.

An amendment by Ms. ZOE LOFGREN of California.

An amendment by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 8, as follows:

[Roll No. 720]

AYES—200

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Blunt

Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—228

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Wamp
Young (AK)

□ 1804

Mr. WALSH of New York, Mr. BILBRAY, Mrs. CAPPS, and Messrs. MEEKS of New York, WEINER, and McNULTY changed their vote from "aye" to "no."

Messrs. DENT, TERRY, UDALL of Colorado, POE, LATHAM, and Mrs. EMERSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 294, not voting 17, as follows:

[Roll No. 721]

AYES—125

Akin
Bachmann
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Feeney
Flake
Fortuño
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Lamborn
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Bean
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Higgins
Hirono
Hunter
Jones (OH)
LaHood
Larson (CT)
Mahoney (FL)
Marshall
Reynolds
Wamp
Weldon (FL)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 196, not voting 11, as follows:

[Roll No. 722]

AYES—229

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOES—196

Abercrombie
Ackerman
Aderholt
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth

NOT VOTING—11

Andrews
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Ruppersberger
Wamp
Young (AK)

☐ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHIMKUS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 340, noes 87, not voting 9, as follows:

[Roll No. 723]

AYES—340

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Hooley
Hulshof
Inglis (SC)
Inslee
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pallone
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—87

Ackerman
Alexander
Baird
Baldwin
Biggert
Bilbray
Blumenauer
Boucher
Boyd (FL)
Butterfield
Calvert
Capuano
Clay
Culberson
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Ellison
Emanuel
Etheridge
Farr
Frank (MA)
Frelinghuysen
Gonzalez
Grijalva
Hastings (FL)
Hastings (WA)
Hensarling
Higgins
Hinchey
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Kingston
Kucinich
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
McCaul (TX)
McCollum (MN)
McDermott
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sarbanes
Serrano
Simpson
Sires
Solis
Stark
Tierney
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Waters
Waxman
Weldon (FL)
Wexler
Wilson (OH)
Wolf

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Nadler
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded there is 1 minute remaining in this vote.

□ 1818

Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California changed their vote from "aye" to "no."

Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BERKLEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 11, as follows:

[Roll No. 724]

AYES—83

Aderholt
Akin
Bachmann
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Boswell
Buyer
Cannon
Capito
Carter
Chabot
Cuellar
Davis (KY)
Davis, David
Dent
Donnelly
Dreier
Emerson
English (PA)
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Granger
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Jordan
King (IA)
Kline (MN)
Kuhl (NY)
Lamborn
Manzullo
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Meeks (NY)
Mica
Murphy, Patrick
Myrick
Nunes
Pearce
Peterson (PA)
Platts
Poe
Price (GA)
Reynolds
Rogers (AL)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (WA)
Space
Tancredo
Tanner
Tiberi
Turner
Walberg
Weller
Wicker
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva

Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)

Maloney (NY)
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Hall (TX)

Hunter
LaHood
Marshall
Rangel

Sullivan
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

☐ 1821

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 388, noes 39, not voting 9, as follows:

[Roll No. 725]

AYES—388

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler

Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey

Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)

LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Ortiz

Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler

Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—39

Alexander
Baker
Berry
Bonner
Clay
Delahunt
DeLauro
Dicks
Dingell
Ehlers
Everett
Frank (MA)
Frelinghuysen

Gutierrez
Hinchey
Hoekstra
Hoyer
Jackson (IL)
Kennedy
Langevin
Latham
Lynch
McCollum (MN)
McDermott
Melancon
Michaud

Mollohan
Oberstar
Obey
Olver
Pascrell
Rahall
Rothman
Ruppersberger
Sali
Terry
Visclosky
Wilson (SC)
Wynn

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann

Hunter
LaHood
Marshall

Rangel
Wamp
Young (AK)

☐ 1826

Mr. DELAHUNT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. HASTINGS of Florida, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Sonny Perdue, Governor, State of Georgia, indicating that, according to the official returns of the Special Election held July 17, 2007, the Honorable Paul Broun was elected Representative to Congress for the Tenth Congressional District, State of Georgia.

With best wishes, I am

Sincerely,
LORRAINE C. MILLER,
Clerk.

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, GA, July 24, 2007.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: This is to advise you that the Honorable Karen Handel, Secretary of State of Georgia, has certified the results of the Special Election held on Tuesday, July 17, 2007, for Representative in Congress from the Tenth Congressional District of Georgia. The results show that Paul C. Broun, Jr. received 23,529 or 50.42 percent of the total number of votes cast for that office. The Certification of Election is enclosed.

I have issued Dr. Broun's commission to serve as the Representative in Congress from Georgia's Tenth Congressional District of Georgia. There appears to be no contest to this election.

Sincerely,
SONNY PERDUE,
Governor.

SWEARING IN OF THE HONORABLE PAUL C. BROUN, OF GEORGIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the Members of the Georgia delegation present themselves in the well.

Mr. BROUN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 110th Congress.

WELCOMING THE HONORABLE PAUL C. BROUN TO THE HOUSE OF REPRESENTATIVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Madam Speaker, as dean of the Georgia delegation, I rise to welcome a new Member to the United States House of Representatives, Dr. PAUL BROUN.

Dr. BROUN is one of four men of medicine in the Georgia delegation. He succeeds our friend and late colleague, Dr. Charlie Norwood, who also was a physician.

Dr. BROUN is a graduate of the University of Georgia in Athens and the Medical College of Georgia in Augusta. He served his country as a United States Marine and as a Medical Officer in the United States Navy. He is married to Niki Bronson BROUN. They have two children and two grandchildren.

Dr. BROUN comes from a well-known political family in Georgia. His father was a well-respected State senator from Athens for 38 years. I could say, I can say, and I must say, he was a Democrat.

Mr. BROUN of Georgia. A conservative one, at that.

Mr. LEWIS of Georgia. On behalf of all of the Members of the delegation, I want to welcome Dr. PAUL BROUN from the 10th Congressional District of Georgia to the United States House of Representatives.

Madam Speaker, I yield to Congressman JACK KINGSTON, from the First Congressional District of Georgia.

Mr. KINGSTON. Madam Speaker, Members of the House, and my friend JOHN LEWIS, you are correct. His father was my State senator and JOHN BARROW's State senator for 38 years. He was a very well-respected Democrat. We all liked him a lot. But he sure raised his son the right way. We are glad to have him.

We all miss and loved Charlie Norwood. You know, in this House, there are creatures of habit. Of course, any time you want to see Mr. MURTHA and the Pennsylvania delegation, you go to that corner. Any time you want to see Mr. YOUNG and anybody who wants something out of him from Appropriations, all the Florida Members, you go over to that corner. I think, in Charlie's memory, we will all begin to think that the Georgia delegation will be sitting there.

PAUL, we are going to be very happy to have you sitting amongst us.

PAUL, JOHN BARROW and I went to the same junior high school. We are very proud to boast about that. He is an avid fly-fisherman. He is a sportsman. He did volunteer work for Safari-International and worked with many of you, got to know Ron Marlene very well and JO ANN EMERSON, among others, and he is ready to go on any codel to Montana or Wyoming that he gets invited to.

PAUL is going to be a great Member of the House. He is a hard worker. I think you will like him on both sides of the aisle because he will work for what is best for the United States of America.

Mr. LEWIS has already gone over his resume, so I won't repeat it. But I will just say, PAUL, welcome to the greatest body the world has ever seen, the United States House of Representatives.

Mr. BROUN of Georgia. Madam Speaker and colleagues, I am glad to call you colleagues. I am eager to work with you. I am eager to represent the people of the 10th Congressional District of Georgia. It is exciting to me. Just 1 week ago, I was campaigning. Things have been going very quickly ever since then. I am just overwhelmed.

I look forward to working with you and working with this great, august body. I appreciate the opportunity. I appreciate the well wishes and all of the host of welcomes that I have gotten from each and every one of you.

So I appreciate the welcome that you all have given me. I look forward to working with you. Thank you so much. God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Georgia, Mr. PAUL BROUN, the whole number of the House is 433.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

☐ 1837

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentlewoman from California (Ms. ZOE LOFGREN) had been disposed of and the bill had been read through page 48, line 3.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to the order of the House of today, this is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 19, noes 389, answered "present" 16, not voting 13, as follows:

[Roll No. 726]

AYES—19

Bishop (UT)
Buyer
Cannon
Davis (KY)
Deal (GA)
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
King (IA)
Lamborn
McHenry
Pearce
Pitts
Rogers (AL)
Sali
Sessions
Tancredo
Westmoreland

NOES—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED "PRESENT"—16

Bachmann
Barrett (SC)
Blackburn
Bonner
Delahunt
Doyle
Green, Gene
Hastings (FL)
Hastings (WA)
Jones (OH)
Kline (MN)
Latham
McCaul (TX)
McCotter
Roybal-Allard
Sensenbrenner

NOT VOTING—13

Broun (GA)
Christensen
Clarke
Cubin
Davis, Jo Ann
DeFazio
Hill
Hunter
LaHood
Marshall
Rangel
Royce
Young (AK)

□ 1844

Mr. HASTINGS of Florida changed his vote from "no" to "present."

Mr. GINGREY changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $399,900,000, to remain available until expended as follows:

(1) $725,000 for concentration of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $81,175,000 for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $53,000,000 for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $100,000,000 for youth mentoring grants;

(5) $70,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $17,500,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $20,000,000 for the Secure Our Schools Act, as authorized by part AA of the 1968 Act, as amended by section 1169 of Public Law 109–162;

(7) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(8) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act, as amended by section 1166 of Public Law 109–162 and Guam shall be considered a State:

Provided, That not more than ten percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than two percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the "Justice Assistance" account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for SENTINEL, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committee on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. (a) Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking "and" in paragraph (8);

(2) striking the period in paragraph (9) and inserting "; and"; and

(3) adding the following new paragraph:

"(10) fines imposed under section 110(l) of title 11, United States Code.".

(b) Section 110(l)(4)(A) of title 11, United States Code, is amended to read as follows:

"(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.".

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking all that follows "whichever occurs first." and inserting the following: "The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; and $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed".

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 213. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SESSIONS: Strike section 213.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 213 of this legislation which, as drafted, would have the same anticompetitive effect as language already included in a number of the Democrat majority's other appropriations bills by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs at the Bureau of Prisons or Federal Prison Industries, Incorporated.

While this policy may be good for increasing dues payments to the public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to take competition away from them.

In 2006, Federal agencies "competed" only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

This provision, included by the Democrat Appropriations Committee, directly contradicts a number of legislative provisions recently passed on this issue by the House, including: The conference report for the 1997 omnibus appropriations bill, which specifically directed the Bureau of Prisons to undertake a prison privatization demonstration project; also, the National Capital Revitalization and Self-Government Improvement Act of 1997, which directed the Bureau of Prisons to rehabilitate D.C. inmates in private prisons; and since 2001, every Commerce-Justice-State appropriations bill has directed the Bureau of Prisons to contract for prison services.

I think the answer is clear, Mr. Chairman, that when the Democrats claim that these services are "inherently governmental," despite numerous citations in the A-76 circular that these activities are exempt from this definition, and prevent competitive sourcing from taking place, that the Democrat leadership is clearly hearing from labor bosses that this bill represents another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of its tools it can to find taxpayer savings and reduce the cost of services that are being provided by thousands of hardworking companies nationwide.

I urge all of my colleagues to support this commonsense, taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, this provision is simply a provision of fairness. It provides that contracting out of Federal employees in the U.S. Bureau of Prisons cannot be done under these A-76 guidelines and puts a prohibition on that.

Now, we have accommodated in our language in our manager's amendments all of the concerns that we received from private industry. We have accommodated that. And the bill and report language were modified in the full committee's manager's amendment to clarify that the general provision does not impact the Bureau of Prisons' practice of contracting with State, local and private entities to meet needs for existing and new prison capacity.

This language is compromise language. It protects Federal employees, professionals working in the Bureau of Prisons, who obviously have a very sensitive job and position, at the same time it accommodates the concerns of private industry with regard to appropriate contracting out by State and local and private entities.

I urge opposition to the amendment on that basis. The bill is a good, balanced approach and accommodates the Federal employees who risk their lives every day working in correctional situations, but at the same time it accommodates the legitimate concerns of the private sector.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to support the Sessions amendment. I believe in the A-76 process. I do think public and private competition is important. The contracts are important. The A-76 process I do think provides more efficiency and is definitely better for the taxpayers. So I support his amendment quite strongly.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I would like to join the subcommittee chairman in opposition to this amendment.

Members who believe in a balanced and fair competition where the taxpayers get the greatest value for the dollar should oppose this amendment and support the underlying bill. The underlying bill, as the chairman said, is a carefully crafted compromise that permits a rational assessment of the cost and benefits of contracting out, and provides for a fair appeal process where whichever side loses that process would have the opportunity to bring its case to another level and have it reexamined.

So I think that the bill is neither pro-contracting out nor anti-contracting-out. I think the bill strikes a fair balance, and it says in instances where someone decides a contract should be permitted, it happens; and for instances where it should not be, it does not.

I commend the chairman for crafting a fair compromise. I join him in urging defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 56, after line 7, insert the following new section:

SEC. 214. The amounts otherwise provided by this title are revised by reducing the amount made available for "GENERAL ADMINISTRATION—SALARIES AND EXPENSES", and increasing the amount made available for "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" (consisting of an additional $6,000,000 for grants to assist children and youth exposed to violence, $6,000,000 for services to advocate for and respond to youth, $1,000,000 for the national tribal sex offender registry, and $1,000,000 for research relating to violence against Indian women, as authorized by sections 41303, 41201, 905(b), and 904, respectively, of the Violence Against Women and Department of Justice Reauthorization Act of 2005), by $14,000,000.

Mr. INSLEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Mr. Chairman, I rise to offer an important amendment that will help continue our work in Congress to break the cycle of domestic violence from which we still suffer. We started that work in the Violence Against Women Act of 2005. We now need to extend it.

I want to recognize the chairman's strong showing of support for efforts against violence in this fashion by $60 million of funding. We appreciate that. But we do have several new programs that the Congress has authorized, has approved, has recognized as a valid effort that have not had an appropriation to date. We aim to fix that with an effort to provide that appropriation.

It would direct the Department of Justice to administer grants to fund four priority new programs for children and Native women in order to break this chain, this multigenerational chain of violence.

The amendment offered by myself and Mr. BURTON would, for the first time, provide Federal funding to local domestic violence programs that provide direct intervention services to children who have witnessed domestic violence in their families. We know how witnessing violence ends up perpetuating violence down the chain of generations. We have to nip this in the bud.

We have to get kids treatment early. We know this amendment will do it.

Men who have experienced violence in their families as children are twice as likely to become perpetrators themselves.

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This amendment will also, for the first time, fund a competitive grant program for nonprofit organizations to provide community services to teens and young adult victims of domestic violence, sexual assault and stalking. We know girls and young women between age 16 and 24 have the highest rate of intimate partner violence. Teens need to learn at an early age about healthy relationships. This amendment will help that.

My amendment also ensures that we can track crimes against American Indian and Alaska Native women through a national tribal sex offender registry. This is a place where we have been lacking resources in the tribes. One out of every three American Indian and Alaska Native women are victims of sexual assault on reservations.

Currently, every State has a sexual offender registry, but crimes against native women are rarely entered. We need to pass this to fix that problem.

So we know that this epidemic of domestic violence affects every State and community. We know that these VAWA programs can help break the cycle, and we know that we've authorized these programs, but we have not appropriated a dime for them. We have done this with some other new programs in this bill.

We have carefully selected four programs. This has the wide support of groups across the country who have selected these four programs as the highest priorities of those programs that have been authorized but not appropriated.

The Chair's done a good job with limited resources, but we hope that we can extend this effort and these authorized programs to nip and end this circle of violence.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. First of all, I want to thank Mr. INSLEE for introducing this amendment. I'm very proud to cosponsor it with you. It's very needed, and the reason I know it's very needed is because the things you talked about I experienced as a boy. I won't be redundant and go into the things that you have mentioned and the reasons why this program is so necessary.

But I do want you to know that I don't normally support changing money from one area to another like from the Department of Justice to these programs, but this is one of the most urgent needs in America, and it's been like this for the last 50 to 60 years.

I can remember when we went to police headquarters with my mother after we'd been beaten and my father had beaten my mother, and the police sergeant said, If you don't get these kids home, I'm going to have you arrested for child abuse. That's the way it was in those days. There was no place for a woman to hide, and the children had to experience this.

At 4 o'clock in the morning, when you hear your mother being beaten and you come down the stairs and your hair is standing straight up on the back of your head and your father turns and says to you, If you don't get back up the stairs, you're going to get some of this, kids should not have to endure that. They should not ever have to endure that. And the women who are treated like that should never have to endure that as well.

It's a shame that there aren't more people talking about this because this is something that's an urgent, urgent need.

Mr. INSLEE's absolutely right about the chances for a child who's been abused like this to do the same things throughout the rest of their life. I was very fortunate that didn't happen, but I've known a lot of people who experienced that who did, and I think it's a tragic thing.

We really need to find a way to get these women and kids into shelter and away from these abusive parents, fathers and sometimes mothers, and we need to help the women who are abused.

As he just said, in the Native American community, there are women who are being raped and beaten, and there's really no place for them to turn. There's no registry so we can track these guys. That's a horrible thing to have to experience.

So I just want to say to my colleagues, and as I said, I won't be redundant, but I was reading in our information that we use when we discuss these issues, I was reading that between 3.3 million and 10 million children witness domestic violence every year. Can you imagine, up to 10 million kids that witness domestic violence in the home and elsewhere every single year? That's unforgivable. And at one time, in 1 day, one 24-hour period, there were 18,000 children in the United States that received services and support because they were experiencing domestic violence, in one day. That's something, in my opinion, that's inexcusable.

This is a very, very important piece of legislation. I would urge all of my colleagues to vote for this. There should not be one negative vote on this, not one, because there are kids and women who are suffering, sometimes every day. Sometimes the husband will beat the child and they'll turn around to the wife and say, I'll never do that again, and he does it the next week. Sometimes he'll beat his wife and he puts his arms around her, and I've seen this firsthand, he says, Honey, I will never do that again. And the next week she's beaten again, and she sometimes has no place to go and she feels like there's no hope.

It's extremely important that we give these women and these kids hope, and that's why I say to you, Mr. INSLEE, thank you very much for introducing this amendment. I hope it passes unanimously.

With that, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, and first of all, I want to acknowledge the compelling story of the gentleman from Indiana. That's truly moving. There's no two ways about it, and that's why we have this program, and that's why the subcommittee and the full committee strongly supported funding for VAWA and all of these grant programs, acknowledging at the same time that there are additional grant programs authorized under VAWA that have not received funding. We look forward to working on those, and this one in particular, as we move forward through conference.

But let me suggest to the body that we would love to increase funding for programs like this, the Violence Against Women Act Programs. There's more compelling argument for it, particularly as described.

Let me note, however, for the record that we have increased VAWA funding to $430 million. We rejected the President's proposal to shrink the grant program, actually to eliminate these individual grant programs, and to have a bloc grant program. We have continued to fund the various categories, and we certainly look forward to considering other authorized grant programs that are not currently funded.

We funded, at $430 million, VAWA programs, a $60 million increase over the President's request, and $47 million over the 2007 funding level. That is a sizeable increase to this very worthy program, not that there couldn't be more. So I can't argue for one second to either of my colleagues against adding funding to VAWA.

The real point is that we have significantly increased that funding because we share the concerns of the gentlemen who have spoken here, and I hope that we can all understand and agree with that.

We are again targeting offsets in a general administration account. A $14 million cut to the Department of Justice general administration account will require layoffs. And let me just put this in perspective. We've already had a $30 million cut to this account. We're down from $104 million in Department of Justice general administration to $74 million, and we're looking at another $14 million cut.

At some point, everybody has to appreciate that there has to be some money in these administrative accounts to administer these programs that we all care about, and we have to get real about this process. This is obviously a very strong and passioned expression of support for the programs we've authorized to prevent violence against women, and we're all working in that venue. The committee did it by increasing the funding by $60 million over the President's request, almost $50 million over last year. You're doing it here today by adding another $14 million. And we can't argue with the merit of that sentiment, but we can express concern and try to bring some reality to the offset suggested here.

We are cutting Department of Justice general administration accounts below the level in which they can effectively operate and administer the very programs which we are increasing.

So, reluctantly, I oppose the amendment. At the same time, I do look forward to working with the gentlemen, no matter what the outcome of the amendment, as the process moves forward.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT OFFERED BY MR. LIPINSKI

Mr. LIPINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPINSKI:

Page 56, after line 7, insert the following new section:

SEC. 214. For "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" for the Law Enforcement Tribute Act program, as authorized by section 11001 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273), and the amount otherwise provided by this title for "GENERAL ADMINISTRATION--SALARIES AND EXPENSES" is hereby reduced by, $1,000,000.

Mr. LIPINSKI. Mr. Chairman, I rise today to offer an amendment which would provide $1 million in funding for the Law Enforcement Tribute Act Program. This program provides one-time grants to help State and local governments complete permanent tributes that honor law enforcement and public safety officers who have been killed or seriously injured in the line of duty.

There are currently 17,917 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC, including 928 from my home State of Illinois. But many communities also want to honor their law enforcement heroes with local memorials or permanent tributes. The Law Enforcement Tribute Act Program provides support to States and localities to help them do this. Without this support, many communities would not be financially able to provide these worthy tributes.

The Law Enforcement Tribute Act Program was authorized in fiscal year 2002 at $3 million per year, but no funding has been appropriated since 2003.

Last year, this Chamber approved a similar amendment by voice vote when I offered it with Representatives ADAM SCHIFF and TOM DAVIS. Unfortunately, that amendment, like the appropriations bill it was included in, never became law. Today, we have an opportunity to once again approve funding that will help communities honor all of those local heroes who have given so much to protect us.

This amendment has the strong support of law enforcement groups all over the country, including the National Association of Police Organizations.

Mr. Chairman, law enforcement and public safety officers dedicate their career and their lives to protecting us. Tributes provide us with a constant reminder of the sacrifices that they have made. The least we can do is help local communities honor these brave men and women.

I urge my colleagues today to support this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, let me commend the gentleman from Illinois (Mr. LIPINSKI) for bringing this matter before the body again this year.

The point is being made that this particular act is not being funded and it should be. It's extremely meritorious. The sacrifice, and the dedication, the commitment of our law enforcement people throughout the country need to be recognized, and this is the reason we passed the legislation.

As we move this bill forward to conference, I hope that we can work with the gentleman and assure that there is funding on this provision, and we will commit to the gentleman to work with him in that regard.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Illinois.

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Mr. LIPINSKI. Mr. Chairman, with that assurance, with the agreement that you will work, and I know that you see the great value in the program, to work in the conference on providing funding for this, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,515,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,696,100,000, of which not less than $278,000,000 shall be for the Hubble Space Telescope, not less than $545,000,000 shall be for the James Webb Space Telescope, not less than $90,000,000 shall be for the Global Precipitation Measurement mission, not less than $625,700,000 shall be for the Mars Exploration Program, and not less than $71,600,000 shall be for the Space Interferometry Mission, to remain available until September 30, 2009.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $700,000,000 to remain available until September 30, 2009.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance;

construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,923,800,000, to remain available until September 30, 2009: *Provided*, That none of the funds under this heading shall be used for any research, development, or demonstration activities related exclusively to the human exploration of Mars.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education, including personnel and related costs, uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $220,300,000 to remain available until September 30, 2009.

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, I want ask Chairman MOLLOHAN to enter into a colloquy with me for just a minute.

I want to thank the chairman for his efforts on behalf of NASA. As the chairman knows, the Johnson Space Center is the crown jewel of our Nation's space program and resides in my congressional district. The hard work of many bright minds down there has yielded tremendous accomplishments and results over the years.

Of course, it's important to be fiscally responsible. I am glad that the chairman knows it's just as important to continue funding our Nation's top science projects, including NASA.

Mr. MOLLOHAN. I thank the gentleman from Texas for his tireless efforts on behalf of NASA. He has been working, I know, diligently in that vineyard all year long. I know, personally, because he has been contacting me and the committee in order to advance the best interests of NASA, to personally facilitate important meetings between the NASA Administrator, and I know the chairman of our full committee Mr. OBEY, and several of our colleagues throughout the year.

These meetings and my talks with the gentleman from Texas have made it clear how important NASA funding is to the gentleman, significantly contributing to NASA's ability to meet all of its mission commitments.

The gentleman is to be commended for his commitment and his hard work on behalf of NASA and on behalf of NASA's employees. I will continue to work on the House floor and in conference to maintain funding levels as reported out of the subcommittee.

I sincerely appreciate the gentleman's interest and hard work.

Mr. LAMPSON. Well, I appreciate the chairman's kind words on our combined efforts. I am thankful for his hard work and attention to this important matter.

NASA is doing so many important things right now, including our work on the international space station, continued shuttle flights, and our transition to the next-generation crew exploration vehicle, advanced scientific experiments and many other projects, both large and small, that we can't afford to fall behind on these projects, and the various programs, program transitions that NASA is trying to make.

I will continue to work with you and all of our colleagues on the Appropriations Committee to help maintain these funding levels as well.

Mr. MOLLOHAN. As the gentleman knows, our bill funds NASA in excess of the President's request. We intend to work very hard between now and conference and through the signing ceremony to ensure that funding is maintained. The gentleman is a champion for NASA here in the House. I know he is working hard for that part of NASA that's back in his district, and we look forward to his support as we move forward.

Mr. LAMPSON. Thank you for entering into the colloquy. I look forward to working with you.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 59, line 21, insert ", of which not less the $70,700,000 shall be for the Minority University Research and Education Programs," after the dollar amount.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of my amendment to the Commerce, Justice, Science and Related Agencies appropriations bill for fiscal year 2008.

My amendment is focused on the education activities at NASA, the National Aeronautics and Space Administration. Specifically, the amendment designates $70.7 million of NASA's $220.3 million for education appropriations for the minority workforce preparation.

This program has been in action before. It was a good program, but because of the cuts that NASA did suffer, it was defunded actually, as they rearranged the funding. I thank the committee for the increase that they did make and commend their recognition of the importance of education funding for NASA.

All of us know that this is the focus of education, now, trying to make sure we have workforce available so that we can maintain the competitive edge.

NASA had proposed to spend about $40 million, or 27 percent, of its education budget on minority university research and education programs, commonly called the Hispanic-Serving Institutions, as well as the Historically Black Institutions.

So the program includes Partnership Awards for Integration of Research, the Space Science Collaboration, the Math Science Teacher and Curriculum Enhancement Program, the Undergraduate Scholars program, Network Resource and Training Sites, Model Institutes for Excellence and the Earth Science Collaborations program.

I think that since only 2 percent of our Nation's engineers are African American and Hispanic, we really do need to encourage them to be in this part of the workforce. It's critically important to support these Federal programs.

I urge adoption, although I would like to have a colloquy with the chairman.

Mr. MOLLOHAN. I thank the gentlelady. I think this amendment is one more expression of a number one concern about the attention that education is getting in our various science accounts. We have attempted very diligently, pointedly, to address that by increasing funding in education accounts across the bill. This account, the NASA account, first of all, we broke it out as a separate account and then increased it by $66.6 million for a total of $220 million.

The fact that the gentlelady is reaching out to NASA, NASA should be listening. Universities, education, K-12, they want NASA. They realize how important, and the gentlelady realizes how important, NASA is to inspiring youth and also getting resources on programs and funding them. That's the gentlelady's purpose behind this.

I hope that the gentlelady will allow us to work with her to achieve her purposes as this bill moves forward within the funding allocations that we have received. I want her to know that I have heard her interest, and we intend to be responsive to her as we move forward. I commend her for her leadership in this area.

We will be as responsive as possible, and I appreciate the opportunity to do so.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CROSS-AGENCY SUPPORT PROGRAMS

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $356,000,000, to remain available until September 30, 2009.

Ms. SUTTON. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the chairman.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. I really appreciate having this opportunity to talk with you, and I commend your work on putting this very strong legislation together that includes important increases for science and technology programs, as well as law enforcement, among many other things.

But I want to discuss with you just for a moment my concerns for funding and oversight in this bill for the United States Trade Representative. Now, many of my colleagues have been pretty vocal, since the beginning of this Congress, in expressing our concerns with our current trade policy and its harmful effects on our families and communities. A large part of this is what I see as a lack of responsibility by the USTR in promoting exports to other nations and protecting American workers and businesses against unfair trade practices against other nations.

I was going to offer a number of amendments here today dealing with increasing USTR funding, specifically for oversight and enforcement of our trade laws, but I appreciate the increase in funding in the bill for the ITC, but I believe so much more needs to be done. Instead of fixing the many problems we have with our current policies, whether it's our current record trade deficit or the loss of millions of manufacturing jobs, the USTR has, instead, focused efforts on enacting more flawed trade agreements.

It seems as if, instead of working to make our trade agreements better, the administration and the USTR have focused on joining with private interests and using USTR funding to lobby Congress. I believe we must rein this in, what I see as an improper and excessive lobbying by USTR of Congress.

While I was hoping to offer an amendment on that here today as well, I hope that this Congress will take a closer look at their activities in the future. I strongly believe that we have a responsibility to stand up and tell the USTR that they must start working for American businesses and workers, rather than continue current policies that cost jobs here at home and have decimated our manufacturing base.

While I would have hoped that we could have done more on this bill to move USTR in that direction to be more responsive to the responsibility to the American people and to the workers in my district, rather than foreign governments and large corporations, I am happy to be here and am supportive of the bill.

I appreciate the opportunity to share this with you and look forward to working with you in the future.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to commend the gentlelady for bringing this issue to our attention. I want her to know that the House knows she knows something about basic industry in America. She knows something about the challenges of transitioning economies, and she knows something about the importance of USTR trying to protect the very best interests of American citizens and American workers working in all sectors of the economy. From my perspective, I am particularly concerned about those workers in basic industry, in extraction-related industries in America.

A lot of us have concerns about the USTR and the Trade Representative's actual commitment to representing the very best interests of those sectors of our economy. As we transition into an increasingly international economic community, we have to be cognizant of the impacts of a trade policy that is precipitous to the point of creating real chaos and tremendous hardship, particularly in those sectors of the economy that I represent and that I know the gentlelady is particularly sensitive to.

So we need to provide oversight of the USTR as we encourage them to enforce our trade laws and to be aggressive advocates, advocates for our best interests as they approach our trading partners and trade negotiations. They should be looking at issues to balance and level the playing field, such as insisting that trade agreements include environmental laws that we have correctly imposed upon our industry and our manufacturing processes.

Incorporating those regulations into the manufacturing process is expensive. Our competitors around the world, many of them, particularly in the developing countries, don't have those costs. Where we have incorporated health and safety regulations in the workplace, statutorily imposed, that has cost money.

The USTR needs to be sensitive to that. The administration needs to be sensitive to that. It needs to incorporate those kinds of public interest concerns as they negotiate trade agreements.

Why? Why? Because we have done it, and we are their competitors. We are a country with a higher standard of living, and if we can't level the playing field with regard to regulatory activity, then we will never be able to begin to be competitive with our competitors from developing nations.

Let me again compliment the gentlelady for being focused on this very early in her career, being a champion for the working people, and for the best interests of our trade policy generally in all sectors of the economy, and for bringing this to our attention in this bill.

I can assure her that we will be sensitive in large part because of the concerns that she expresses here today. Thank you very much, Ms. SUTTON, for bringing that to our attention.

Mr. Chairman, I yield back the balance of my time.

□ 1930

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, a few hundred miles above us the astronauts of Expedition 15 work around the clock on board the international space station. Their efforts have just been boosted by delivery of a huge new power element from the space shuttle *Atlantis* crew. The *Atlantis* astronauts, working with station crew mates, brought the orbiting base ever closer to completion and a whole new era of living and working in space.

The international space station is a remarkable achievement of global cooperation now entering its most critical period. Over the next 3 years, more than a dozen flights of the space shuttles *Atlantis*, *Discovery*, and *Endeavor* will complete assembly that began in 1998. The completed station will be home to a crew of six astronauts and generation-spanning research that will reach into the lives of every American family. Yes, completion and operation of the international space station is that important to America's future.

I am fortunate to represent one of the most enduring and important NASA facilities, the Johnson Space Center in Houston, and have had the honor over my five terms in Congress to work with dedicated and amazing people at the Johnson Space Center.

Their passion and commitment to space exploration led me to introduce the Space Exploration Act of 2002. I introduced the Space Exploration Act as a challenge to this country and the leaders in Congress and the White House to offer a vision and concrete goals for the human space flight program after the international space station. Many here on this floor joined me in that call to action, to invest in a space exploration vital for the future of this country.

In 2004, President Bush announced a similar plan, the Vision for Space Exploration. The President's vision outlined a sustained and affordable human and robotic program to explore the solar system and beyond. I fully supported the President in pushing for an expanded mission for NASA. But in the years that have followed, this Nation has seen rhetoric not supported by action. The administration's vision for space and subsequent authorized funding limits have consistently been ignored, and the President's yearly budget does not fund a robust vision for NASA's future. As a result, we now see a widening gap in the period of time between the retirement of the space shuttle in 2010 and the next generation Crew Exploration Vehicle and Crew Launch Vehicle.

This gap will impede access to the station for our astronauts in the years immediately following the shuttle's retirement. During that period, before the new Orion and Ares space vehicles are operational, NASA and America will be totally reliant upon Russia for access to the space station by our astronauts and to carry cargo into space. We will be forced to spend more money than could ever be spent to accelerate arrival of our new space vehicles. This year alone, the administration worsened that gap by making its budget request some $1.4 billion below the congressionally authorized level.

Adding to the strain, millions of dollars have been shifted from the station and shuttle accounts to pay for repairs made necessary by Hurricanes Katrina and Rita which damaged NASA facilities in New Orleans, the Mississippi gulf coast, and Florida.

NASA now faces the stark reality that the timeline for next-generation human space exploration is becoming increasingly hard to meet. We as a Congress must do more to ensure viability of NASA space exploration programs. And I stand here not to criticize the past efforts of the President or previous Congresses, but to call on leaders of both parties to help us meet and even exceed the funding levels required to continue all the important projects in NASA's orbit. As this bill goes to conference, I believe we can find additional resources for NASA to reduce the widening gap between the shuttle and the Orion and Ares programs.

Mr. Chairman, now is not the time to trim our sails into space. I join with the heroes of the space program, past and present, our Nation's industry leaders, and other forward-looking supporters to urge our colleagues to fund NASA fully into the coming years at the amount authorized by Congress. In today's global competition, there is no substitute for keeping America first in outer space.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,691,700,000 to remain available until September 30, 2009.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $34,600,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. This amendment appropriately comes toward the end of the bill, and we have not read to that section yet.

Mrs. BIGGERT. I understood that. I am going to withdraw the amendment and ask unanimous consent to present it at this time.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) Of the amounts made available for "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" for the Edward Byrne Memorial Justice Assistance Grant program, $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

(b) Of the amounts made available for "JUSTICE ASSISTANCE", $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

Mrs. BIGGERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mrs. BIGGERT. I thank Chairman MOLLOHAN for all of his work on this bill, and I appreciate your commitment to all the missing children's programs. It is very important. And I know that you are equally disturbed by the prevalence of Internet crimes against our children. And the numbers certainly don't lie.

According to the National Center for Missing and Exploited Children's CyberTip Line, the number of reports relating to the online enticement of children for sexual acts increased by 139 percent between 2005 and 2006. Over the same period, there was a 194 percent increase in the number of reports related to unsolicited obscene material sent to a child on the Internet.

Certainly more can and must be done. And this problem is not regional; it is not isolated to big cities or rural communities. This is a real national problem that will not go away unless we can expand our capabilities of our law enforcement, which is exactly what my amendment will do by increasing the funding for the Internet Crime Against Children Task Force.

The Internet Crime Against Children Task Force, or ICAC, plays a very critical role in protecting our children on the Internet. The ICAC Task Force's mission is clear: to help State and local government enforcement agencies develop an effective response to cyber-enticement and child pornography cases. This help involves forensic and investigative support training and technical assistance, victims services, and community education.

The amendment would carve out $15 million out of the Justice Assistance account's Missing Children Program for the Internet Crime Against Children Task Force. It would also carve out $15 million out of the Edward Byrne Memorial Justice Assistance Grant program for the ICAC Task Force. Both accounts were used in fiscal year 2007 to fund the Internet Crime Against Children Task Force at $26 million.

And I certainly understand the problems that having to do with this amendment, so I am certainly willing to withdraw my amendment if the chairman and ranking member are willing to work toward an increase in funding for the Internet Crime Against Children Task Force in conference.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

The gentlelady is really at the forefront of this issue. She is co-chair of the 131 Member strong Congressional Missing and Exploited Children Caucus. She is to be commended for that. She has worked with me, she has worked with Mr. FRELINGHUYSEN, she has worked with the committee. To some extent she can declare success because she is tenacious in getting additional funding for Missing Children's programs. She has been successful in increasing funding 100 percent, you could argue, since the President asked for no funding here.

But we would like to point out that in response to her and the caucus's expressions of concern to the committee, we have funded the Missing Children's program account to the tune of $61.4 million, which is $14 million above the 2007 enacted funding level. That is in large part because of her efforts, and we do appreciate it. She should declare success, and she should be proud of that. She is, as I say, tenacious. And speaking for myself, and Mr. FRELINGHUYSEN who I know shares this interest, we look forward to working with her as we move forward. She is representing this caucus here today, and we look forward to trying to even increase this amount of money as we go to conference.

I want to thank her for her efforts and for helping the committee as we have marked up our bill and funded this account.

Mrs. BIGGERT. Reclaiming my time, I would thank the gentleman for his kind words. And I bring this up to just enforce the importance of missing children, the caucus and the task force, tonight, because every problem is increasing so much, as I said earlier. The problems that we used to have, we are seeing many more problems with the use of the Internet, with just what is happening to children in this day and age. And the more that we can do to prevent online enticement, to prevent children being sexually assaulted, all of the tragedies that are happening right now. So I appreciate that.

Mr. MOLLOHAN. The gentlelady makes her point. And out of the Office of Justice programs, we funded the Missing Children account higher than any other programs. So she can take credit for a great success, and we appreciate her help.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1945

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the duration of availability of funds appropriated for "Science", "Aeronautics", "Exploration", "Cross-Agency Support Programs", or "Space Operations" under this title, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings "Science", "Aeronautics", "Exploration", "Education", "Cross-Agency Support Programs", and "Space Operations" for the National Aeronautics and Space Administration shall be governed by the terms and conditions specified in the report accompanying this Act.

The unexpired balances of prior appropriations to the National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new accounts established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established accounts and thereafter may be accounted for as one fund under the same terms and conditions.

Not to exceed five percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2008.

The Administrator of the National Aeronautics and Space Administration shall prepare a strategy for minimizing job losses when the National Aeronautics and Space Administration transitions from the Space Shuttle to a successor human-rated space transport vehicle. This strategy shall include: (1) specific initiatives that the National Aeronautics and Space Administration has undertaken, or plans to undertake, to maximize the utilization of existing civil service and contractor workforces at each of the affected Centers; (2) efforts to equitably distribute tasks and workload between the Centers to mitigate the brunt of job losses being borne by only certain Centers; (3) new workload, tasks, initiatives, and missions being secured for the affected Centers; and (4) overall projections of future civil service and contractor workforce levels at the affected Centers. The Administrator shall transmit this strategy to Congress not later than 90 days after the date of enactment of this Act. The Administrator shall update and transmit to Congress this strategy not less than every six months thereafter until the successor human-rated space transport vehicle is fully operational.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), and Public Law 86–209, relating to the National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; **$5,139,690,000**, to remain available until September 30, 2009, of which not to exceed **$510,000,000** shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including authorized travel, **$244,740,000**, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, **$822,600,000**, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed **$9,000** for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; **$285,590,000**: *Provided*, That contracts may be entered into under this heading in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880–1881), **$4,030,000**, to remain available until September 30, 2009: *Provided*, That not more than **$9,000** shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $12,350,000, to remain available until September 30, 2009.

TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $28,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $332,748,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That no funds made available under this heading may be used to outsource operations of the National Contact Center.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $377,000,000, of which $355,134,000 is for basic field programs and required independent audits; $3,041,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,825,000 is for management and administration; $4,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501 through 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses of the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c), $2,500,000, to remain available until expended.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $48,407,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations of the United States at the World Trade Organization shall be conducted consistent with the trade negotiating objectives of the United States contained in section 2102 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3802).

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.), $4,640,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by ten percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of section 922(t) of title 18, United States Code; and

(2) any system to implement section 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2008 from the fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601).

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

Page 75, line 24, strike "$625,000,000" and insert "$635,000,000".

Page 76, line 2, insert ", and the amount otherwise provided under this Act for Department of Commerce, Departmental Management, Salaries and Expenses is reduced by $10,000,000" after "(42 U.S.C. 10601)".

Mr. POE. Mr. Chairman, I want to talk briefly on the Poe-Costa-Moore amendment. As stated in the amendment, this is a bipartisan amendment. And I want to thank the gentleman from California and the gentleman from Kansas for their support for crime victims under this amendment and the VOCA fund.

The VOCA fund was established under the Reagan administration. It's a novel concept where criminals who are convicted of crime pay fees into a fund that goes to victims of crime. It's kind of like criminals pay the rent on the courthouse, as they should. And so this fund has been established to supply victims and victims services throughout the country necessary funds for those victims and those projects.

At this present time, the fund is up to $1.3 billion. But this year the fund is capped at $625 million for victims services and victims throughout the United States.

This amendment is asking that 10 million more dollars be applied to this fund because of two reasons: Unfortunately, there are more crime victims in the United States than there ever have been. And also, by necessity, there are more programs that are victims services than ever have been in the United States.

Over 4,400 different programs and agencies receive funding under the VOCA fund. Over 3 million victims receive funds from this fund every year. And this covers the gamut, from sexual assault victims to child victims, to robbery victims and victims and families of homicide.

These funds are needed for these families. But they're also needed for domestic violence shelters. They're needed for child assessment centers. Those are centers throughout the United States that take sexually exploited children and help them through the process; not only the medical process, not only the psychological process, but the criminal justice system as well.

There are 26 organizations that support an additional $10 million for this crime victims fund, because it is necessary to help victims throughout the United States. So under this amendment, we're asking for 10 million additional dollars taken from human resources that would be applied to crime victims organizations throughout the United States and money for crime victims. This money, as I stated, is necessary. Unfortunately, it is necessary to help victims.

As chairman of the Crime Victims Caucus, and my cochair Mr. COSTA, and other Members like Mr. MOORE from Kansas, we all support this additional funding for crime victims. Take it and place it where it is necessary.

It is a novel concept to allow people who violate the law to contribute to a constant fund, and we want that to continue, but this year there needs to be 10 million additional dollars contributed to that fund so that numerous organizations that provide specifically victims services that funding has been cut in the past will be allowed to continue those victims services in the United States.

LIST OF ORGANIZATIONS WHO SUPPORT THE POE-COSTA-MOORE AMENDMENT

American Probation and Parole Association; American Society of Victimology; Break the Cycle; Jewish Women International; Justice Solutions; Legal Momentum; Mothers Against Drunk Driving; National Alliance to End Sexual Violence; National Association of Crime Victim Compensation Boards; National Association of VOCA Assistance Administrators; National Center for Victims of Crime; National Children's Alliance; and National Coalition Against Domestic Violence.

National Congress of American Indians; National Criminal Justice Association; National Grange; National Judicial College; National Network to End Domestic Violence; National Organization for Victim Assistance; National Organization of Parents of Murdered Children, Inc.; Pennsylvania Coalition Against Rape; Rape Abuse & Incest National Network; Sacred Circle, National Resource Center to End Violence Against Native Women; Security On Campus, Inc.; Stop Family Violence; and YWCA USA.

Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I oppose the amendment, again, not because of the intended purpose of the gentleman trying to do good here and getting additional resources into the crime victims fund. That's worthy.

It's being authorized at $625 million, this amendment would raise it to $635 million. And you might ask, if there are additional resources, why don't we disperse all of them?

Well, that's because that fund has to be managed to ensure that there's a source of funds that will remain available for the program despite the inconsistent levels of the criminal fees that are deposited there annually. So part of that is trying to manage the account to assure stability year in and year out so that funds will be available for victims to be paid out according to the authority.

I would like to point out that the gentleman's offset draws from an account that has been drawn from in the past, and it is the offset is in Commerce. We started out at $58.6 million at the beginning of the day. We've had a $25 million cut, a $10 million cut. This cut would take us down to $23 million, if my math is right. But if my math is not precisely right, my point should be taken that we've gone from $58.6 million down to approximately $23 million in this S&E account. That's a 60 percent reduction. There is going to be nobody left to administer these programs. And that's why we have to think very carefully.

And actually, folks coming here and offering amendments go through the same difficult exercise that the subcommittee and the full committee have gone through. How do you apportion funds when I would argue, the allocation is not adequate to fund all the worthy projects and to fund all of the people who need to administer the worthy projects in this bill?

A 60 percent cut the gentleman's amendment would effect in this S&E account, it simply cannot stand. So for that reason, I must oppose the gentleman's amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because I believe we should respect state authority in regards to medical marijuana.

Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, AIDS, glaucoma, spastic disorders, and other devastating diseases.

The people that I represent from Marin and Sonoma counties have made it clear that they want doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases, and I believe that the Federal Government must not stand in the way.

I support this amendment because it would stop the Justice Department from punishing those who are abiding by their state's law. Please join me in supporting this important amendment so that those who suffer from debilitating diseases can continue to get relief without the fear of federal interference.

The Federal Government should get its priorities straight—and stop going after fully licensed physicians and their patients instead of the real criminals.

Mr. COSTA. Mr. Chairman, I rise in strong support of the Poe-Costa-Moore amendment to the CJS Appropriations Act. The Victims of Crime Act (VOCA) Fund was created by Congress in 1984 to provide Federal support to Federal, State, tribal and local programs that assist victims of crime. And this fund is derived entirely from fines and penalties paid by offenders at the Federal level, not taxpayer revenues.

VOCA funds several important national programs, such as the Children's Justice Act, Victim Notification System, and the U.S. Attorney's office. It also funds Victim Compensation Grants that provide funds to states to reimburse victims for out-of-pocket expenses, primarily medical costs and lost wages. Finally, Victim Assistance Grants to states are also funded through VOCA. These grants go to States which support direct victim assistance services. It is estimated that 4,400 agencies depend on continued VOCA Victim Assistance Grant funding to serve 3.8 million victims a year.

Congress began setting a cap in the appropriations process on the amount dispersed to States annually from the Fund in order to ensure stable funding for victim service providers in the field. Both the House and the Senate CJS subcommittees have included a $625 million cap for FY 2008. This would be the fifth year in a row without an increase in the total VOCA cap.

Due to increasing claims, VOCA Compensation Grants rose $22.3 million in FY07 and are expected to rise by at least $5.6 million in FY08. The Poe-Costa Amendment will increase the VOCA cap by $10 million in FY 2008 to help prevent cuts to VOCA Victim Assistance Grants.

Crime victims are our sons and daughters, sisters and brothers, parents and neighbors who are struggling to survive in the aftermath of crime. They deserve services, and our support to help them cope. I urge all of my colleagues to support this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 519. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 520. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to section 38(b)(1) of the Arms Control Export Act (22 U.S.C. 2778(b)(1)(B)) and qualified pursuant to 27 C.F.R. 478.112 or 478.113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 521. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 522. Section 313(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f(a)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; and the laws amended by these Acts.

SEC. 524. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

SEC. 525. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2007" and inserting "2009".

SEC. 526. Section 605 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended—

(1) in the matter preceding paragraph (1) by striking "$25,500,000 for fiscal year 2008" and inserting "$30,000,000 for each of fiscal years 2008 through 2010";

(2) in each of paragraphs (1), (2), (3), (4), and (6) by striking "2008" and inserting "2010"; and

(3) in paragraph (5) by striking "fiscal year 2008" and inserting "each of fiscal years 2008 through 2010".

SEC. 527. Effective January 13, 2007, section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) is amended—

(1) by striking "association" in subsection (c)(4)(A)(iii) and inserting "association, among willing parties";

(2) by striking paragraph (2) of subsection (i);

(3) by striking "(1) IN GENERAL.—" in subsection (i) and resetting paragraph (1) as a full measure paragraph following "(i) TRANSITION RULES.—"; and

(4) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(1) (before its amendment by paragraph (3)) as paragraphs (1), (2), and (3), respectively and resetting them as indented paragraphs 2 ems from the left margin.

SEC. 528. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REICHERT:

Page 83, after line 6, insert the following new section:

SEC. 529. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES", and by increasing the amount made available for "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" for the court training and improvements program authorized by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), by $5,000,000.

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Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. REICHERT. Mr. Chairman, as a former sheriff of King County in Seattle, Washington, and a member of the Congressional Victims' Rights Caucus, I am proud to offer this amendment along with my colleague from Connecticut, Congressman MURPHY, to provide $5 million to fully fund the Court Training and Improvements Program, offset from the Department of Commerce departmental management salaries and expenses account.

The Court Training and Improvements Program enhances our courts' ability to keep victims of domestic and sexual abuse safe and to hold offenders accountable. It was authorized early last year as a part of the Violence Against Women Act but has not yet been funded. Mr. Chairman, this program must be funded.

I spent 33 years of my life working in law enforcement, and during that time I walked into many unpredictable domestic violence situations. Responding to a domestic violence call is one of the most dangerous calls a police officer can go to. Domestic violence cases have their own unique challenges, and we in law enforcement have had to learn specific strategies for how to deal with those situations. People are physically and mentally harmed and homes are torn apart. I have seen how domestic and sexual abuse not only affects spouses but the children, the families, and the lives of the entire community. Safe homes and families are the root of a safe society.

Statistics show that every year almost 1 million incidents of violence occur against current and former spouses, boyfriends, girl friends, and each year nearly 10 million children are exposed to domestic violence. We need to implement and fund every tool at our disposal to combat this terrible problem.

One of the key ways to reduce the impact of domestic violence is to ensure that our justice system has the tools to deal with these cases. Too often lives hang in the balance as judges and court personnel make decisions without an understanding of the dynamics of abuse and violence in relationships. Judges themselves have repeatedly cited a need and a desire for specialized knowledge and judicial education regarding sex offenders and victims.

The desperate need for trained judges and court personnel was recently brought to light in the tragic case of Yvette Cade. On the morning of October 10, 2005, Yvette was doused with gasoline and set on fire by her estranged husband while at work here in the suburbs of Washington, D.C. At the time of the attack, she had a protection order out against him, but a judge had dismissed her protection order 3 weeks before, saying she didn't need it. This judge had likened victims of domestic violence to buses that come along all the time. Cade's husband was recently sent to prison for attempted murder.

Better-trained judges are essential if we are to keep victims and children alive and hold abusers and rapists accountable for their behavior. I urge my colleagues to support this amendment to improve our courts, protect the victims of domestic violence and sexual abuse, prevent future crimes, and ensure that perpetrators are appropriately punished.

Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, I rise in support of the amendment. First I would like to thank Chairman MOLLOHAN.

This bill is a vast improvement on previous efforts to fund domestic violence efforts. It goes a very long way. And we rise today with my colleague Mr. REICHERT to simply ask that we fund yet one more important program that has been authorized.

As a child, Mr. Chairman, I remember sitting at home with a baby-sitter while my mother went off to volunteer in a domestic violence shelter, and that memory still stays with me today. Victims of domestic violence require and are entitled to special assistance when dealing with their trauma. However, judges and court personnel need specialized training to deal with these victims in a way that both preserves justice and addresses the severe trauma associated with these crimes.

Some States have already put programs in place to deal with the special needs of these domestic violence victims. My home State of Connecticut is amongst those that has been pioneering these types of programs. In the biggest city in my district, Waterbury, we have a program through which law enforcement personnel, prosecutors, family services organizations, probation officers, and domestic violence advocates all review cases together in an effort to reveal more information about the perpetrator to ensure that victims are protected from further abuse. What makes the Waterbury operation so outstanding is the vertical case management model that should serve as an example to the rest of the country, a model that could be funded under the proposed appropriation in this amendment.

Congressman REICHERT and I are offering this amendment today so that States can have a partner in the Federal Government. Our amendment will fund the Court Improvements Program to train judges and court personnel to better identify and resolve the complex issues involved in domestic violence cases.

Congress has a responsibility to recognize the unique and horrific nature of domestic violence crimes, and we have done that in the underlying appropriation bill today with a new investment in domestic violence programs. Our amendment today simply seeks to fund yet one more innovative program to make sure that courts, prosecutors, domestic violence advocates, and the victims themselves all have the resources necessary to navigate what can be sometimes a very complex system.

I urge adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. MOLLOHAN. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order and is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

If I might, for the Department of Commerce here, the S&E account is now down to $18 million if the last two amendments are adopted and you add it to the offsets that were affected by the amendments that have already passed. The Department of Commerce S&E account, they are just going to have to shut down their office again. I would just encourage Members, when they offer these amendments, to get serious about the offsets. And, my goodness, I don't know what would have happened to President Bush's budget if we had not increased it, because his S&E account would have been really decimated in increasing the Violence Against Women account. We increased VAWA by $60 million over the President's request, $47 million over 2007.

I understand that our colleagues who are offering these amendments are absolutely in the forefront of protecting women. As we oppose these amendments, at the same time we embrace your cause and that that is why we have worked so hard in effecting these funding increases above the President's request. If we had a larger allocation, we would put more money on these accounts.

Having said all that, and because the offset is so draconian to the Department of Commerce, I will continue to oppose amendments with these negative offsets. If we aren't able to restore the salaries and administrative accounts to the extent these amendments are successful, the Department of Commerce would have to shut down. That is how, as I have used the word before, cavalier we are being about these offsets.

Mr. Chairman, while I certainly support the cause and the purposes of the programs these amendments are increasing funding for, I have to oppose them because of the offsets and because we don't have enough resources to go around, a point which is demonstrated by the offsets that these amendments are having to resort to.

I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VI—RESCISSIONS

DEPARTMENT OF COMMERCE

(RESCISSION)

Of the unobligated balances available to the Department of Commerce from prior year appropriations, $41,848,000 are rescinded: *Provided*, That within 30 days after the date of the enactment of this section the Secretary of Commerce shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

DEPARTMENT OF JUSTICE

(RESCISSION)

Of the unobligated balances available to the Department of Justice from prior year appropriations, $86,000,000 are rescinded: *Provided*, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available from prior year appropriations under this heading, $135,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated recoveries from prior year appropriations available under this heading, $87,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSIONS)

Of the unobligated recoveries from prior year appropriations available under this heading for purposes other than program management and administration, $87,500,000 are rescinded.

Of the unobligated funds previously appropriated from the Violent Crime Reduction Trust Fund under this heading, $10,278,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(RESCISSION)

Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations, $69,832,000 are rescinded: *Provided*, That within 30 days after the date of the enactment of this section the Administrator shall submit to the Committees on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

NATIONAL SCIENCE FOUNDATION

(RESCISSION)

Of the unobligated balances available to the National Science Foundation from prior year appropriations, $24,000,000 are rescinded: *Provided*, That within 30 days after the date of the enactment of this section the Director shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMPSON:

Page 85, after line 24, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for business-class or first-class airline travel by employees of the Department of Commerce in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

Mr. LAMPSON. Mr. Chairman, as we consider today's appropriations bill, we are all mindful of how harmful wasteful government spending is to hardworking American families. In fact, just this morning I was joined by the majority leader and some of my Blue Dog Coalition colleagues to highlight many of the smart, fiscally responsible initiatives our new majority is pursuing in Congress this year. American citizens expect the Congress to be good stewards of taxpayer dollars, and when we allow deceptive fiscal practices to continue in our government, we set a bad example for our Nation and create a reckless blueprint for future spending.

That is why I have introduced this amendment to today's bill, which will clarify guidelines for premium travel by Department of Commerce employees. The Department's Inspector General March 2007 report showed that these guidelines are not being followed or controlled properly. In fact, the report has a specific section entitled "The Department Needs to Tighten Controls, Update Guidance for Premium-Class Travel," and includes very glaring findings, notably numerous instances in which the Department failed to authorize or approve properly premium-class travel. The report concludes that the two primary reasons for these oversights are outdated policy and poorly implemented internal controls.

Thankfully, Mr. Chairman, there is a simple solution here that can save the taxpayers their hard-earned dollars and continue good government practices, and it is embodied in my amendment. This amendment offers a direct method of guidance by referencing the Code of Federal Regulations 301–10.122 to 10.124 to withhold funds for such premium travel for Department of Commerce employees. A similar amendment applying to Department of State employees was passed by voice vote last year when the House considered the Commerce-Justice-State appropriations bill.

As we continue to tackle large instances of taxpayer dollar waste and abuse, let's not overlook the small steps that we can take that will help lead the way for good government practices.

I thank my colleagues for their attention to this quick and simple way to practice better fiscal responsibility. I ask for support for my amendment.

Mr. Chairman, I yield back the balance of my time.

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Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment.

I yield to the ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, we have no objection to the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOSWELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the "DEPARTMENT OF JUSTICE—General Administration—salaries and expenses", by increasing the amount made available for "DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services", and by increasing the amount made available for paragraph (5) of the last proviso under the heading "DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services" by "$1,000,000", "$1,000,000", and "$1,000,000", respectively.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order.

Mr. BOSWELL. Mr. Chairman, I've just conferred with the Chair of the subcommittee, and he has asked me to offer it and withdraw it, and we will work on it before we go to conference. So out of my respect for him and the ranking member, of course I will do that.

I would just like to say this: In the last 2 years, we have done a little bit more than this for this good cause, and it's something that's helping law enforcement out across the country. And it's not big bucks, it's pretty small. But then again, you've got to work with where you're at. But it does increase law enforcement agencies' access to records on persons who pose a risk to local communities. I can assure you that the law enforcement agencies need this access, as we think about the things that happen to our children and older folks and so on, to be able to access that good information.

So with my appreciation, Mr. Chairman, I will ask unanimous consent to withdraw, with looking forward to working on this at a later point.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. BOSWELL. I will yield to the gentleman.

Mr. MOLLOHAN. The committee has heard the gentleman. In years past the gentleman has been very concerned. He has asked for increases to the Criminal Records Upgrade Program grants, and the committee has been very receptive to that. Indeed, the committee this year has increased funding for this program by $2.1 million over 2007, which in part was an effort to be responsive to the gentleman's consistently expressed concerns about this, and genuine concerns, about this account.

If the gentleman has looked at this carefully, we respect his expertise in this area, and we would be interested in visiting with him as we move this to conference and understanding more clearly the justification for an additional increase.

And because of who the gentleman is, I have no doubt that his reasons are valid. And so we look forward to working with him to find a better offset and to be responsive to his needs, if at all possible, as we move to and through conference.

Mr. BOSWELL. Well, I know your sincerity, and I know the ranking member's sincerity in this area. You have worked very hard on it. And I accept that, with appreciation.

Mr. MOLLOHAN. Well, I just want to emphasize that in response to your efforts, we've increased it this year above last year, so we've already been successful.

Mr. BOSWELL. We will have some interesting discussion, and I look forward to it. Thank you for letting me have this moment.

I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

Mr. GINGREY. Mr. Chairman, the Bureau of Alcohol, Tobacco, Firearms and Explosives, BATFE, has been in operation without substantial changes since the days of prohibition, bootlegging and gang violence in the 1920s and 1930s.

Last year the House Judiciary Committee considered legislation that would have introduced real reform to BATFE, updating the agency for the 21st century, although time ran out before Congress could get anything accomplished.

One issue of reform I remain particularly concerned about is how BATFE actually tests firearms submitted by law-abiding firearm designers and manufacturers seeking approval to put their product on the market.

Mr. Chairman, without written and uniform standards, gun manufacturers are left guessing about which agent will inspect the firearm this week, whether or not they will be able to ship a product out to potential customers, and whether or not BATFE agents might even prosecute someone because of a shipping mistake or a firearm malfunction. So I have introduced legislation called the Fairness in Firearms Testing Act to address this problem, and it requires BATFE, the Bureau of Alcohol, Tobacco, Firearms and Explosives, to actually videotape firearms tests for the purpose of general oversight, and encourage the agency to adopt these testing standards. However, the amendment I'm offering today would cut right to the point by withholding funds to BATFE if they do not write and publish these testing standards.

More specifically, this amendment creates a level playing field for all United States firearm manufacturers who depend on getting a firearm patented and on the market as soon as possible.

Mr. Chairman, without written procedures, BATFE has literally a free rein to mistreat manufacturers, change their mind after the fact, and leave both manufacturers and customers at a legal and financial disadvantage. In fact, BATFE regulations are so inconsistent that some manufacturers have been threatened with prosecution after receiving written approval for their products from other BATFE personnel.

Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. Let me repeat that, Mr. Chairman. Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. There are only 373 licensed firearm inventors and manufacturers left in America. Moreover, with the increase in number of imported firearms purchased by civilians and law enforcement alike, our Nation is at a strategic defensive disadvantage.

Mr. Chairman, I realize that the chairman has reserved a point of order, and he will explain that, I'm sure, momentarily, but it's my understanding that if I do agree to withdraw this amendment, that the chairman and the committee will work with me to help bring reforms to the BATFE, including these written standards, to help United States firearm manufacturers. I would be happy to yield to the chairman and to engage in a colloquy with him regarding that. Otherwise, in the absence of an agreement, then certainly I want to go forward with my amendment.

Mr. Chairman, I yield to the chairman.

Mr. MOLLOHAN. We would, at that point, talk about the point of order a little more.

We want to be responsive to the gentleman. I have not gotten deeply into his concerns, so I'm not sure exactly where he's coming from on this. But I can commit to him that we're willing to talk about it, we're willing to understand more clearly what his concerns are and in good faith work with him. And if there is an accommodation, we certainly want to make it in good faith. But I certainly cannot telegraph or represent to the gentleman an outcome; I can only promise him the process to work with him in good faith on this issue.

Mr. GINGREY. Reclaiming my time, Mr. Chairman, I understand exactly what the chairman is saying. I'm not necessarily expecting any hard and fast promises on his behalf.

And I didn't mean, Mr. Chairman, for the amendment to catch the distinguished chairman of the Appropriations Committee by surprise in any way, not to be blind-sided or coming up at the last minute. We've had the amendment, we filed the amendment. In fact, I had, Mr. Chairman, introduced legislation pertaining specifically to this effect last year in the 109th Congress, so this amendment basically is a follow-up to that legislation.

I want to thank the gentleman from West Virginia, the distinguished chairman. I appreciate your spirit of cooperation. And I know there are some concerns about the amendment, I appreciate that. But I welcome your support on this matter, and I look forward to working with you. Let's discuss it and make sure you understand exactly where I'm coming from in regard to the amendment. I think it makes a lot of sense, and I hope I can convince you of the same.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SALI

Mr. SALI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SALI:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", $2,000,000 shall be available to provide grants to develop, expand, and strengthen victim service programs for victims of trafficking, as authorized by section 107(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)).

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mr. SALI. Mr. Chairman, our great country was founded on the recognition of the most basic rights of mankind, that all persons are created equal and endowed by their Creator, with the rights of life, liberty and the pursuit of happiness. Yet for decades this conviction wasn't perfectly realized because of the blight of slavery, which we fought a civil war to end.

Tragically, this is not just a long-past episode in human history. Human trafficking, frequently referred to as modern-day slavery, is an ugly reality not only in the developing world, but also in the United States. Our country is the destination of thousands of people trafficked for purposes of sexual and labor exploitation.

Between October 2000 and March 2007, the U.S. Department of Health and Human Services had certified nearly 1,200 victims of human trafficking. As Americans, we must defend the dignity of human life.

With my amendment, I propose to designate $2 million of the monies appropriated in this bill for the formation of a task force to combat this barbaric trade coming across our borders in the States of Washington, Idaho and Montana. This task force would join 42 other such task forces nationwide in serving as a cooperative effort between State and local governments, NGOs and compassionate citizens all working together.

The northern border of our country is a point of entry for this horrific practice. In 2004, it was estimated there were between 1,500 and 22,000 people trafficked through Canada to the United States, numbers that some observers believe significantly understate the problem.

Currently, however, there are no human trafficking task forces along most of the northern borders of Washington, Idaho and Montana, yet these same States cover more than half of the northern land border of the United States, hundreds of miles of which are extremely rural and rugged, being patrolled only by officers on horseback or even on foot, if patrolled at all. Given the rural nature of these northern borders, opportunities for human trafficking continue, with few resources available to the many rural communities along the same border.

By my amendment, I seek to make $2 million in the DOJ budget available in grant funds to establish the Tristate Task force to provide training and resources to rural communities in Washington, Idaho and Montana to combat human trafficking. This important task force will work to coordinate local efforts to combat modern-day slavery.

This measure goes to the heart of equality, dignity and worth of every person. I ask my colleagues to join me today in the defense of these essential American values and support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I continue to reserve my point of order.

The gentleman raises an interesting concern. We have just been handed this amendment. We would be pleased to work with the gentleman as we move forward.

☐ 2030

In response to his withdrawing the amendment, we are going to have to insist on our point of order if we don't proceed in that fashion. I hope the gentleman will allow us to work with him.

Mr. SALI. Mr. Chairman, if the gentleman will yield, I would agree to work with the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Mr. HINCHEY. Mr. Chairman, I am introducing an amendment that is designed to protect States' rights and to provide people across our country in these 12 States that have passed laws authorizing the use of marijuana for medicinal purposes to have access to that medical use.

It is a very simple, very serious proposal. The Constitution of the United States is very clear. It authorizes States' rights in every other area that is not specifically designated to the Federal Government. One of those main areas is health care. The States have the authority to take care of their own people and to make sure that they have access to the best possible health care.

The amendment is supported by a number of other important organizations across the country, in addition to organizations in those 12 States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington that have passed laws authorizing the medicinal use of this product. Two of those States have passed it through their legislatures. The other 10 have passed it by means of referendum. In other words, the people themselves have passed this in referendum.

This is an amendment that really should be adopted. It doesn't do anything to stimulate any violations of the law. It just says those States ought to be able to determine how to take care of their own people. There are a variety of ways in which that can be done to make sure that they get proper attention.

I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me thank the gentleman from New York for yielding and also for his leadership and for continuing to beat the drum on this very, very important issue.

Mr. Chairman, this amendment is about allowing State governments to provide relief for a small, very important group of people who are suffering from chronic pain or terminal illness. This amendment does not encourage or make legal the recreational use of marijuana. Eleven States, including my home State of California, have legalized medical marijuana, with clear guidelines for doctors' approval before usage.

For example, a constituent from Oakland, Angel Raich, has been diagnosed with more than 10 serious medical conditions, including an inoperable brain tumor. Ms. Raich and others who use medical marijuana are simply trying to relieve their crushing pain while following the guidelines and laws that their doctors and the States have already established. Taxpayer dollars shouldn't be spent on sending seriously or terminally ill patients to jail. Their doctors, not Congress, should decide which drugs will work best.

Mr. Chairman, I urge my colleagues to vote "yes" on this amendment and ensure that patients' rights are upheld. This is the right thing to do. This is the compassionate thing to do. This is about health care.

Mr. Chairman, I want to thank the gentleman from New York again for once again offering this amendment.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I want to make it clear that there are many dozens of organizations that are focused on health care and constitutional rights across the country; not just in those 12 States, but in a lot of other places, as well, who have endorsed this idea and support this amendment.

They include the American Nurses Association, the American Public Health Association, and the Leukemia and Lymphoma Society. Medical societies all across this country have endorsed this amendment because they know it is in the best interests of people suffering from diseases such as AIDS, cancer, glaucoma and others that can be relieved of pain and suffering and be of assistance in recovering from the debilitating aspects of these diseases.

It simply makes good common sense for us to authorize this amendment. I hope that the majority of the Members in this House of Representatives will now take this opportunity to support good health care for Americans and also support this basic provision of the Constitution.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, not only does this amendment hurt law enforcement's efforts to combat drug trafficking, but it sends the wrong message. Marijuana is the most widely abused drug in the United States. According to the Drug Enforcement Agency, which is under the jurisdiction of our committee, more young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs combined.

This amendment does not address the problem of marijuana abuse and possibly makes it worse by sending the message to young people that there can be health benefits from smoking marijuana.

Our committee received a letter last week from John Walters, director of the Office of National Drug Control Policy opposing the gentleman's amendment. He warns of the potential public health impacts of encouraging the unfounded belief that smoking marijuana is a safe and effective medicine, contrary to prevailing expert opinion.

Last year, our own FDA stated: "Smoked cannabis has no acceptable medical use in treatment in the United States," and that no animal or human data supported the safety or efficacy of marijuana for general medical use. Furthermore, the FDA has not approved smoked marijuana for any condition or disease indication.

Mr. Chairman, I urge rejection of the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York have 3 additional minutes.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 3 additional minutes.

There was no objection.

Mr. HINCHEY. Mr. Chairman, I just want to point out that the people who are opposed to this amendment, including the gentleman who just spoke, apparently do not understand what we are doing here.

This amendment does not affect States, other than those that have passed laws with respect to medical marijuana, only those 12 States. This amendment would not require or encourage other States to adopt medical marijuana laws. This amendment would not stop law enforcement officials from prosecuting the illegal use of marijuana. This amendment does not encourage drug use in children. Teen use of marijuana has declined in States that have passed medical marijuana laws, and in some of those States it has declined dramatically.

The purpose of this amendment is to allow these States to give relief to people suffering from horrific diseases without fearing Federal intervention or prosecution. At stake in this debate is who should be deciding what is best for patients: Should it be the patients themselves, the doctors, or should it be arbitrarily somebody in the Federal Government?

Support this amendment and support States' rights and compassion. Doctors in these 12 States know what is best for their patients. The Federal Government should not stand in their way.

I yield the remainder of my time to the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I had a dear friend named Oral James Mitchell, Jr. Oral James Mitchell, Jr., was a Navy SEAL. He fought in Vietnam. Oral James Mitchell, Jr., got pancreatic cancer. He lived in Bethesda, Maryland, a 210-pound strapping man that you would want on your side in a fight, and I have had on my side in a fight, and this country had on its side in a fight in the Vietnam War.

When he had pancreatic cancer, he smoked marijuana. And his 88-year-old Irish Catholic mother said to me, "Thank God for the marijuana. It is the only thing that makes Oral smile or eat."

I watched that man go down to 115 pounds and die. And Mrs. Mitchell was correct. As he was dying of pancreatic cancer, if he was in a State that made it legal, States' rights say they should have some authority, and Brandeis said States are the laboratories of democracy. And as laboratories of democracy, we ought to experiment and find out if it works and if it is good for people who are dying, if it gives them some relief. If it is glaucoma, if it is cancer, whatever the illness, they should have that relief.

I would ask that we not have the Federal Government and DEA infringe on the laws of the States that have had changes in their laws, oftentimes through referenda of their people, and we allow those States to be the laboratories of democracy and not interfere with people who are dying, people who might have given their lives for this country, but who are dying and get some respite and some relief.

So I ask you to pass this and allow States to have rights and people to have some relief in their dying days.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to this amendment.

I just want to say a few words about marijuana. First of all, it does cause cancer. I have seen it. I have seen people with lung cancer, no risk other than they were chronic marijuana smokers.

Additionally, the last time we were debating this bill, I called one of my former colleagues in my medical practice who is an oncologist, I had three oncologists, and I asked him for the latest information on cannabis, or THC. He again informed me this is available in pill form. You can actually get it in pill form. Additionally, it is not a very good antiemetic and not a good appetite stimulator. There are about 18 different products legally available that doctors can prescribe.

By and large, most of the people who want to use this want to get high and there are consequences to letting this move forward.

Saying that this State and this State allows this, we need to remember something: States govern where you practice medicine. If I want to practice medicine here, I have got to get a license in the District of Columbia. If I want to open a satellite office, I have got to get a license in Maryland or Virginia. But the Federal Government regulates prescribing, for obvious reasons. If the patient comes in to see me here and lives in Virginia, they are going to go over to a pharmacy there. So the Federal Government has always regulated this.

There are significant consequences to making this product widely available, and that is what this amendment will do. This is a very, very bad amendment. Marijuana has been implicated in railroad accidents. It has been implicated in car accidents. It is documented to have an adverse effect on memory.

Jeepers, we have people dying in this country from the effects of cigarettes. We have people dying in this country from the effects of alcohol. We have people in this body wanting to ban cigarettes and ban smoking. And now we are going to take action to allow another dangerous substance on the market? And there is an agenda of the people who are behind these kinds of amendments.

□ 2045

They want to legalize marijuana, and they want to make another dangerous product available to our society. I think that this is a bad direction for us to go in. This a bad amendment and a dangerous amendment. I would encourage all of my colleagues to vote "no" on the amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Hinchey-Rohrabacher amendment, which would prohibit any funds made available in this act to be used to prevent implementation of legally passed State laws in those 12 States that have authorized the use of marijuana for medical purposes.

The Founding Fathers wanted criminal law to be the domain of local and State governments. Sick and infirm people who live in the 12 States that have been granted by the voters in these States the legal right to use marijuana to alleviate their suffering if a doctor agrees, we should not make them targets of prosecution. If the voters in a State have so voted, and a doctor agrees, it is a travesty for the Federal Government to waste scarce Federal resources to harass sick people, elderly cancer patients and frail, multiple sclerosis sufferers and prevent them from getting the relief their personal doctors have recommended.

We have heard here hysterical talk about how voting for this amendment will somehow prevent the Federal Government from being able to go after narcotics traffickers. That is nonsense. The DEA would still have the power to arrest anyone selling marijuana for recreational use, as well as anyone selling cocaine or any other drugs. After all, although related to opium, yes, and even heroin, morphine is already used legally in hospitals throughout the United States. That does not mean that we are going to open up the whole country to heroin because we allow hospitals to use morphine.

Whether morphine or marijuana, the fact is that Federal resources could be better used and shouldn't be wasted on arresting sick people or their doctors. Those Federal resources, if this amendment passes, can be redirected away from these people, but to major drug traffickers or crime syndicates. That makes a lot more sense than trying to stop somebody or arrest somebody who has a doctor's prescription because they are suffering from cancer treatment. It makes more sense to focus on the drug dealers, for Pete's sake.

Here in the House there is a wide coalition of Republicans and Democrats, conservatives and liberals, and this number has grown year by year, who want to promote State autonomy on this issue. This is what the Founding Fathers wanted. Criminal matters should be left up to the States.

A vote "yes" on Hinchey-Rohrabacher is a vote to respect the intent of our Founding Fathers and respect the rights of our people at the State level to make the criminal law under which they and their families will live. It reinforces rules surrounding the patient-doctor relationship, and it is in contrast to emotional posturing and Federal power grabs and bureaucratic arrogance, which is really at the heart of the opposition.

This is a vote for good government. This is a good vote for honest compassion. The legal, humanitarian and practical thing to do is to vote "yes" on this amendment.

Let me just note this. I have had personal experiences on this, and I certainly respect Dr. WELDON and his opinion. And I have asked him for his opinion many times for problems of my own. But I lost my mother, and I recently lost my brother, to cancer. I will tell you in both cases there was a loss of appetite and just a pessimism that came over my mother and my brother both. If marijuana would have helped them, and if a doctor would have prescribed it for them, it would have been a horrible thing to think that Federal agents would come in and try to interfere with that so they would not be able to get marijuana, if that is what their doctor felt would have helped them.

That is what we are deciding today: Is that a right use of resources, number one, to go in and interfere with this doctor-patient relationship? They already use morphine in hospitals. That doesn't interfere with people trying to get control of the sale of heroin on our streets. No, this will not interfere with that. But what this will do is prevent a terrible waste of Federal resources.

And let us note again, if people are sick, and a doctor says yes, this would be a good treatment, I don't think our Founding Fathers, who wanted the State governments to make these criminal laws, but I don't even think that they would have wanted the State governments to interfere in such a relationship.

Our Founding Fathers believed in individual freedom, and they believed in limited government. Where else but in the doctor-patient relationship should we have a limit on the government coming in and making things criminal matters? I urge my colleagues to vote "yes" on the Hinchey-Rohrabacher amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05-CR-856-KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05-CR-856-KC) on October 19, 2006.

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my previous life before coming to Congress, I was a prosecutor in Texas for a long time. Then I was a criminal court judge. Justice is one thing that we should always find in our country, but we don't always find it in our courts, unfortunately.

This case that has now become very famous throughout the United States happens to deal with two border agents doing their job. They come in contact with a drug dealer on the violent Texas-Mexico border. The drug dealer bring in a million dollars' worth of drugs in a van. He abandons the drugs and the van, takes off, tries to run back to Mexico, gets in a confrontation with our border agents. Shots are fired. He is shot in the buttocks and disappears into Mexico.

Our Federal Government brings the drug dealer back to the United States and grants him immunity from prosecution of a million dollars' worth of drugs in order to prosecute the border agents who were doing their job. He was given that immunity and testified against the two border agents. They were convicted and sent to a Federal penitentiary for 11 and 12 years. And for the most part of their sentence, which started in January, they have been in solitary confinement, what we reserve normally for the hardest and meanest and most violent criminals in our society.

It turns out that this drug dealer was not just a mule bringing in drugs to get a little money for his sick mother back in Mexico, but while he was waiting to testify, given immunity, he goes back to Mexico and brings in another load of drugs worth about $800,000.

Our Federal prosecutors knew about that second load of drugs, but they insisted that the jury not know about that second load of drugs, and the jury never heard about that second load of drugs.

It is relentless prosecution in this case that is chilling the effect of our border agents on the border to do their job, which is to enforce the rule of law, to arrest drug dealers. Our Federal Government had the choice to prosecute two border agents that violated policy, or a drug dealer bringing in a million dollars' worth of drugs.

Now, you would think that public policy would say we would go after drug dealers. But no, our Federal prosecutors went after the border agents. We still don't know why they were so relentless in that prosecution, but they were. So tonight, while we are here, we have two border agents serving time in the penitentiary.

This amendment simply tries to right a wrong. It requires that no funds be used to incarcerate either one of these two border agents, Ramos and Compean, any further, and that they can be released from custody.

Almost everyone agrees that the punishment is way out of line. Even the prosecutor said that once. Last week the Senate held hearings on the prosecution of this case in a bipartisan manner and said that these sentences were way out of line. And so this amendment will simply allow no Federal funds to be used to incarcerate these two border agents.

Hopefully the House will continue to have hearings on why these two agents and other border agents have been prosecuted by the Western District of Texas while ignoring other violations of the law by drug dealers.

I hope that my fellow colleagues on both sides of the aisle would agree to support this amendment and to allow the release of these two individuals, and not allow any Federal funds to be used to incarcerate two men who were simply doing their job for the rest of us on the violent Texas border.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, every American is born with an innate sense of fairness and what is right and wrong. This case, more than any other, has struck a chord among Americans as being fundamentally unjust and flat wrong; that two law enforcement officers who swore an oath to protect this Nation, who were out on that violent Texas-Mexico border to protect this Nation against criminals and terrorists, every American understands the case where the two Border Patrol agents doing their job are thrown in prison for 11 and 12 years, and the drug smuggler goes free with a visa to pass back and forth as often as he wants. And the drug smuggler sues us, the taxpayers, for millions of dollars. Every American gets that.

I have never seen a level of outrage among my constituents and really across the country on any issue as there has been on this issue of freeing Border Patrol Agents Ramos and Compean.

It is patently unfair these two men, whatever you may say about the circumstances of the case, if they improperly picked up shell casings, they did not report the shooting, it is an administrative violation. At most you fire them from their job. But to be sentenced to 10 to 12 years in prison, these two law enforcement officers, to be sentenced to prison for 10 to 12 years is an outrage. It is just, it is unfair. The drug smuggler to this day is free.

As Judge POE said, the drug smuggler ran another load of dope into the United States, and the DEA knew about it during the trial of this case. This guy ran more drugs into the United States, and the prosecutor ordered the DEA not to arrest him and let him go free.

Every American understands this case. People may not have understood the Nigerian oil barge transfer and the Enron case; everybody gets this one. And the Congress, I am very proud to stand here tonight with many, many other Members of Congress who have asked the President first to pardon these two officers. And now that they are in prison and have suffered so much and have lost everything, many of my colleagues, who you will hear speak, have joined together in writing a letter and asking the President, and we reiterate that call tonight, Mr. Chairman, asking the President to commute the sentences of two Border Patrol agents, Ramos and Compean, for the same reason that he commuted the case of Scooter Libby.

In the case of Scooter Libby, the President said the sentence did not fit the crime. Certainly that is true here. If they picked up shell casings and didn't report the shooting, you don't go to prison for 10 and 11 years. In the case of Scooter Libby, the President said Scooter Libby had already suffered enough. Clearly these two Border Patrol agents have already suffered enough. They have lost everything. Their lives have been destroyed. They have been thrown in prison. It is just simply wrong for their incarceration to continue another day.

For whatever reason, the White House is turning a deaf ear on the call of the American people, the overwhelming outrage of the American people to have these two men released from prison. So what other choice do we have, Mr. Chairman, as Members of Congress, but to cut off the funding to the Bureau of Prisons to incarcerate them? We cannot as Members of Congress send a stronger signal to the White House and to the American people how committed we are to protecting this border and standing behind our law enforcement agents, and letting the Border Patrol agents know that we are proud of them and support the work that they are doing for the sake of our children and for the sake of our constituents. We understand clearly that we will never win the war on terror until we have truly protected our borders.

□ 2100

The border today is unprotected and wide open. If you cross in Arizona, you won't even be arrested the first 15 times you cross over. You're going to be put right back across the border.

If you cross in Brownsville, an agent told us on a trip just a couple of weeks ago, Brownsville will only arrest an illegal alien if they come up and knock on the window of the vehicle.

But yet, right next door in Del Rio, thank God Del Rio is arresting everybody. In Del Rio, using existing law and existing resources, Federal Judge Alia Ludlum, Border Patrol Sector Chief Randy Hill are arresting every single illegal alien crossing the border in Del Rio. They have zero tolerance for illegal aliens crossing in Del Rio. The local community loves it because it keeps the streets safe, the schools safe, the business community thriving. The illegal crossings have plummeted, burglaries have plummeted, and the result in Del Rio is peace and quiet. Yet, right next door in Brownsville there's chaos.

So, we all of us have a stake as Americans. In winning the war on terror, you've got to secure the border. No better way to secure the border than enforce existing law, and the best way to make sure that our agents out there in the field know that they're going to have the support of the American people is for the President to step up and commute the sentences of these two border patrol agents.

Until that happens, it is up to us here in Congress to do all that we can to send a message to every border patrol agent that we're doing everything within our power, officers of the law, to support you, to tell you we're proud of you. You are in front lines of the war on terror on the border, just as our soldiers are in Iraq.

I urge the Members of the House to support Mr. POE's amendment so we can stop the funding of the incarceration of these two agents and send as strong as possible a message to the White House and, frankly, also to every law enforcement agent in the field that we're proud of you and that we want you to protect our border.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Well, with Mr. CULBERSON speaking on this issue with such knowledge, he's a member of our subcommittee and I respect his knowledge of border issues so much that I approach this debate with fear and trembling. I know that he is passionate about this issue as he has talked with me about it before, in addition with the other border issues that I'm totally serious he is nigh an expert on.

Nevertheless, Mr. Chairman, I have to rise in opposition to this amendment for a number of reasons, but principally, let's get our jobs straight here. We're article I. We're the legislature. We pass the laws. We appropriate the dollars, and then the executive branch, of course they administer, and it goes on and on.

But the executive branch is article III, and the executive branch takes these criminal cases and they process them. I heard some really excellent defense summary arguments here before juries in support of this amendment. I cannot imagine a body less capable, less appropriate to adjudicate the issues surrounding the incarceration, conviction, prosecuting of the cases against these two gentlemen than the United States House of Representatives.

First of all, it is a very serious issue, and if we were to act as a jury, we ought to be sitting here. And look around and we're not, not very many of us.

But secondly, it's not at all the appropriate forum. So we really shouldn't even be taking this up. This is a limitation amendment on an expenditure of funds to incarcerate two individuals who have been processed, due process arguably, and have had a very unfavorable result so far as they are concerned. This issue ought to be resolved in the courts surely, or if the President of the United States wanted to take it up, he has the power that we don't have, to my knowledge. He has a pardoning power. We don't have that here, but in effect, we are attempting to act as if we did here with these two amendments.

So I don't even begin to speak to the merits of the cases, and some folks have spoken to the merits of the cases here. I don't have the facts to argue the case, but I do know this is a particularly inappropriate forum and a particularly inappropriate and imperfect process by which to address these gentlemen's grievances.

So I rise in opposition to the amendment. I trust the body will recognize the merit of the arguments that I'm making, because I think they're sound, and will likewise oppose these amendments.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. TANCREDO. Mr. Chairman, in fact, this is not a unique situation, unique to the extent that the House has not acted before in a criminal case of this nature, but in fact, the House has acted in the past to intervene in cases where we have determined that the outcome was something we did not agree with. We've done it. We've stripped courts of certain abilities to actually hear cases.

In the past, we've actually passed legislation to change or overturn cases. One was, of course, the case of the Ten Commandments. Another one was, I believe, Congressman BERNIE SANDERS at the time passed a bill to overturn a case with regard to pension funds. So it is not unique that we would be doing this.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, my only point is that we have the power to define jurisdictions for the courts. It's in the Constitution. We don't have power to adjudicate the guilt or innocence of two individuals.

Mr. TANCREDO. Reclaiming my time, it is again not the position that we are taking here that we are, in fact, changing the decision of the court in regard to their guilt or innocence. We are saying that the punishment handed down is far in excess of what it is they may have done wrong, and that is something I think that we have the absolute ability and right to do here.

These two gentlemen have served now 190 days, 180 days, something, already in prison, and for what? I mean, the most significant thing that we can actually determine, even according to some of the discussions that have been held and some of the statements that have been made by the prosecuting attorney, they're sorry. They made mistakes in terms of maybe using the type of prosecution that would require this kind of penalty. They have even said this may have been the wrong thing to do. Members of the jury have indicated that if they had seen all of the information now provided to them they would not have voted this way.

So it isn't an issue of the facts of the case so much as it is whether or not we believe these people have actually spent enough time in jail, have they been punished according to the crime. And I would suggest to the gentleman that if you look at this case carefully, certainly that is the case.

The person that brought this stuff through, the individual that actually was the drug dealer, he is walking free. I have visited Mr. Ramos in prison after he was severely beaten in his cell. They attacked him in his cell, of course, because they found out he was a Federal agent, and I went down there and visited him. You cannot imagine how, in a way, heartbreaking it is to see this guy in the orange jumpsuit, in shackles, and knowing that he is being deprived of the comfort of his own family, as is Mr. Compean, and here's a drug dealer that's going free in the meantime. It is absolutely incredible. This is a travesty.

We have begged the President to please become involved with this, please pardon, please commute. He has chosen not to. This is the only option we have open to us, and that is why we are doing what we're doing tonight.

And yes, to some extent, I understand that it is not a common practice here, but I think the situation is not an ordinary situation where we have two people who have sworn to defend and protect this country. They are in jail. They have served enough time; that's what we are saying. They have served enough time.

Please adopt the Poe-Tancredo-Hunter amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the sentiments of the gentleman who's bringing forth this amendment. I don't for a second do anything but think that that's laudable, and I make no judgment about the merits of this case. As the gentleman describes the merits in the favor of these gentlemen, they're powerful. I mean, it sounds like the equities are running all in their favor. I make no comment on that at all because I don't know the facts. And I have read about it, and it does make one sympathetic based upon the facts as you cited.

But I don't make any judgments about that. I just oppose it because I don't think this is the right forum. The President, of course, would be an appropriate forum, but that's the only basis of my concern about the amendment. So I commend the gentleman for bringing the issue to the House.

Mr. TANCREDO. I thank the gentleman. If there were another way to do this, I assure you we would look at it. We have tried everything imaginable to get these two people to actually get justice, and the justice would be to set them free. And that is what I suggest we do with this amendment, and I certainly would urge this body to adopt the Poe-Hunter-Tancredo amendment.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I didn't come here to speak on this issue. I've certainly, I think like most Members of Congress, been following the sensation that television and others have made of this issue. But in the debate, I just wanted to share a couple of things that I've observed as a member of the Appropriations Subcommittee on Homeland Security and as Member of Congress who spent several days traveling all along the border with the Border Patrol.

It was very interesting because I ran into a lot of people that had been detained. I speak Spanish and was able to interview many of the people that were detained, and we don't really get into the day-to-day administration of the detention, release and so on. What was very interesting and kind of surprising to me, because this case has been argued in the media and certainly here on the floor, I was a little bit shocked by the last speaker who indicated that this is not a matter of facts. It is a matter of facts, and I think that we don't always deal with the facts.

I would point out that the drug dealer, the person that was shot in this case, was released. Did you know that the U.S. Attorney's office does not prosecute anybody who brings less than $5,000 worth of drugs across the border, less than $5,000? A lot of those marijuana packs that the smugglers carry are determined to be less than $5,000, and so nobody who is essentially a mule is arrested, arrested but not detained.

We also, when we detain people, we give them the option, Do you understand you're now arrested? You have the right to a trial by jury as anybody in this country would have a right to unless you waive it. And 99.9 percent of everybody waives that and, therefore, gets released to their country of origin.

So this catch-and-release is not unusual. In fact, it's the norm, and the fact that this gentleman wasn't prosecuted for his drug record is of other facts.

What really struck me, and I'm just sharing, this is anecdotal information, but I think this amendment and the Congress bringing this up, in my opinion, is an abuse of power. Why? Because if, indeed, and I don't know the sentencing of these border patrolmen, but I know that there is a process if these sentences are extreme, you can appeal those. We have a sentencing commission, and the courts certainly review that. And so I think there is a remedy within our justice system to appeal where the sentences are too harsh.

But here's the thing that's most interesting to me. I didn't find one single member of the Border Patrol that supported these two people that had been arrested, who had been convicted by trial of law. So, on this floor, you're making them out as national heroes. They were convicted in a court of law in the United States for wrongdoing, and I think that, as the chairman has indicated, that it is not wise for the Congress to second-guess and make this a sensational case.

I've visited high school friends who were convicted of drug issues in prison, and I sympathize with everything that people say about these gentlemen, about their families and about the situation of being incarcerated. But I'm also concerned as a Member of Congress that we ought not to override the jurisprudence system that we've established in this country, and that I do think that the remedies in law lie in a court of law, and therefore, this amendment is not appropriate.

Mr. Chairman, I yield back.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, let me explain why this case is different from all the rest. This is an extraordinary case. It's a case which, even if you accept the drug dealer's word and all of his testimony as fact, finds results in not only the Members who have sponsored this amendment, Mr. POE, Mr. TANCREDO, myself, Mr. ROHRABACHER, Mr. CULBERSON and many others, that list should be extended to about 1 million ordinary Americans who now know the basic facts of this case, having been laid out in hearings in the other body and soon to be laid out in hearings here, because these gentlemen have been given murder verdicts. They have been given time in excess of the average convicted murderer in the United States.

☐ 2115

That's what makes this case so extraordinary, along with the facts that attend the way evidence was kept from the jury.

Let me just explain this extraordinary case, this case in which the so-called victim was moving close to $1 million of drugs across the border, was shot, was wounded, was brought back into the United States, given immunity to testify against these two Border Patrol agents.

Yet after he had been given immunity, and presumably had told the U.S. attorney that in exchange for that immunity he would not continue to move narcotics, he was connected with another massive case of moving almost another $1 million of drugs across the border. That information was never communicated to the court, even though the testimony of that drug dealer is the testimony that sent both these agents to the penitentiary for, essentially, murder sentences; that is, 11 and 12 years respectively.

Certainly the U.S. Government at that point had an obligation to go to the court and tell the court that, indeed, the credibility of their key witness had been doubly compromised by this second movement of narcotics.

Lastly, let me just say this: Pardons are given, commutations are given. This is, I think you could look at this as maybe another species of commutation. That is, if the Congress speaks loud and clear, and the President signs this bill, then that will be a commutation of the sentence of Agents Compean and Ramos.

In light of the commutations that have been given recently by the executive branch, I think we need to remember that people that live in small houses sometimes have a right to commutations of sentences, just like people who live in big houses.

In this case, these two Border Patrol men are now in isolation, having spent a long time in jail, Mr. Ramos having been beaten up. Their families, most of us have met their families. This is a matter of little children wanting to see their daddies come home who, in my estimation, have not broken any law anywhere as significant as that which would justify these massive sentences that they have been given, this 11 and 12 years in Federal penitentiary, respectively.

Let me add my voice to support of this amendment, which I, along with a number of other colleagues have cosponsored with our great friend from Texas (Mr. POE).

Mr. Speaker, I yield to Mr. POE the balance of my time.

Mr. POE. Mr. Chairman, how much time do I have?

The CHAIRMAN. There is 1 minute remaining.

Mr. POE. I appreciate the support. I would like to comment on the comments earlier by the gentleman from California.

It is true. I don't know if the American public knows this, but if drug dealers bring in $5,000 of drugs or less, they are not prosecuted. But this wasn't a $5,000 case. The drug dealer first brought in $1 million worth of drugs, and in the second case he snuck in $800,000 worth of drugs. The jury was never told about that.

The other thing I would like to point out is that Members of Congress met with the Homeland Security inspector general about this case. They gave us information that turned out not to be true. Mr. Skinner finally testified under oath before Congress that the information they gave us about this case was false. That is disconcerting in this type of matter when we have Homeland Security telling Members of Congress things that are not true about this particular matter.

I don't have time to go on that, but I would ask for support of this case. This is the only remedy available. In my judicial experience, I do believe in our court system, and our courts eventually will work this case out. It will be reversed, but meanwhile they are in jail. The only way they can get out of jail is if we pass this amendment. I appreciate it.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODE. Mr. Chairman, I was over in my office signing letters, and I heard the discussion on the floor about Ramos and Compean, and I heard what the great gentleman from West Virginia had to say. He talked about procedures and how, really, this would be better off left to the courts in some other avenue.

But this is not about procedure. It's not about some rules and regulations that we must adhere to over what is just. What is just in this case is to set Ramos and Compean free.

This is an issue of what's right for the United States of America. The morale of our Border Patrol has had a truck driven through it by those who have prosecuted and persecuted Ramos and Compean. They deserve no more prosecution. They deserve no more persecution. They need to be set free and enhance the morale of our Border Patrol and enhance the security and integrity of the United States of America.

This is an issue about our borders. If you believe that our borders should be secure, and if you believe that those who enforce our borders should be stood up for, you need to vote "yes" for this amendment.

I ask you to vote for our country. Vote for our sovereignty, vote for our borders and vote "yes" for the Poe-Hunter-Tancredo amendment.

Mr. ROYCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, this amendment would prevent the expenditures of any funds for the purpose of enforcing the judgment or imposing the sentences handed down in the case of United States v. Ignacio Ramos and Jose Compean.

As most of you know, President Bush so far has rejected appeals by many of us for a pardon for these two Border Patrol agents who are now sitting in Federal prison for shooting a professional drug smuggler who worked for the cartels, who was fleeing back across the Rio Grande. These two agents are now serving 11 and 12 years, respectively.

I have talked to many Border Patrol agents about these cases, about the circumstances they face down there. I haven't found any that don't support Jose Compean and Ignacio Ramos, and certainly their association supports them fully.

In the meantime, of course, the great irony here is the smuggler they apprehended for attempting to smuggle some 750 pounds of drugs into our country is free.

The U.S. attorney here claimed that the agents fired on an unarmed man, but how do we know that? Because the U.S. attorney asked the jury to take the smuggler's word for that and to disbelieve the two Border Patrol agents who testified they thought he had a gun.

I can tell you I held numerous hearings down there on the border in Texas in the past, over 400 attacks on our Border Patrol agents. The family members of the individual here who was smuggling say he would not move drugs without a gun on him. That is what his own family says about him.

Frankly, it does take a stretch of the imagination to believe that an employee of a cartel down there would not have a gun somewhere near him moving this quantity of drugs.

Now, the U.S. attorney said the agents failed to file a report for their actions, and that proved they tried to cover up the shooting. I am not sure that was true. Two of their supervisors were on the scene within minutes, and the agents made a verbal report to them, according to Ramos and Compean.

Failing to file a written report is an administration violation and normally punishable by a 3-day suspension, but it is the supervisor who is supposed to file that report, as I understand it, not the agents.

The U.S. attorney says that Ramos and Compean were convicted by a jury in Texas after all the evidence was presented. But, the U.S. Attorney, his team, prevented crucial evidence from being admitted in the trial. For example, the jury did not learn that the smuggler committed a second smuggling operation while he was under the grant of immunity given by the U.S. attorney. That information was withheld from the jury while it was argued that the agents, that the Border Patrol agents, couldn't have known he was a drug smuggler, even though there was this quantity of drugs in his van.

The U.S. attorney had prosecutorial discretion in choosing to do this, and he chose to throw the book at Ramos and Compean while giving the professional drug smuggler a visa that allowed him free passage across our border to smuggle again. The attorneys for Ramos and Compean have filed an appeal with the U.S. circuit court asking for a new trial. They deserve a new trial. Yet the quickest and surest way to manifest this injustice is for President Bush to grant a full pardon or, at a minimum, a commutation of the prison sentence.

These men deserve better, and today we have an opportunity to right that wrong. By voting for this amendment to free these men, Congress will not only be correcting a terrible mistake, it will begin repairing the morale and effectiveness of our Border Patrol that have been damaged by, frankly, these reckless actions.

It's time to send a different message to both the courageous men and women of the Border Patrol and to the mules and to the bosses in the drug cartels. Let's send that message today by telling the cartels that our Border Patrol means business, not business as usual.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, the Ramos and Compean prosecution has been the greatest miscarriage of justice in my 30 years in Washington, DC, and, believe me, I have seen a lot.

Ramos and Compean were veteran Border Patrol agents. They had unblemished records. They had both served in the military. Ramos and Compean were veterans of the Border Patrol, 5 and 10 years, respectively. Both had been in the military. In fact, Mr. Ramos, I believe, had been a 10-year veteran. He was a naval officer in the Navy Reserve for 10 years. Ramos had been nominated the year before as Border Patrol Agent of the Year.

Yet these two agents, their lives have been destroyed, and they have been vilified by Department of Justice officials and this administration. One day 2 years ago, they interdicted a drug dealer. After a scuffle ensued, the drug dealer ran toward the border, shots were fired, the drug dealer was shot in the buttocks. At the end of this incident that took place in just a few minutes, where a split-second decision was made to shoot their weapons, they decided that he had gotten away. They didn't know that the drug dealer had been hit.

There is where they made their mistake. They decided to not go through the 8 hours of arduous drudgery of filling out all of the reports that are necessary, the paperwork that is necessary when there is a shooting incident. So they and their supervisors, I might add, helped collect the little shell casings and determined, well, the guy didn't get hit, we will just forget it.

Well, that was a violation of procedure, yes. For that they might have deserved a suspension. Instead, this administration chose to throw the book at these men and turn what should have been just a violation of procedure, perhaps just a paperwork mistake, which sometimes happens even here in this body, they turned that into a felony.

They have destroyed the lives of these two defenders of our country who have spent 5 and 10 years of their lives willing to take bullets for us on the border. But our administration, this administration, decided to throw the book at them and give a free pass to the drug dealer, to the man who is bringing in $1 million worth of narcotics into our country.

That decision is so indefensible that I believe that the administration has been trying to cover up for that mistaken decision since that moment. What we have had, for those of us who have been looking into this, is we have been completely stonewalled by this administration, by the Department of Justice, by U.S. Attorney Johnny Sutton in trying to get the information about the drug dealer and the free passes, the free passes that he had to transit into our country unescorted after this incident.

The fact of the matter is that the jury was told that the drug dealer involved was a one-timer who was trying to raise money so he could buy medicine for his mother, his sick mother. That was a lie that was presented to the jury, a lie.

Let me repeat that. It was not true, and the prosecutors understood they were given something not true. In fact, we were told by the U.S. attorney, Johnny Sutton, well, the fact that the information that the drug dealer had been picked up a second time before that trial was kept from the jury, but that the judge was the one who decided that.

□ 2130

That too is a lie. A lawyer may believe that, but the fact is we know the prosecutors were the ones who demanded the judge. It was their motion to keep that from the jury.

So why do we have an administration that feels so intent on destroying the lives of these two Border Patrol agents that they vilified them, that they keep information from the jury? This whole thing stinks to high heaven and the smell seems to be emanating from the White House.

Ladies and gentlemen, these are two people, two men, two brave heroes who were defending our country every bit as much as those men and women who are overseas right now defending our country. They were willing to risk their lives for us. We should not sit aside and let them languish in prison as their families go down into abject poverty without any health care, without any source of income. Their retirement benefits are destroyed. This is the most mean-spirited, nasty attack on some of the defenders of our country that I have ever seen in my lifetime. We cannot let it sit. If we are patriotic Americans, it doesn't go to just posture ourselves with the defenders of this country and then let these two men languish in prison.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 3 additional minutes.)

Mr. ROHRABACHER. Mr. Chairman, I would ask my colleagues to search their hearts. We can do something about this.

You know, first of all, it has been a dismay to me to see how we have treated each other in this body. I don't know why, but people are looking to bring down each other because people disagree. We can understand that with philosophical differences, but how can we ever justify someone who has gone out of their way, our representatives in the Department of Justice going out of their way to bring down two defenders, turning a paperwork mistake, a procedural error, into a felony which has destroyed these men's lives.

If we stand up for Ramos and Compean, we stand up for the people of the United States. They know that; they are watching us. They know if we really care about the little guy, and that is what this is all about. We care about the little guy because that is what America is all about.

I support the amendment and ask my colleagues to join me in doing so.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. To the gentleman from West Virginia, let me just say I know your concern about the process here. But I think that if you reviewed this situation and the process these two Border Patrol agents went through, you would understand why some of us are standing up and saying, first of all, the 10-year minimum for the commission of a crime while carrying a firearm, it was used to apply to these agents, was never meant to apply to law enforcement agents who are required by law to carry firearms. And I think we can kind of understand.

Remember when we passed that and it went through, it was sort of like, criminals, if you are going to engage in criminal activity, leave your gun at home, as a way of lowering the level of violence and the potential violence of criminals carrying firearms at the time of the commission of the crime.

This law that we passed at the Federal level is being applied to Federal officers who are required by statute to carry a firearm. And so now what we have is that we have law enforcement agents who are sworn to serve the American people, that are being prosecuted under a statute that says we are going to nail you because you were carrying a firearm during the commission of a crime when, as a requirement of their employment, they had to carry the firearm.

Doesn't anybody else find this kind of absurd, if not ridiculous?

And all I have to say is I would sincerely hope that the chairman of the committee will take a second thought about opposing this amendment, because I think in all fairness the American people are saying we have two agents who were serving their Nation as best as they could. They might have made a mistake that should have been administered through an administrative process; and those of us in local government that have worked with law enforcement know this, excessive force happens in certain situations.

But this is where a Federal law that we passed in Congress that says we are going to nail the criminals who use firearms in the commission of a crime and tell them don't ever carry a firearm when you are thinking of breaking a crime, that that law is being applied to our agents who are executing the requirements of Federal law. That was never the intention of this law, but it is being applied to these two agents.

So I just have to say sincerely, I would really ask the chairman to reconsider his opposition to this amendment. I think fair-minded people that know why this Federal law was passed know that it was not meant for Border Patrol agents or any Federal agents that are required to carry a firearm, to use this law against those agents. And if you can do it to Border Patrol agents, you can do it to FBI agents, you can do it to everybody.

Now, let me just say something about the unique situation that we are seeing down at the border. At this location, Mr. Chairman, within the month of this incident you had Border Patrol agents under fire by automatic gunfire, AK-47s firing at our agents from across the border. There was good reason to think that our agents might have been a little more active with their guns than we might have preferred. But, in all fairness, it really comes down to: Are we willing to stand up and say there has been a mistake, that mistake needs to be addressed, needs to be reassessed, and do we now relinquish our responsibility of the budget to the executive branch where we say these agents have been wronged?

And if those of you that want to talk about this, in all the years I was in local government I saw excessive force cases brought very seldom. In this one sector, this Federal attorney has brought excessive force cases against three different law enforcement officers. Every one of them that we know of, or I know of, just happened to have been cases that involved illegal aliens, drug smugglers, foreign nationals committing a crime. That is really unique. I have never heard of that kind of situation occurring anywhere else.

In this case, it is time that we stand up and we say, you have the jurisdiction to prosecute, you have the jurisdiction not to give clemency on this issue, but we have the jurisdiction of saying you will not use the taxpayers' funds to prosecute these men.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. I understand, Mr. Chairman, the President of the United States today issued a press release saying that he was not going to ask that these officers be allowed out on bail or bond even after it was requested that they do be permitted to be released on bail and bond. I find it regrettable that the President did not give some explanation for why he didn't give these officers an opportunity to be given release on bail or bond as other people who would be on trial or given that kind of opportunity would otherwise be given.

At the very least, I think the President, given the nature of these officers being in law enforcement, has an obligation to ensure their security when they are in prison because they are, I understand, at greater threat to their own lives being law enforcement officers if they are incarcerated. And I would hope that the Department of Justice in its incarceration procedures does take into account the very increased threat level to these officers because of the nature of them being law enforcement officers.

That being said, however, we do have to keep in mind that it is a Bush-appointed U.S. Attorney that prosecuted these Border Patrol officers and it was a jury of a U.S. citizens who rendered a verdict based upon the U.S. law and based upon the evidence of U.S. law, not the Members of Congress here standing based upon newspapers and based upon Fox news stories and everything else, but based upon the evidence in a case presented to a jury through an evidentiary hearing. And that is what we need to abide by is a legal process. We can't abide by a political process.

If we were to abide by political process every time a legal case came along and were to suspend the process every time we thought one case was more popular than the other, it would just upend the idea of justice as we know it in this country, because I think all of us could come here to the floor and tell of a unique story where someone was wronged by the system of justice in this country.

And I think that it is kind of ironic that my friends are so outraged by mandatory minimums with guns, because they are so outraged by mandatory minimums with everything, and yet they are the first ones to pass these mandatory minimums and then wonder, now finding their own friends in the behind and saying, no, we can't have it touch our friends, and then all of a sudden they don't want it that way.

Well, you know what? There are lots of people in this country who have been caught behind these mandatory minimums who have just been caught in the wrong place at the wrong time that are now serving life sentences. Kids that have been caught in ghettos just because they have been friends of friends who have been part of gangs. Now that they have been associated with gangs, they have gotten the gang-related crime tagged onto them, which has added another 10 years to their sentence, and that has been a mandatory minimum just because of some law that we have passed saying that you get another 10 years because you are related to a gang member. Now it is very interesting that all of a sudden people are so outraged by these minimums that have been tacked on to these officers carrying firearms in the commission of a crime.

So I just think that we should all pause for a moment when we think about being tough on crime. Here is a perfect example of where it comes back to bite us in the you-know-where when we think that we are trying to be tough on crime and then find out that sometimes when we are passing these mandatory minimums it doesn't always work out the way we expected it to be.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from California.

Mr. BILBRAY. I think you agree, though, that when we talked about the 10-year minimum, the jury was told that they had to administer the 10-year execution based on the commission of the crime. And I think you were here when the 10-year minimum was passed. I think you would agree the idea was to try to encourage anybody that, if you are going to do something that was illegal, you don't carry a gun, because it would lower that level of potential.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I very much appreciate the gentlemen that have bought this amendment to the floor. It is something that all America has been fixated upon, because they understand the injustice that underlies the prosecution of these two Border Patrol officers. And I would like to characterize this perhaps a little bit differently.

Listening to the gentleman, my friend who just got done speaking, talking about the mandatory minimums being something that comes back to bite us in the you-know-where, no, this isn't the mandatory minimum issue that is before us tonight. This is the equivalent of a private bill.

We have brought private bills through this Congress a number of times when we see issues that there is such an egregious case for specific individuals that we will generally bring that language through the Judiciary

Committee, through the Immigration Subcommittee and on through Judiciary and onto the floor. It has happened a number of times in my time here in Congress. In fact, I have one here today that one of your colleagues from your side of the aisle offered to me, and I will consider it. But this is actually in my jacket pocket. This is a private bill asking for relief for people who have violated the law but find themselves in unique circumstances and pleading upon this Congress to make an exception because they are unique circumstances, and this is a measure to our heart.

What does our heart have to say to us when you see two Border Patrol officers who put their lives on the line on a daily basis and find themselves caught in this legalistic vice that has unfolded because, I think, of a discretionary decision by a U.S. Attorney in his prosecution?

What I am concerned about is if this Congress doesn't stand up and defend these two people, Ramos and Compean, Border Patrol officers will be reluctant to pull their weapon in the line of duty and they will be in the line of fire. And I am afraid we will lose one or more Border Patrol officers in the line of duty because they will be hesitant to ever pull their weapon. That is a piece of their thing.

I yield to the gentleman from Texas, and again thank him for his work in bringing this amendment to the floor.

☐ 2145

Mr. POE. I thank the gentleman from Iowa for yielding.

I know that we've discussed this issue a lot tonight, but it's important because it has to do with the most important concept that any of us have, liberty. And we have found in the investigation of this case that the U.S. Attorney's Office has done everything it can to make sure that these two people stay in jail.

The key to this is that the jury did decide the facts of this case, but the jury didn't get all the facts given to them under the law. There was another case where the drug dealer brought in another $800,000 worth of drugs while he's running free at American taxpayer expense, and brings in these drugs while he's waiting to testify. Anybody who served on any jury in the country would want to know about that second case. This jury was prohibited from knowing about that because of the insistence and the relentless prosecutor who demanded that the jury not hear about all of the facts.

The question is why? Why wouldn't the prosecutor want the jury to know all the truth about this case?

We don't know. We do know that the Mexican Government, in its righteous indignation, sent a speedy letter over to the U.S. Attorney's Office demanding prosecution of these border agents. The Mexican Government dealing in our court system, their opinion is irrelevant, I submit, Mr. Chairman.

And this case is a case where our Border Patrol agents are in Fabans, Texas. I don't believe there's been a person here that's been to Fabans, Texas, unless they've gone there on purpose to see the border. It's a violent, dangerous, desolate area. And based upon the rules they have to follow, they cannot fire their weapon unless they are fired upon. In other words, they've got to take a bullet before they can defend the border. And they operate under that environment because of the national security of our border.

In this case, overreaching by the prosecutor; too heavy a sentence. He even said so later after the prosecution. And what this does is release these two individuals while the appeal goes on. It releases them from custody of our Federal Government. And it's the responsibility of Congress in further investigations to find out why our Western District of Texas is so relentless in prosecuting border protectors. And this is one way we can do something. We have that authority. We can cut the funds, and we ought to cut the funds that incarcerate these two individuals. We ought to pass this amendment in a bipartisan manner.

Mr. KING of Iowa. Mr. Chairman, I'd say also there is a bill following this. If this doesn't do the job, I have a bill ready to introduce that grants them a new trial, a de novo review, and it removes the jurisdiction to the Northern District of Texas.

We're going to find a solution this. We're going to stand up and defend Ramos and Compean. This sends the message. It might get the job done. I urge adoption.

I yield back.

Mr. GILCHREST. I move to strike the last word.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. GILCHREST. Mr. Chairman, what I would like to do is have a colloquy with the gentleman from Texas (Mr. POE) to inquire about some of the comments that have been made here tonight so I can better understand Congress's role in this particular judicial decision, court decision, conviction in Texas, just to give me a little comfort in trying to understand our role in this case and whether or not it is appropriate.

Can the gentleman from Texas tell me, after the incident occurred with the border agents and the drug dealer, who brought that information to the U.S. attorney in the very beginning? Does anybody know that?

Mr. POE. There's a disagreement over who brought that to them. We first heard that the Mexican Consulate brought it to someone working in the Federal Government. And then we also heard that another border agent brought it, so I don't know the answer to that question.

Mr. GILCHREST. So that's not clear. Did the border agents supervisors, or do you have any idea who spoke, if there was, in fact, a grand jury, to determine whether or not there was enough evidence?

Mr. POE. There was a grand jury investigation. I do not know who testified. The border supervisors were on the scene and were aware of the entire circumstances.

No one knew that the drug dealer who disappeared back into Mexico had even been shot, and so they thought that the person was shot at and he disappeared. And the next thing they know, they are being questioned about 30 to 60 days later about the incident that occurred.

Mr. GILCHREST. Under those circumstances, with the supervisors aware of the actions of the border agents, the defendant subsequently was found out to be wounded, under those circumstances, in a Federal court, did the prosecutor take into consideration those mitigating circumstances that border agents are often, and in your case, in the area where you represent, a very dangerous situation? This was a known drug smuggler. He had smuggled in $1 million worth of drugs. He had, apparently, a violent past.

What sentencing guidelines did the prosecutor use to give these border agents 11 years and then 12 years?

Mr. POE. The border agents were offered, if they pled guilty to the offense, 2 years incarceration. If they did not plead guilty and went to trial, the prosecutor added the section under our law, 924(c) section that required or would allow a mandatory additional 10 years incarceration because a weapon was used. That is subject to appeal as to whether that applies to peace officers or not. That was added. Therefore they received 11 and 12 years in the penitentiary after the trial and after sentencing because they would not plead guilty for a crime they didn't do.

Mr. GILCHREST. Has there been an appeal filed on behalf of the defendants?

Mr. POE. Yes. There has been an appeal. Both of these cases are on appeal, and they are in custody while these cases are on appeal.

Mr. GILCHREST. And it is also under appeal to determine whether or not the sentencing guidelines that we passed in the House applied in this case?

Mr. POE. The indictment on its face is being challenged because in the indictment it alleges the deadly weapon or the brandishing of a firearm, which requires an additional 10 years. That is also contested on appeal, whether it applies to peace officers or not.

Mr. GILCHREST. Was it the intent of this Congress that that particular statute be applied to a peace officer or a border agent in defense of the country, the border or his own life?

Mr. POE. In my opinion, absolutely not. It applies to other cases where a firearm is used, such as in a robbery. It doesn't apply to border agents who are required to use and possess a firearm while they are on duty. And so it is not, in my opinion, the intent of Congress. And, of course, that will be litigated on appeal as well.

Mr. GILCHREST. I thank the gentleman for answering the questions.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. DRAKE

Mrs. DRAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DRAKE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mrs. DRAKE. Mr. Chairman, I introduced an amendment today that merely reinforces current Federal law and provides a penalty for jurisdictions that choose not to follow this law.

My amendment would prohibit funds from being made available to States and localities that do not abide by section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Simply put, Congress will not distribute funds to any jurisdiction that is a sanctuary city.

Mr. Chairman, I yield time to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentlelady for yielding, and I want to commend her on a very thoughtful amendment. As I understand it, the majority is going to be willing to accept it.

I had two amendments that dealt with this very same issue that specifically dealt with the SCAAP program and the COPS program, denying funds to any of the sanctuary city or sanctuary community jurisdictions.

As I understand it, her language covers both of those things, and I am going to be looking forward to working with the gentlelady in the years ahead to make sure that these sanctuary cities do not have access to these funds.

Mrs. DRAKE. Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to this amendment. We're going to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to help prevent aliens who lack authorization to work legally from taking Federal jobs.

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress responded to the problem of document verification when hiring folks by establishing three pilot programs for employment eligibility verification. Private employers in selected States could volunteer to participate in these programs.

Under a program called the Basic Pilot Program, Social Security numbers and Alien Identification Numbers of new hires are checked against Social Security Administration and Department of Homeland Security records. This weeds out fraudulent numbers and assures that new hires are legally eligible to work.

A 2001 report on the Basic Pilot Program found 96 percent of employers found it to be an effective tool.

In 2003, Congress extended the Basic Pilot Program for another 5 years and made it available to employers nationwide.

The 1996 law stipulates that each department of the Federal Government must participate in the Basic Pilot Program. Incredibly, the Departments of Commerce, Justice and State, are currently not participating.

My amendment basically says, because I hear from constituents all the time who are angry about those working who do not have legal verification. What message does it send when Federal agencies do not abide by the Federal laws?

There's no excuse for having any illegal aliens taking Federal jobs. We have a Basic Pilot Program to stop this from happening. We have a law on the books that requires Federal agencies, including Commerce, Justice and State, to use it for employment verification.

My amendment provides that no funds in this appropriation bill shall be spent in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are willing to accept the gentlelady's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. ETHERIDGE of North Carolina.

Amendment No. 9 by Mr. SESSIONS of Texas.

An amendment by Mr. INSLEE of Washington.

An amendment by Mr. POE of Texas.

An amendment by Mr. REICHERT of Washington.

An amendment by Mr. HINCHEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. CAPITO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 186, not voting 8, as follows:

[Roll No. 727]

AYES—243

Aderholt
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cuellar
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly

Doolittle
Drake
Dreier
Duncan
Ellison
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hobson
Hodes
Hoekstra
Holden
Hulshof
Hunter
Issa
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Rush
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—186

Abercrombie
Ackerman
Akin
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Culberson
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shadegg
Shea-Porter
Sherman
Sires
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on the vote.

□ 2228

Ms. CORRINE BROWN of Florida, Mr. NEAL and Mr. McNULTY changed their vote from "aye" to "no."

Messrs. HOBSON, LAMPSON, HALL of Texas, CAMP of Michigan, LOEBSACK, HIGGINS, ARCURI, TOM DAVIS of Virginia, KIND, DOGGETT, HERGER, POMEROY, DELAHUNT, SESTAK, COSTELLO, GUTIERREZ, DAVIS of Alabama, HARE, WYNN, JOHNSON of Georgia, ELLISON, MELANCON, AL GREEN of Texas, SHULER, NADLER, HODES, SCOTT of Georgia and RUSH, and Ms. GRANGER, Mrs. MALONEY of New York, Ms. WATERS and Ms. GIFFORDS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ETHERIDGE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 14, as follows:

[Roll No. 728]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—2

Flake
Moran (VA)

NOT VOTING—14

Clarke
Cubin
Cummings
Davis, Jo Ann
Johnson, Sam
Keller
LaHood
Marshall
McCrery
Michaud
Rangel
Ross
Serrano
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2232

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 267, not voting 8, as follows:

[Roll No. 729]

AYES—162

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—267

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 45 seconds remain in this vote.

☐ 2237

Mr. CONYERS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 18, not voting 7, as follows:

[Roll No. 730]

AYES—412

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—18

Abercrombie
Campbell (CA)
Cannon
Clay
Frelinghuysen
Hall (TX)
Hastert
Herger
Hirono
Hoyer
Inglis (SC)
Johnson, Sam
Kingston
Lewis (CA)
Mollohan
Rahall
Ryan (OH)
Shadegg

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2240

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 34, not voting 8, as follows:

[Roll No. 731]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)

McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—34

Becerra
Butterfield
Clay
Cleaver
Clyburn
Conyers
Dingell
Frelinghuysen
Grijalva
Hastings (FL)
Holt
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Larsen (WA)
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Olver
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Smith (WA)
Solis
Stark
Velázquez
Visclosky
Watt
Woolsey

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Walsh (NY)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2244

Mr. FRANK of Massachusetts and Mr. DELAHUNT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 25, not voting 7, as follows:

[Roll No. 732]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—25

Becerra
Cleaver
Clyburn
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Hastings (FL)
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Solis
Stark
Woolsey

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

☐ 2248

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 10, as follows:

[Roll No. 733]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Broun (GA)
Campbell (CA)
Capps
Capuano
Carnahan
Carson
Christensen
Clay
Cleaver
Cohen
Conyers
Courtney
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Melancon
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Porter
Price (NC)
Rangel
Rehberg
Renzi
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Solis
Sutton
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—262

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Bachus
Boucher
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 2252

Mr. GUTIERREZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. SNYDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. THOMPSON of Mississippi submitted the following conference report and statement on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States:

CONFERENCE REPORT (H. REPT. 110-259)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendation of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Implementing Recommendations of the 9/11 Commission Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOMELAND SECURITY GRANTS

Sec. 101. Homeland Security Grant Program.
Sec. 102. Other amendments to the Homeland Security Act of 2002.
Sec. 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006.
Sec. 104. Technical and conforming amendments.

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Sec. 201. Emergency management performance grant program.
Sec. 202. Grants for construction of emergency operations centers.

TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Sec. 301. Interoperable emergency communications grant program.

Sec. 302. Border interoperability demonstration project.

TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM

Sec. 401. Definitions.
Sec. 402. National exercise program design.
Sec. 403. National exercise program model exercises.
Sec. 404. Preidentifying and evaluating multi-jurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 405. Federal response capability inventory.
Sec. 406. Reporting requirements.
Sec. 407. Federal preparedness.
Sec. 408. Credentialing and typing.
Sec. 409. Model standards and guidelines for critical infrastructure workers.
Sec. 410. Authorization of appropriations.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 501. Homeland Security Advisory System and information sharing.
Sec. 502. Intelligence Component Defined.
Sec. 503. Role of intelligence components, training, and information sharing.
Sec. 504. Information sharing.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 511. Department of Homeland Security State, Local, and Regional Fusion Center Initiative.
Sec. 512. Homeland Security Information Sharing Fellows Program.
Sec. 513. Rural Policing Institute.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 521. Interagency Threat Assessment and Coordination Group.

Subtitle D—Homeland Security Intelligence Offices Reorganization

Sec. 531. Office of Intelligence and Analysis and Office of Infrastructure Protection.

Subtitle E—Authorization of Appropriations

Sec. 541. Authorization of appropriations.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 601. Availability to public of certain intelligence funding information.
Sec. 602. Public Interest Declassification Board.
Sec. 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.
Sec. 604. Availability of funds for the Public Interest Declassification Board.
Sec. 605. Availability of the Executive Summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001.

TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Terrorist Travel

Sec. 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.

Subtitle B—Visa Waiver

Sec. 711. Modernization of the visa waiver program.

Subtitle C—Strengthening Terrorism Prevention Programs

Sec. 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 722. Enhancements to the terrorist travel program.
Sec. 723. Enhanced driver's license.
Sec. 724. Western Hemisphere Travel Initiative.
Sec. 725. Model ports-of-entry.

Subtitle D—Miscellaneous Provisions

Sec. 731. Report regarding border security.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

Sec. 801. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 802. Department Privacy Officer.
Sec. 803. Privacy and civil liberties officers.
Sec. 804. Federal Agency Data Mining Reporting Act of 2007.

TITLE IX—PRIVATE SECTOR PREPAREDNESS

Sec. 901. Private sector preparedness.
Sec. 902. Responsibilities of the private sector Office of the Department.

TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

Sec. 1001. National Asset Database.
Sec. 1002. Risk assessments and report.
Sec. 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan.

TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 1101. National Biosurveillance Integration Center.
Sec. 1102. Biosurveillance efforts.
Sec. 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.
Sec. 1104. Integration of detection equipment and technologies.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 1201. Definitions.
Sec. 1202. Transportation security strategic planning.
Sec. 1203. Transportation security information sharing.
Sec. 1204. National domestic preparedness consortium.
Sec. 1205. National transportation security center of excellence.
Sec. 1206. Immunity for reports of suspected terrorist activity or suspicious behavior and response.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

Sec. 1301. Definitions.
Sec. 1302. Enforcement authority.
Sec. 1303. Authorization of visible intermodal prevention and response teams.
Sec. 1304. Surface transportation security inspectors.
Sec. 1305. Surface transportation security technology information sharing.
Sec. 1306. TSA personnel limitations.
Sec. 1307. National explosives detection canine team training program.
Sec. 1308. Maritime and surface transportation security user fee study.
Sec. 1309. Prohibition of issuance of transportation security cards to convicted felons.
Sec. 1310. Roles of the Department of Homeland Security and the Department of Transportation.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

Sec. 1401. Short title.
Sec. 1402. Definitions.
Sec. 1403. Findings.
Sec. 1404. National Strategy for Public Transportation Security.
Sec. 1405. Security assessments and plans.
Sec. 1406. Public transportation security assistance.
Sec. 1407. Security exercises.
Sec. 1408. Public transportation security training program.
Sec. 1409. Public transportation research and development.
Sec. 1410. Information sharing.
Sec. 1411. Threat assessments.
Sec. 1412. Reporting requirements.
Sec. 1413. Public transportation employee protections.
Sec. 1414. Security background checks of covered individuals for public transportation.
Sec. 1415. Limitation on fines and civil penalties.

TITLE XV—SURFACE TRANSPORTATION SECURITY

Subtitle A—General Provisions

Sec. 1501. Definitions.
Sec. 1502. Oversight and grant procedures.
Sec. 1503. Authorization of appropriations.
Sec. 1504. Public awareness.

Subtitle B—Railroad Security

Sec. 1511. Railroad transportation security risk assessment and national strategy.
Sec. 1512. Railroad carrier assessments and plans.
Sec. 1513. Railroad security assistance.
Sec. 1514. Systemwide Amtrak security upgrades.
Sec. 1515. Fire and life safety improvements.
Sec. 1516. Railroad carrier exercises.
Sec. 1517. Railroad security training program.
Sec. 1518. Railroad security research and development.
Sec. 1519. Railroad tank car security testing.
Sec. 1520. Railroad threat assessments.
Sec. 1521. Railroad employee protections.
Sec. 1522. Security background checks of covered individuals.
Sec. 1523. Northern border railroad passenger report.
Sec. 1524. International Railroad Security Program.
Sec. 1525. Transmission line report.
Sec. 1526. Railroad security enhancements.
Sec. 1527. Applicability of District of Columbia law to certain Amtrak contracts.
Sec. 1528. Railroad preemption clarification.

Subtitle C—Over-The-Road Bus and Trucking Security

Sec. 1531. Over-the-road bus security assessments and plans.
Sec. 1532. Over-the-road bus security assistance.
Sec. 1533. Over-the-road bus exercises.
Sec. 1534. Over-the-road bus security training program.
Sec. 1535. Over-the-road bus security research and development.
Sec. 1536. Motor carrier employee protections.
Sec. 1537. Unified carrier registration system agreement.
Sec. 1538. School bus transportation security.
Sec. 1539. Technical amendment.
Sec. 1540. Truck security assessment.
Sec. 1541. Memorandum of understanding annex.
Sec. 1542. DHS Inspector General report on trucking security grant program.

Subtitle D—Hazardous Material and Pipeline Security

Sec. 1551. Railroad routing of security-sensitive materials.
Sec. 1552. Railroad security-sensitive material tracking.

Sec. 1553. Hazardous materials highway routing.
Sec. 1554. Motor carrier security-sensitive material tracking.
Sec. 1555. Hazardous materials security inspections and study.
Sec. 1556. Technical corrections.
Sec. 1557. Pipeline security inspections and enforcement.
Sec. 1558. Pipeline security and incident recovery plan.

TITLE XVI—AVIATION

Sec. 1601. Airport checkpoint screening fund.
Sec. 1602. Screening of cargo carried aboard passenger aircraft.
Sec. 1603. In-line baggage screening.
Sec. 1604. In-line baggage system deployment.
Sec. 1605. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 1606. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 1607. Strengthening explosives detection at passenger screening checkpoints.
Sec. 1608. Research and development of aviation transportation security technology.
Sec. 1609. Blast-resistant cargo containers.
Sec. 1610. Protection of passenger planes from explosives.
Sec. 1611. Specialized training.
Sec. 1612. Certain TSA personnel limitations not to apply.
Sec. 1613. Pilot project to test different technologies at airport exit lanes.
Sec. 1614. Security credentials for airline crews.
Sec. 1615. Law enforcement officer biometric credential.
Sec. 1616. Repair station security.
Sec. 1617. General aviation security.
Sec. 1618. Extension of authorization of aviation security funding.

TITLE XVII—MARITIME CARGO

Sec. 1701. Container scanning and seals.

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec. 1801. Findings.
Sec. 1802. Definitions.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

Sec. 1811. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.

Subtitle B—Proliferation Security Initiative

Sec. 1821. Proliferation Security Initiative improvements and authorities.
Sec. 1822. Authority to provide assistance to cooperative countries.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1831. Statement of policy.
Sec. 1832. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
Sec. 1833. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1842. Sense of Congress on United States-Russia cooperation and coordination on the prevention of weapons of mass destruction proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
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Subtitle A—Activities to Enhance the Promotion of Democracy

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Sec. 2301. Short title.
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TITLE XXIV—MISCELLANEOUS PROVISIONS

Sec. 2401. Quadrennial homeland security review.
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Sec. 2404. Demonstration project.
Sec. 2405. Under Secretary for Management of Department of Homeland Security.

TITLE I—HOMELAND SECURITY GRANTS

SEC. 101. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XX—HOMELAND SECURITY GRANTS

"SEC. 2001. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate.

"(3) CRITICAL INFRASTRUCTURE SECTORS.—The term 'critical infrastructure sectors' means the *following sectors, in both urban and rural areas:*

"(A) Agriculture and food.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) Commercial facilities.

"(E) Commercial nuclear reactors, materials, and waste.

"(F) Dams.

"(G) The defense industrial base.

"(H) Emergency services.

"(I) Energy.

"(J) Government facilities.

"(K) Information technology.

"(L) National monuments and icons.

"(M) Postal and shipping.

"(N) Public health and health care.

"(O) Telecommunications.

"(P) Transportation systems.

"(Q) Water.

"(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

"(A) any Indian tribe—

"(i) that is located in the continental United States;

"(ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

"(iii)(I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

"(II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2) or has such a system or asset within its territory;

"(III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or

"(IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and

"(iv) that certifies to the Secretary that a State has not provided funds under section 2003 or 2004 to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and

"(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

"(5) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means any of the 100 most populous metropolitan statistical areas in the United States.

"(6) HIGH-RISK URBAN AREA.—The term 'high-risk urban area' means a high-risk urban area designated under section 2003(b)(3)(A).

"(7) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

"(8) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

"(9) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

"(10) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(11) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

"(12) QUALIFIED INTELLIGENCE ANALYST.—The term 'qualified intelligence analyst' means an intelligence analyst (as that term is defined in section 210A(j)), including law enforcement personnel—

"(A) who has successfully completed training to ensure baseline proficiency in intelligence analysis and production, as determined by the Secretary, which may include training using a curriculum developed under section 209; or

"(B) whose experience ensures baseline proficiency in intelligence analysis and production equivalent to the training required under subparagraph (A), as determined by the Secretary.

"(13) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

"(14) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"Subtitle A—Grants to States and High-Risk Urban Areas

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.

"(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003 and 2004 to State, local, and tribal governments.

"(b) PROGRAMS NOT AFFECTED.—This subtitle shall not be construed to affect any of the following Federal programs:

"(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

"(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

"(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized under title XIV, XV, and XVI of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the amendments made by such titles.

"(5) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(6) The Interoperable Emergency Communications Grant Program authorized under title XVIII.

"(7) Grant programs other than those administered by the Department.

"(c) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—The grant programs authorized under sections 2003 and 2004 shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

"(2) ALLOCATION.—The allocation of grants authorized under section 2003 or 2004 shall be governed by the terms of this subtitle and not by any other provision of law.

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

"(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, protecting against, and responding to acts of terrorism.

"(b) ASSESSMENT AND DESIGNATION OF HIGH-RISK URBAN AREAS.—

"(1) IN GENERAL.—The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

"(2) INITIAL ASSESSMENT.—

"(A) IN GENERAL.—For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

"(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 2007(a)(1); and

"(ii) information and materials submitted under subparagraph (B).

"(B) SUBMISSION OF INFORMATION BY ELIGIBLE METROPOLITAN AREAS.—Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

"(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

"(ii) review the risk assessment conducted by the Department of that eligible metropolitan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

"(3) DESIGNATION OF HIGH-RISK URBAN AREAS.—

"(A) DESIGNATION.—

"(i) IN GENERAL.—For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

"(ii) ADDITIONAL AREAS.—Notwithstanding paragraph (2), the Administrator may—

"(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

"(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to—

"(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

"(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

"(B) JURISDICTIONS INCLUDED IN HIGH-RISK URBAN AREAS.—

"(i) IN GENERAL.—In designating high-risk urban areas under subparagraph (A), the Administrator shall determine which jurisdictions, at a minimum, shall be included in each high-risk urban area.

"(ii) ADDITIONAL JURISDICTIONS.—A high-risk urban area designated by the Administrator may, in consultation with the State or States in which such high-risk urban area is located, add additional jurisdictions to the high-risk urban area.

"(c) APPLICATION.—

"(1) IN GENERAL.—An area designated as a high-risk urban area under subsection (b) may apply for a grant under this section.

"(2) MINIMUM CONTENTS OF APPLICATION.—In an application for a grant under this section, a high-risk urban area shall submit—

"(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the high-risk urban area;

"(B) the name of an individual to serve as a high-risk urban area liaison with the Department and among the various jurisdictions in the high-risk urban area; and

"(C) such information in support of the application as the Administrator may reasonably require.

"(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

"(4) STATE REVIEW AND TRANSMISSION.—

"(A) IN GENERAL.—To ensure consistency with State homeland security plans, a high-risk urban area applying for a grant under this section shall submit its application to each State within which any part of that high-risk urban area is located for review before submission of such application to the Department.

"(B) DEADLINE.—Not later than 30 days after receiving an application from a high-risk urban area under subparagraph (A), a State shall transmit the application to the Department.

"(C) OPPORTUNITY FOR STATE COMMENT.—If the Governor of a State determines that an application of a high-risk urban area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(i) notify the Administrator, in writing, of that fact; and

"(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

"(5) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(d) DISTRIBUTION OF AWARDS.—

"(1) IN GENERAL.—If the Administrator approves the application of a high-risk urban area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

"(2) STATE DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

"(B) FUNDS RETAINED.—A State shall provide each relevant high-risk urban area with an accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

"(3) INTERSTATE URBAN AREAS.—If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

"(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

"(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

"(4) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO HIGH-RISK URBAN AREAS.—A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) $850,000,000 for fiscal year 2008;

"(2) $950,000,000 for fiscal year 2009;

"(3) $1,050,000,000 for fiscal year 2010;

"(4) $1,150,000,000 for fiscal year 2011;

"(5) $1,300,000,000 for fiscal year 2012; and

"(6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

"SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

"(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

"(2) MINIMUM CONTENTS OF APPLICATION.—The Administrator shall require that each State include in its application, at a minimum—

"(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

"(B) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

"(C) a budget showing how the State intends to expend the grant funds.

"(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

"(c) DISTRIBUTION TO LOCAL AND TRIBAL GOVERNMENTS.—

"(1) IN GENERAL.—Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

"(A) not less than 80 percent of the grant funds;

"(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

"(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

"(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

"(3) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

"(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

"(5) DIRECT FUNDING.—If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

"(d) MULTISTATE APPLICATIONS.—

"(1) IN GENERAL.—Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

"(2) ADMINISTRATION OF GRANT.—If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

"(A) the division of responsibilities for administering the grant; and

"(B) the distribution of funding among the States that are parties to the application.

"(e) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that—

"(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

"(i) 0.375 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2008;

"(ii) 0.365 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2009;

"(iii) 0.36 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2010;

"(iv) 0.355 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2011; and

"(v) 0.35 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2012 and in each fiscal year thereafter; and

"(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 2003.

"(2) EFFECT OF MULTISTATE AWARD ON STATE MINIMUM.—Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) $950,000,000 for each of fiscal years 2008 through 2012; and

"(2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

"SEC. 2005. GRANTS TO DIRECTLY ELIGIBLE TRIBES.

"(a) IN GENERAL.—Notwithstanding section 2004(b), the Administrator may award grants to directly eligible tribes under section 2004.

"(b) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under section 2004 by submitting an application to the Administrator that includes, as appropriate, the information required for an application by a State under section 2004(b).

"(c) CONSISTENCY WITH STATE PLANS.—

"(1) IN GENERAL.—To ensure consistency with any applicable State homeland security plan, a directly eligible tribe applying for a grant under section 2004 shall provide a copy of its application to each State within which any part of the tribe is located for review before the tribe submits such application to the Department.

"(2) OPPORTUNITY FOR COMMENT.—If the Governor of a State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, not later than 30 days after the date of receipt of that application the Governor shall—

"(A) notify the Administrator, in writing, of that fact; and

"(B) provide an explanation of the reason for not supporting the application.

"(d) FINAL AUTHORITY.—The Administrator shall have final authority to approve any application of a directly eligible tribe. The Administrator shall notify each State within the boundaries of which any part of a directly eligible tribe is located of the approval of an application by the tribe.

"(e) PRIORITIZATION.—The Administrator shall allocate funds to directly eligible tribes in

accordance with the factors applicable to allocating funds among States under section 2007.

"(f) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the tribe and not through any State.

"(g) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that, for each fiscal year, directly eligible tribes collectively receive, from the funds appropriated for the State Homeland Security Grant Program established under section 2004, not less than an amount equal to 0.1 percent of the total funds appropriated for grants under sections 2003 and 2004.

"(2) EXCEPTION.—This subsection shall not apply in any fiscal year in which the Administrator—

"(A) receives fewer than 5 applications under this section; or

"(B) does not approve at least 2 applications under this section.

"(h) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under section 2004 shall designate an individual to serve as a tribal liaison with the Department and other Federal, State, local, and regional government officials concerning preventing, preparing for, protecting against, and responding to acts of terrorism.

"(i) ELIGIBILITY FOR OTHER FUNDS.—A directly eligible tribe that receives a grant under section 2004 may receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located and from any high-risk urban area of which it is a part, consistent with the homeland security plan of the State or high-risk urban area.

"(j) STATE OBLIGATIONS.—

"(1) IN GENERAL.—States shall be responsible for allocating grant funds received under section 2004 to tribal governments in order to help those tribal communities achieve target capabilities not achieved through grants to directly eligible tribes.

"(2) DISTRIBUTION OF GRANT FUNDS.—With respect to a grant to a State under section 2004, an Indian tribe shall be eligible for funding directly from that State, and shall not be required to seek funding from any local government.

"(3) IMPOSITION OF REQUIREMENTS.—A State may not impose unreasonable or unduly burdensome requirements on an Indian tribe as a condition of providing the Indian tribe with grant funds or resources under section 2004.

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this subtitle.

"SEC. 2006. TERRORISM PREVENTION.

"(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

"(1) IN GENERAL.—The Administrator shall ensure that not less than 25 percent of the total combined funds appropriated for grants under sections 2003 and 2004 is used for law enforcement terrorism prevention activities.

"(2) LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES.—Law enforcement terrorism prevention activities include—

"(A) information sharing and analysis;

"(B) target hardening;

"(C) threat recognition;

"(D) terrorist interdiction;

"(E) overtime expenses consistent with a State homeland security plan, including for the provision of enhanced law enforcement operations in support of Federal agencies, including for increased border security and border crossing enforcement;

"(F) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

"(G) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

"(H) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

"(I) any other terrorism prevention activity authorized by the Administrator.

"(3) PARTICIPATION OF UNDERREPRESENTED COMMUNITIES IN FUSION CENTERS.—The Administrator shall ensure that grant funds described in paragraph (1) are used to support the participation, as appropriate, of law enforcement and other emergency response providers from rural and other underrepresented communities at risk from acts of terrorism in fusion centers.

"(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

"(1) ESTABLISHMENT.—There is established in the Policy Directorate of the Department an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

"(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other counterterrorism functions.

"(3) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign to the Office for State and Local Law Enforcement permanent staff and, as appropriate and consistent with sections 506(c)(2), 821, and 888(d), other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

"(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

"(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

"(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

"(C) coordinate with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

"(D) work with the Administrator to ensure that law enforcement and terrorism-focused grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities;

"(E) coordinate with the Science and Technology Directorate, the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers; and

"(F) conduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and report on the results of that study to the appropriate committees of Congress.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to diminish, supercede, or replace the responsibilities, authorities, or role of the Administrator.

"SEC. 2007. PRIORITIZATION.

"(a) IN GENERAL.—In allocating funds among States and high-risk urban areas applying for grants under section 2003 or 2004, the Administrator shall consider, for each State or high-risk urban area—

"(1) its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of—

"(A) its population, including appropriate consideration of military, tourist, and commuter populations;

"(B) its population density;

"(C) its history of threats, including whether it has been the target of a prior act of terrorism;

"(D) its degree of threat, vulnerability, and consequences related to critical infrastructure (for all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security plan, including threats, vulnerabilities, and consequences related to critical infrastructure or key resources in nearby jurisdictions;

"(E) the most current threat assessments available to the Department;

"(F) whether the State has, or the high-risk urban area is located at or near, an international border;

"(G) whether it has a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

"(H) its likely need to respond to acts of terrorism occurring in nearby jurisdictions;

"(I) the extent to which it has unmet target capabilities;

"(J) in the case of a high-risk urban area, the extent to which that high-risk urban area includes—

"(i) those incorporated municipalities, counties, parishes, and Indian tribes within the relevant eligible metropolitan area, the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, and respond to acts of terrorism; and

"(ii) other local and tribal governments in the surrounding area that are likely to be called upon to respond to acts of terrorism within the high-risk urban area; and

"(K) such other factors as are specified in writing by the Administrator; and

"(2) the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area in increasing the ability of that State or high-risk urban area to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the high-risk urban area, the State, or the Nation.

"(b) TYPES OF THREAT.—In assessing threat under this section, the Administrator shall consider the following types of threat to critical infrastructure sectors and to populations in all areas of the United States, urban and rural:

"(1) Biological.

"(2) Chemical.

"(3) Cyber.

"(4) Explosives.

"(5) Incendiary.

"(6) Nuclear.

"(7) Radiological.

"(8) Suicide bombers.

"(9) Such other types of threat determined relevant by the Administrator.

"SEC. 2008. USE OF FUNDS.

"(a) PERMITTED USES.—Grants awarded under section 2003 or 2004 may be used to

achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—

"(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

"(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

"(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

"(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

"(5) ensuring operability and achieving interoperability of emergency communications;

"(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

"(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

"(8) enhancing school preparedness;

"(9) supporting public safety answering points;

"(10) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

"(11) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

"(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

"(13) any other appropriate activity, as determined by the Administrator.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

"(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

"(B) for any State or local government cost-sharing contribution.

"(2) PERSONNEL.—

"(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

"(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

"(3) CONSTRUCTION.—

"(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

"(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

"(I) specifically approved by the Administrator;

"(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

"(III) the amount allocated for purposes under clause (i) does not exceed the greater of $1,000,000 or 15 percent of the grant award.

"(4) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

"(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

"(d) REIMBURSEMENT OF COSTS.—

"(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

"(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

"(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"Subtitle B—Grants Administration

"SEC. 2021. ADMINISTRATION AND COORDINATION.

"(a) REGIONAL COORDINATION.—The Administrator shall ensure that—

"(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

"(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

"(b) PLANNING COMMITTEES.—

"(1) IN GENERAL.—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities for grants under sections 2003 and 2004.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

"(i) local and tribal government officials; and

"(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

"(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

"(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or high-risk urban area create a planning committee if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

"(c) INTERAGENCY COORDINATION.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary (acting through the Administrator), the Attorney General, the Secretary of Health and Human Services, and the heads of other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, shall jointly—

"(A) compile a comprehensive list of Federal grant programs for State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters;

"(B) compile the planning, reporting, application, and other requirements and guidance for the grant programs described in subparagraph (A);

“(C) develop recommendations, as appropriate, to—

“(i) eliminate redundant and duplicative requirements for State, local, and tribal governments, including onerous application and ongoing reporting requirements;

“(ii) ensure accountability of the programs to the intended purposes of such programs;

“(iii) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients;

“(iv) make the programs more accessible and user friendly to applicants; and

“(v) ensure the programs are coordinated to enhance the overall preparedness of the Nation;

“(D) submit the information and recommendations under subparagraphs (A), (B), and (C) to the appropriate committees of Congress; and

“(E) provide the appropriate committees of Congress, the Comptroller General, and any officer or employee of the Government Accountability Office with full access to any information collected or reviewed in preparing the submission under subparagraph (D).

“(2) SCOPE OF TASK.—Nothing in this subsection shall authorize the elimination, or the alteration of the purposes, as delineated by statute, regulation, or guidance, of any grant program that exists on the date of the enactment of the Implementing Recomnendations of the 9/11 Commission Act of 2007, nor authorize the review or preparation of proposals on the elimination, or the alteration of such purposes, of any such grant program.

“(d) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

“(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;

“(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

“(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

“SEC. 2022. ACCOUNTABILITY.

“(a) AUDITS OF GRANT PROGRAMS.—

“(1) COMPLIANCE REQUIREMENTS.—

“(A) AUDIT REQUIREMENT.—Each recipient of a grant administered by the Department that expends not less than $500,000 in Federal funds during its fiscal year shall submit to the Administrator a copy of the organization-wide financial and compliance audit report required under chapter 75 of title 31, United States Code.

“(B) ACCESS TO INFORMATION.—The Department and each recipient of a grant administered by the Department shall provide the Comptroller General and any officer or employee of the Government Accountability Office with full access to information regarding the activities carried out related to any grant administered by the Department.

“(C) IMPROPER PAYMENTS.—Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), for each of the grant programs under sections 2003 and 2004 of this title and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762), the Administrator shall specify policies and procedures for—

“(i) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

“(ii) reporting any improper payments to the Department.

“(2) AGENCY PROGRAM REVIEW.—

“(A) IN GENERAL.—Not less than once every 2 years, the Administrator shall conduct, for each State and high-risk urban area receiving a grant administered by the Department, a programmatic and financial review of all grants awarded by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

“(B) CONTENTS.—Each review under subparagraph (A) shall, at a minimum, examine—

“(i) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans or other applicable plans; and

“(ii) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters.

“(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Administrator, there are authorized to be appropriated to the Administrator for reviews under this paragraph—

“(i) $8,000,000 for each of fiscal years 2008, 2009, and 2010; and

“(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

“(3) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

“(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered by the Department, the Inspector General of the Department each year shall conduct audits of a sample of States and high-risk urban areas that receive grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

“(B) DETERMINING SAMPLES.—The sample selected for audits under subparagraph (A) shall be—

“(i) of an appropriate size to—

“(I) assess the overall integrity of the grant programs described in subparagraph (A); and

“(II) act as a deterrent to financial mismanagement; and

“(ii) selected based on—

“(I) the size of the grants awarded to the recipient;

“(II) the past grant management performance of the recipient;

“(III) concerns identified by the Administrator, including referrals from the Administrator; and

“(IV) such other factors as determined by the Inspector General of the Department.

“(C) COMPREHENSIVE AUDITING.—During the 7-year period beginning on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct not fewer than 1 audit of each State that receives funds under a grant under section 2003 or 2004.

“(D) REPORT BY THE INSPECTOR GENERAL.—

“(i) IN GENERAL.—The Inspector General of the Department shall submit to the appropriate committees of Congress an annual consolidated report regarding the audits completed during the fiscal year before the date of that report.

“(ii) CONTENTS.—Each report submitted under clause (i) shall describe, for the fiscal year before the date of that report—

“(I) the audits conducted under subparagraph (A);

“(II) the findings of the Inspector General with respect to the audits conducted under subparagraph (A);

“(III) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans and other applicable plans; and

“(IV) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism and other man-made disasters.

“(iii) DEADLINE.—For each year, the report required under clause (i) shall be submitted not later than December 31.

“(E) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit conducted under subparagraph (A) available on the website of the Inspector General, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.

“(F) PROVISION OF INFORMATION TO ADMINISTRATOR.—The Inspector General of the Department shall provide to the Administrator any findings and recommendations from audits conducted under subparagraph (A).

“(G) EVALUATION OF GRANTS MANAGEMENT AND OVERSIGHT.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall review and evaluate the grants management and oversight practices of the Federal Emergency Management Agency, including assessment of and recommendations relating to—

“(i) the skills, resources, and capabilities of the workforce; and

“(ii) any additional resources and staff necessary to carry out such management and oversight.

“(H) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Inspector General of the Department, there are authorized to be appropriated to the Inspector General of the Department for audits under subparagraph (A)—

“(i) $8,500,000 for each of fiscal years 2008, 2009, and 2010; and

“(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

“(4) PERFORMANCE ASSESSMENT.—In order to ensure that States and high-risk urban areas are using grants administered by the Department appropriately to meet target capabilities and preparedness priorities, the Administrator shall—

“(A) ensure that any such State or high-risk urban area conducts or participates in exercises under section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b));

“(B) use performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749) and ensure that any such State or high-risk urban area regularly tests its progress against such metrics through the exercises required under subparagraph (A);

“(C) use the remedial action management program under section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750); and

“(D) ensure that each State receiving a grant administered by the Department submits a report to the Administrator on its level of preparedness, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).

"(5) CONSIDERATION OF ASSESSMENTS.—In conducting program reviews and performance audits under paragraphs (2) and (3), the Administrator and the Inspector General of the Department shall take into account the performance assessment elements required under paragraph (4).

"(6) RECOVERY AUDITS.—The Administrator shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of not less than $1,000,000, if the Administrator finds that—

"(A) a financial audit has identified improper payments that can be recouped; and

"(B) it is cost effective to conduct a recovery audit to recapture the targeted funds.

"(7) REMEDIES FOR NONCOMPLIANCE.—

"(A) IN GENERAL.—If, as a result of a review or audit under this subsection or otherwise, the Administrator finds that a recipient of a grant under this title has failed to substantially comply with any provision of law or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

"(i) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not properly expended by the recipient;

"(ii) limit the use of grant funds to programs, projects, or activities not affected by the failure to comply;

"(iii) refer the matter to the Inspector General of the Department for further investigation;

"(iv) terminate any payment of grant funds to be made to the recipient; or

"(v) take such other action as the Administrator determines appropriate.

"(B) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under subparagraph (A) until such time as the Administrator determines that the grant recipient is in full compliance with the law and with applicable guidelines or regulations of the Department.

"(b) REPORTS BY GRANT RECIPIENTS.—

"(1) QUARTERLY REPORTS ON HOMELAND SECURITY SPENDING.—

"(A) IN GENERAL.—As a condition of receiving a grant under section 2003 or 2004, a State, high-risk urban area, or directly eligible tribe shall, not later than 30 days after the end of each Federal fiscal quarter, submit to the Administrator a report on activities performed using grant funds during that fiscal quarter.

"(B) CONTENTS.—Each report submitted under subparagraph (A) shall at a minimum include, for the applicable State, high-risk urban area, or directly eligible tribe, and each subgrantee thereof—

"(i) the amount obligated to that recipient under section 2003 or 2004 in that quarter;

"(ii) the amount of funds received and expended under section 2003 or 2004 by that recipient in that quarter; and

"(iii) a summary description of expenditures made by that recipient using such funds, and the purposes for which such expenditures were made.

"(C) END-OF-YEAR REPORT.—The report submitted under subparagraph (A) by a State, high-risk urban area, or directly eligible tribe relating to the last quarter of any fiscal year shall include—

"(i) the amount and date of receipt of all funds received under the grant during that fiscal year;

"(ii) the identity of, and amount provided to, any subgrantee for that grant during that fiscal year;

"(iii) the amount and the dates of disbursements of all such funds expended in compliance with section 2021(a)(1) or under mutual aid agreements or other sharing arrangements that apply within the State, high-risk urban area, or directly eligible tribe, as applicable, during that fiscal year; and

"(iv) how the funds were used by each recipient or subgrantee during that fiscal year.

"(2) ANNUAL REPORT.—Any State applying for a grant under section 2004 shall submit to the Administrator annually a State preparedness report, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).

"(c) REPORTS BY THE ADMINISTRATOR.—

"(1) FEDERAL PREPAREDNESS REPORT.—The Administrator shall submit to the appropriate committees of Congress annually the Federal Preparedness Report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)).

"(2) RISK ASSESSMENT.—

"(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the appropriate committees of Congress a detailed and comprehensive explanation of the methodologies used to calculate risk and compute the allocation of funds for grants administered by the Department, including—

"(i) all variables included in the risk assessment and the weights assigned to each such variable;

"(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

"(iii) any change in the methodologies from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

"(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

"(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

"(i) October 31; or

"(ii) 30 days before the issuance of any program guidance for grants administered by the Department.

"(3) TRIBAL FUNDING REPORT.—At the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report setting forth the amount of funding provided during that fiscal year to Indian tribes under any grant program administered by the Department, whether provided directly or through a subgrant from a State or high-risk urban area.".

SEC. 102. OTHER AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) NATIONAL ADVISORY COUNCIL.—Section 508(b) of the Homeland Security Act of 2002 (6 U.S.C. 318(b)) is amended—

(1) by striking "The National Advisory" the first place that term appears and inserting the following:

"(1) IN GENERAL.—The National Advisory"; and

(2) by adding at the end the following:

"(2) CONSULTATION ON GRANTS.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.".

(b) EVACUATION PLANNING.—Section 512(b)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 321a(b)(5)(A)) is amended by inserting ", including the elderly" after "needs".

SEC. 103. AMENDMENTS TO THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

(a) FUNDING EFFICACY.—Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) an evaluation of the extent to which grants administered by the Department, including grants under title XX of the Homeland Security Act of 2002—

"(i) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

"(ii) have led to the reduction of risk from natural disasters, acts of terrorism, or other man-made disasters nationally and in State, local, and tribal jurisdictions.".

(b) STATE PREPAREDNESS REPORT.—Section 652(c)(2)(D) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)(2)(D)) is amended by striking "an assessment of resource needs" and inserting "a discussion of the extent to which target capabilities identified in the applicable State homeland security plan and other applicable plans remain unmet and an assessment of resources needed".

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking "section 1802" and inserting "section 1902";

(4) in section 1906, as so redesignated, by striking "section 1802(a)" each place that term appears and inserting "section 1902(a)"; and

(5) in the table of contents in section 1(b), by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.

"Subtitle A—Grants to States and High-Risk Urban Areas

"Sec. 2002. Homeland Security Grant Programs.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004. State Homeland Security Grant Program.
"Sec. 2005. Grants to directly eligible tribes.
"Sec. 2006. Terrorism prevention.
"Sec. 2007. Prioritization.
"Sec. 2008. Use of funds.

"Subtitle B—Grants Administration

"Sec. 2021. Administration and coordination.
"Sec. 2022. Accountability.".

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

SEC. 201. EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.

Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended to read as follows:

"SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'program' means the emergency management performance grants program described in subsection (b); and

"(2) the term 'State' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(b) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program, to make grants to States to assist State, local, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(c) FEDERAL SHARE.—Except as otherwise specifically provided by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal share of the cost of an activity carried out using funds made available under the program shall not exceed 50 percent.

"(d) APPORTIONMENT.—For fiscal year 2008, and each fiscal year thereafter, the Administrator shall apportion the amounts appropriated to carry out the program among the States as follows:

"(1) BASELINE AMOUNT.—The Administrator shall first apportion 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and 0.75 percent of such amounts to each of the remaining States.

"(2) REMAINDER.—The Administrator shall apportion the remainder of such amounts in the ratio that—

"(A) the population of each State; bears to

"(B) the population of all States.

"(e) CONSISTENCY IN ALLOCATION.—Notwithstanding subsection (d), in any fiscal year before fiscal year 2013 in which the appropriation for grants under this section is equal to or greater than the appropriation for emergency management performance grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program—

"(1) for fiscal year 2008, $400,000,000;

"(2) for fiscal year 2009, $535,000,000;

"(3) for fiscal year 2010, $680,000,000;

"(4) for fiscal year 2011, $815,000,000; and

"(5) for fiscal year 2012, $950,000,000.".

SEC. 202. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended to read as follows:

"SEC. 614. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

"(a) GRANTS.—The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.

"(b) FEDERAL SHARE.—Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.".

TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

SEC. 301. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:

"SEC. 1809. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish the Interoperable Emergency Communications Grant Program to make grants to States to carry out initiatives to improve local, tribal, statewide, regional, national and, where appropriate, international interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters.

"(b) POLICY.—The Director for Emergency Communications shall ensure that a grant awarded to a State under this section is consistent with the policies established pursuant to the responsibilities and authorities of the Office of Emergency Communications under this title, including ensuring that activities funded by the grant—

"(1) comply with the statewide plan for that State required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

"(2) comply with the National Emergency Communications Plan under section 1802, when completed.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall administer the Interoperable Emergency Communications Grant Program pursuant to the responsibilities and authorities of the Administrator under title V of the Act.

"(2) GUIDANCE.—In administering the grant program, the Administrator shall ensure that the use of grants is consistent with guidance established by the Director of Emergency Communications pursuant to section 7303(a)(1)(H) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(H)).

"(d) USE OF FUNDS.—A State that receives a grant under this section shall use the grant to implement that State's Statewide Interoperability Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and approved under subsection (e), and to assist with activities determined by the Secretary to be integral to interoperable emergency communications.

"(e) APPROVAL OF PLANS.—

"(1) APPROVAL AS CONDITION OF GRANT.—Before a State may receive a grant under this section, the Director of Emergency Communications shall approve the State's Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(2) PLAN REQUIREMENTS.—In approving a plan under this subsection, the Director of Emergency Communications shall ensure that the plan—

"(A) is designed to improve interoperability at the city, county, regional, State and interstate level;

"(B) considers any applicable local or regional plan; and

"(C) complies, to the maximum extent practicable, with the National Emergency Communications Plan under section 1802.

"(3) APPROVAL OF REVISIONS.—The Director of Emergency Communications may approve revisions to a State's plan if the Director determines that doing so is likely to further interoperability.

"(f) LIMITATIONS ON USES OF FUNDS.—

"(1) IN GENERAL.—The recipient of a grant under this section may not use the grant—

"(A) to supplant State or local funds;

"(B) for any State or local government cost-sharing contribution; or

"(C) for recreational or social purposes.

"(2) PENALTIES.—In addition to other remedies currently available, the Secretary may take such actions as necessary to ensure that recipients of grant funds are using the funds for the purpose for which they were intended.

"(g) LIMITATIONS ON AWARD OF GRANTS.—

"(1) NATIONAL EMERGENCY COMMUNICATIONS PLAN REQUIRED.—The Secretary may not award a grant under this section before the date on which the Secretary completes and submits to Congress the National Emergency Communications Plan required under section 1802.

"(2) VOLUNTARY CONSENSUS STANDARDS.—The Secretary may not award a grant to a State under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, unless the State demonstrates that there are compelling reasons for such purchase.

"(h) AWARD OF GRANTS.—In approving applications and awarding grants under this section, the Secretary shall consider—

"(1) the risk posed to each State by natural disasters, acts of terrorism, or other manmade disasters, including—

"(A) the likely need of a jurisdiction within the State to respond to such risk in nearby jurisdictions;

"(B) the degree of threat, vulnerability, and consequences related to critical infrastructure (from all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security and emergency management plans, including threats to, vulnerabilities of, and consequences from damage to critical infrastructure and key resources in nearby jurisdictions;

"(C) the size of the population and density of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

"(D) whether the State is on or near an international border;

"(E) whether the State encompasses an economically significant border crossing; and

"(F) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters, and

"(2) the anticipated effectiveness of the State's proposed use of grant funds to improve interoperability.

"(i) OPPORTUNITY TO AMEND APPLICATIONS.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(j) MINIMUM GRANT AMOUNTS.—

"(1) STATES.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, except as provided in paragraph (2), no State receives a grant in an amount that is less than the following percentage of the total amount appropriated for grants under this section for that fiscal year:

"(A) For fiscal year 2008, 0.50 percent.

"(B) For fiscal year 2009, 0.50 percent.

"(C) For fiscal year 2010, 0.45 percent.

"(D) For fiscal year 2011, 0.40 percent.

"(E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

"(2) TERRITORIES AND POSSESSIONS.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive grants in amounts that *are not less than 0.08 percent of the total amount appropriated for grants under this section for that fiscal year.*

"(k) CERTIFICATION.—Each State that receives a grant under this section shall certify that the grant is used for the purpose for which the funds were intended and in compliance with the State's approved Statewide Interoperable Communications Plan.

"(l) STATE RESPONSIBILITIES.—

"(1) AVAILABILITY OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall obligate or otherwise make available to local and tribal governments—

"(A) not less than 80 percent of the grant funds;

"(B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant; or

"(C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

"(2) ALLOCATION OF FUNDS.—A State that receives a grant under this section shall allocate grant funds to tribal governments in the State to assist tribal communities in improving interoperable communications, in a manner consistent with the Statewide Interoperable Communications Plan. A State may not impose unreasonable or unduly burdensome requirements on a tribal government as a condition of providing grant funds or resources to the tribal government.

"(3) PENALTIES.—If a State violates the requirements of this subsection, in addition to other remedies available to the Secretary, the Secretary may terminate or reduce the amount of the grant awarded to that State or transfer grant funds previously awarded to the State directly to the appropriate local or tribal government.

"(m) REPORTS.—

"(1) ANNUAL REPORTS BY STATE GRANT RECIPIENTS.—A State that receives a grant under this section shall annually submit to the Director of Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and achieving interoperability at the city, county, regional, State, and interstate levels. The Director shall make the reports publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

"(2) ANNUAL REPORTS TO CONGRESS.—At least once each year, the Director of Emergency Communications shall submit to Congress a report on the use of grants awarded under this section and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, State, and interstate level, as a result of the award of such grants.

"(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude a State from using a grant awarded under this section for interim or long-term Internet Protocol-based interoperable solutions.

"(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2008, such sums as may be necessary;

"(2) for each of fiscal years 2009 through 2012, $400,000,000; and

"(3) for each subsequent fiscal year, such sums as may be necessary.".

(b) CLERICAL AMENDMENT.— The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 1808 the following:

"Sec. 1809. Interoperable Emergency Communications Grant Program.".

(c) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) include information on the governance structure used to develop the plan, including such information about all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

"(7) describe the method by which multi-jurisdictional, multidisciplinary input is provided from all regions of the jurisdiction, including any high-threat urban areas located in the jurisdiction, and the process for continuing to incorporate such input.";

(2) in subsection (g)(1), by striking "or video" and inserting "and video".

(d) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, and emergency response providers expect to achieve a baseline level of national interoperable communications, as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).".

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:

"SEC. 1810. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Emergency Communications (referred to in this section as the 'Director'), and in coordination with the Federal Communications Commission and the Secretary of Commerce, shall establish an International Border Community Interoperable Communications Demonstration Project (referred to in this section as the 'demonstration project').

"(2) MINIMUM NUMBER OF COMMUNITIES.—The Director shall select no fewer than 6 communities to participate in a demonstration project.

"(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

"(b) CONDITIONS.—The Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall ensure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.

"(c) PROGRAM REQUIREMENTS.—Consistent with the responsibilities of the Office of Emergency Communications under section 1801, the Director shall foster local, tribal, State, and Federal interoperable emergency communications, as well as interoperable emergency communications with appropriate Canadian and Mexican authorities in the communities selected for the demonstration project. The Director shall—

"(1) identify solutions to facilitate interoperable communications across national borders expeditiously;

"(2) help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters;

"(3) provide technical assistance to enable emergency response providers to deal with threats and contingencies in a variety of environments;

"(4) identify appropriate joint-use equipment to ensure communications access;

"(5) identify solutions to facilitate communications between emergency response providers in communities of differing population densities; and

"(6) take other actions or provide equipment as the Director deems appropriate to foster interoperable emergency communications.

"(d) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

"(2) OTHER PARTICIPANTS.—A State shall make the funds available promptly to the local and tribal governments and emergency response providers selected by the Secretary to participate in the demonstration project.

"(3) REPORT.—Not later than 90 days after a State receives funds under this subsection the State shall report to the Director on the status of the distribution of such funds to local and tribal governments.

"(e) MAXIMUM PERIOD OF GRANTS.—The Director may not fund any participant under the demonstration project for more than 3 years.

"(f) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Director shall establish mechanisms to ensure that the information and knowledge gained by participants in the demonstration project are transferred among the participants and to other interested parties, including other communities that submitted applications to the participant in the project.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section such sums as may be necessary.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 1809 the following:

"Sec. 1810. Border interoperability demonstration project.".

TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM

SEC. 401. DEFINITIONS.

(a) IN GENERAL.—Section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(3) by inserting after paragraph (3) the following:

"(4) the terms 'credentialed' and 'credentialing' mean having provided, or providing, respectively, documentation that identifies personnel and authenticates and verifies the

qualifications of such personnel by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for a particular position in accordance with standards created under section 510;'';

(4) by inserting after paragraph (10), as so redesignated, the following:

''(11) the term 'resources' means personnel and major items of equipment, supplies, and facilities available or potentially available for responding to a natural disaster, act of terrorism, or other man-made disaster;'';

(5) in paragraph (12), as so redesignated, by striking ''and'' at the end;

(6) in paragraph (13), as so redesignated, by striking the period at the end and inserting ''; and''; and

(7) by adding at the end the following:

''(14) the terms 'typed' and 'typing' mean having evaluated, or evaluating, respectively, a resource in accordance with standards created under section 510.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741) is amended—

(1) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(2) by inserting after paragraph (1) the following:

''(2) CREDENTIALED; CREDENTIALING.—The terms 'credentialed' and 'credentialing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''; and

(3) by adding at the end the following:

''(12) RESOURCES.—The term 'resources' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).

''(13) TYPE.—The term 'type' means a classification of resources that refers to the capability of a resource.

''(14) TYPED; TYPING.—The terms 'typed' and 'typing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''.

SEC. 402. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(A)) is amended by striking clauses (iv) and (v) and inserting the following:

''(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;

''(v) designed to address the unique requirements of populations with special needs, including the elderly; and

''(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and''.

SEC. 403. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(B)) is amended by striking ''shall provide'' and all that follows through ''of exercises'' and inserting the following: ''shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally)''.

SEC. 404. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H) by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, and other man-made disasters;

''(J) assisting State, local, and tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system may quickly be established and operated from, if the need for such a system arises; and''.

SEC. 405. FEDERAL RESPONSE CAPABILITY INVENTORY.

Section 651 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 751) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The inventory'' and inserting ''For each Federal agency with responsibilities under the National Response Plan, the inventory'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) by redesignating paragraph (2) as paragraph (4); and

(D) by inserting after paragraph (1) the following:

''(2) a list of personnel credentialed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);

''(3) a list of resources typed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320); and''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''capabilities, readiness'' and all that follows and inserting the following: ''—

''(A) capabilities;

''(B) readiness;

''(C) the compatibility of equipment;

''(D) credentialed personnel; and

''(E) typed resources;'';

(B) in paragraph (2), by inserting ''of capabilities, credentialed personnel, and typed resources'' after ''rapid deployment''; and

(C) in paragraph (3), by striking ''inventories'' and inserting ''the inventory described in subsection (a)''.

SEC. 406. REPORTING REQUIREMENTS.

Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)), as amended by section 103, is further amended—

(1) in subparagraph (C), by striking ''section 651(a);'' and inserting ''section 651, including the number and type of credentialed personnel in each category of personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster;'';

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) a discussion of whether the list of credentialed personnel of the Agency described in section 651(b)(2)—

''(i) complies with the strategic human capital plan developed under section 10102 of title 5, United States Code; and

''(ii) is sufficient to respond to a natural disaster, act of terrorism, or other man-made disaster, including a catastrophic incident.''.

SEC. 407. FEDERAL PREPAREDNESS.

Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''coordinating, primary, or supporting'';

(B) in paragraph (2), by inserting '', including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320)'' before the semicolon at the end;

(C) in paragraph (3), by striking ''and'' at the end;

(D) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.''; and

(2) in subsection (d)—

(A) by inserting ''to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives'' after ''The President shall certify''; and

(B) by striking ''coordinating, primary, or supporting''.

SEC. 408. CREDENTIALING AND TYPING.

Section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(a) IN GENERAL.—The Administrator'';

(2) in subsection (a), as so designated, by striking ''credentialing of personnel and typing of'' and inserting ''for credentialing and typing of incident management personnel, emergency response providers, and other personnel (including temporary personnel) and''; and

(3) by adding at the end the following:

''(b) DISTRIBUTION.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to—

''(A) each Federal agency that has responsibilities under the National Response Plan to aid that agency with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) State, local, and tribal governments, to aid such governments with credentialing and typing of State, local, and tribal incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(2) ASSISTANCE.—The Administrator shall provide expertise and technical assistance to aid Federal, State, local, and tribal government agencies with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(c) CREDENTIALING AND TYPING OF PERSONNEL.—Not later than 6 months after receiving the standards provided under subsection (b), each Federal agency with responsibilities under the National Response Plan shall ensure that incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other manmade disaster are credentialed and typed in accordance with this section.

''(d) CONSULTATION ON HEALTH CARE STANDARDS.—In developing standards for credentialing health care professionals under this section, the Administrator shall consult *with the Secretary of Health and Human Services.”.*

SEC. 409. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

“SEC. 522. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.

“(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other man-made disaster.

“(b) DISTRIBUTION AND ASSISTANCE.—The Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to State, local, and tribal governments, and provide expertise and technical assistance to aid such governments with credentialing critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other manmade disaster.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 521 the following:

> *“Sec. 522. Model standards and guidelines for critical infrastructure workers.”.*

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title and the amendments made by this title.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 501. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

“(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide advisories or warnings regarding the threat or risk that acts of terrorism will be committed on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such advisories or warnings.

“(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

“(1) establish criteria for the issuance and revocation of such advisories or warnings;

“(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such advisories or warnings;

“(3) provide, in each such advisory or warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to the threat or risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately;

“(4) whenever possible, limit the scope of each such advisory or warning to a specific region, locality, or economic sector believed to be under threat or at risk; and

“(5) not, in issuing any advisory or warning, use color designations as the exclusive means of specifying homeland security threat conditions that are the subject of the advisory or warning.

“SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

“(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary, acting through the Under Secretary for Intelligence and Analysis, shall integrate the information and standardize the format of the products of the intelligence components of the Department containing homeland security information, terrorism information, weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))) except for any internal security protocols or personnel information of such intelligence components, or other administrative processes that are administered by any chief security officer of the Department.

“(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis regarding coordinating the different systems used in the Department to gather and disseminate homeland security information or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).

“(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

“(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall—

“(A) establish Department-wide procedures for the review and analysis of information provided by State, local, and tribal governments and the private sector;

“(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

“(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

“(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that provides such information to the Department.

“(d) TRAINING AND EVALUATION OF EMPLOYEES.—

“(1) TRAINING.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall provide to employees of the Department opportunities for training and education to develop an understanding of—

“(A) the definitions of homeland security information and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))); and

“(B) how information available to such employees as part of their duties—

“(i) might qualify as homeland security information or national intelligence; and

“(ii) might be relevant to the Office of Intelligence and Analysis and the intelligence components of the Department.

“(2) EVALUATIONS.—The Under Secretary for Intelligence and Analysis shall—

“(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information or national intelligence, sharing information within the Department, as described in this title, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

“(B) provide to the appropriate component heads regular reports regarding the evaluations under subparagraph (A).

“SEC. 205. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

“(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish, consistent with the policies and procedures developed under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and consistent with the enterprise architecture of the Department, a comprehensive information technology network architecture for the Office of Intelligence and Analysis that connects the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing among the intelligence and other personnel of the Department.

“(b) COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE DEFINED.—The term ‘comprehensive information technology network architecture’ means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic management and information resources management goals of the Office of Intelligence and Analysis.

“SEC. 206. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

“(a) GUIDANCE.—All activities to comply with sections 203, 204, and 205 shall be—

“(1) consistent with any policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

“(2) implemented in coordination with, as appropriate, the program manager for the information sharing environment established under that section;

“(3) consistent with any applicable guidance issued by the Director of National Intelligence; and

“(4) consistent with any applicable guidance issued by the Secretary relating to the protection of law enforcement information or proprietary information.

“(b) CONSULTATION.—In carrying out the duties and responsibilities under this subtitle, the Under Secretary for Intelligence and Analysis shall take into account the views of the heads of the intelligence components of the Department.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security

Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

"Sec. 203. Homeland Security Advisory System.
"Sec. 204. Homeland security information sharing.
"Sec. 205. Comprehensive information technology network architecture.
"Sec. 206. Coordination with information sharing environment.".

(b) OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting ", in support of the mission responsibilities of the Department and the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 404o)," after "and to integrate such information"; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A)(ii) of this section, and inserting the following:

"(7) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including homeland security information, terrorism information, and weapons of mass destruction information, and any policies, guidelines, procedures, instructions, or standards established under that section.".

(c) REPORT ON COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by subsection (a). The report shall include:

(1) a description of the priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities;

(2) an explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect;

(3) a description of the technological challenges that the Secretary expects the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture;

(4) a description of the technological options that are available or are in development that may be incorporated into the comprehensive information technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so;

(5) an explanation of any security protections to be developed as part of the comprehensive information technology network architecture;

(6) a description of safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture; and

(7) an operational best practices plan.

SEC. 502. INTELLIGENCE COMPONENT DEFINED.

(a) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) The term 'intelligence component of the Department' means any element or entity of the Department that collects, gathers, processes, analyzes, produces, or disseminates intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence, as defined under section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), except—

"(A) the United States Secret Service; and

"(B) the Coast Guard, when operating under the direct authority of the Secretary of Defense or Secretary of the Navy pursuant to section 3 of title 14, United States Code, except that nothing in this paragraph shall affect or diminish the authority and responsibilities of the Commandant of the Coast Guard to command or control the Coast Guard as an armed force or the authority of the Director of National Intelligence with respect to the Coast Guard as an element of the intelligence community (as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

(b) RECEIPT OF INFORMATION FROM UNITED STATES SECRET SERVICE.—

(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall receive from the United States Secret Service homeland security information, terrorism information, weapons of mass destruction information (as these terms are defined in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)), or national intelligence, as defined in Section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), as well as suspect information obtained in criminal investigations. The United States Secret Service shall cooperate with the Under Secretary for Intelligence and Analysis with respect to activities under sections 204 and 205 of the Homeland Security Act of 2002.

(2) SAVINGS CLAUSE.—Nothing in this Act shall interfere with the operation of Section 3056(g) of Title 18, United States Code, or with the authority of the Secretary of Homeland Security or the Director of the United States Secret Service regarding the budget of the United States Secret Service.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—Paragraph (13) of section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311), as redesignated by section 401, is amended by striking "section 2(10)(B)" and inserting "section 2(11)(B)".

(2) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking "section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))" and inserting "section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))".

SEC. 503. ROLE OF INTELLIGENCE COMPONENTS, TRAINING, AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following:

"SEC. 207. INTELLIGENCE COMPONENTS.

"Subject to the direction and control of the Secretary, and consistent with any applicable guidance issued by the Director of National Intelligence, the responsibilities of the head of each intelligence component of the Department are as follows:

"(1) To ensure that the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))), are carried out effectively and efficiently in support of the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

"(2) To otherwise support and implement the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

"(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

"(4) To coordinate with the Under Secretary for Intelligence and Analysis in developing policies and requirements for the recruitment and selection of intelligence officials of the intelligence component.

"(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.

"(6) To ensure that employees of the intelligence component have knowledge of, and comply with, the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.

"(7) To perform such other activities relating to such responsibilities as the Secretary may provide.

"SEC. 208. TRAINING FOR EMPLOYEES OF INTELLIGENCE COMPONENTS.

"The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).

"SEC. 209. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

"(a) CURRICULUM.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall—

"(1) develop a curriculum for training State, local, and tribal government officials, including law enforcement officers, intelligence analysts, and other emergency response providers, in the intelligence cycle and Federal laws, practices, and regulations regarding the development, handling, and review of intelligence and other information; and

"(2) ensure that the curriculum includes executive level training for senior level State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers.

"(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct such training.

"(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Under Secretary for Intelligence and Analysis shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the

Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

"SEC. 210. INFORMATION SHARING INCENTIVES.

"(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in appropriately sharing information within the scope of the information sharing environment established under that section, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

"(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to participate fully in the information sharing environment, including—

"(1) promotions and other nonmonetary awards; and

"(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended further by inserting after the item relating to section 206 the following:

"Sec. 207. Intelligence components.
"Sec. 208. Training for employees of intelligence components.
"Sec. 209. Intelligence training development for State and local government officials.
"Sec. 210. Information sharing incentives.".

SEC. 504. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)).";

(C) by striking paragraph (3), as so redesignated, and inserting the following:

"(3) INFORMATION SHARING ENVIRONMENT.—The terms 'information sharing environment' and 'ISE' mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.".

(D) by striking paragraph (5), as so redesignated, and inserting the following:

"(5) TERRORISM INFORMATION.—The term 'terrorism information'—

"(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

"(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

"(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

"(iii) communications of or by such groups or individuals; or

"(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

"(B) includes weapons of mass destruction information."; and

(E) by adding at the end the following:

"(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.";

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking "and" at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

"(K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;

"(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

"(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

"(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

"(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.";

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced" and inserting "until removed from service or replaced"; and

(ii) by striking "The program manager shall have and exercise governmentwide authority." and inserting "The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law."; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

"(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

"(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

"(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and";

(4) in subsection (g)—

(A) in paragraph (1), by striking "during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced" and inserting "until removed from service or replaced";

(B) in paragraph (2)—

(i) in subparagraph (F), by striking "and" at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

"(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

"(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and";

(C) in paragraph (4), by inserting "(including any subsidiary group of the Information Sharing Council)" before "shall not be subject"; and

(D) by adding at the end the following:

"(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).";

(5) in subsection (h)(1), by striking "and annually thereafter" and inserting "and not later than June 30 of each year thereafter"; and

(6) by striking subsection (j) and inserting the following:

"(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

"(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the *information sharing environment, unless the President has—*

"(i) specifically exempted categories of information from such elimination; and

"(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

"(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;

"(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

"(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—

"(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

"(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

"(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

"(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

"(1) activities associated with the implementation of the information sharing environment, including—

"(A) implementing the requirements under subsection (b)(2); and

"(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

"(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

"(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.".

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 511. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 210A. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

"(a) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

"(b) DEPARTMENT SUPPORT AND COORDINATION.—Through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative, and in coordination with the principal officials of participating State, local, or regional fusion centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

"(1) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

"(2) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

"(3) conduct tabletop and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

"(4) coordinate with other relevant Federal entities engaged in homeland security-related activities;

"(5) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

"(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by State, local, and regional fusion centers, and to incorporate such information, as appropriate, into the Department's own such information;

"(7) provide management assistance to State, local, and regional fusion centers;

"(8) serve as a point of contact to ensure the dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

"(9) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

"(10) provide State, local, and regional fusion centers with expertise on Department resources and operations;

"(11) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department; and

"(12) carry out such other duties as the Secretary determines are appropriate.

"(c) PERSONNEL ASSIGNMENT.—

"(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to participating State, local, and regional fusion centers.

"(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to participating fusion centers under this subsection may be assigned from the following Department components, in coordination with the respective component head and in consultation with the principal officials of participating fusion centers:

"(A) Office of Intelligence and Analysis.

"(B) Office of Infrastructure Protection.

"(C) Transportation Security Administration.

"(D) United States Customs and Border Protection.

"(E) United States Immigration and Customs Enforcement.

"(F) United States Coast Guard.

"(G) Other components of the Department, as determined by the Secretary.

"(3) QUALIFYING CRITERIA.—

"(A) IN GENERAL.—The Secretary shall develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

"(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

"(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

"(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

"(iii) whether the fusion center has—

"(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

"(II) the ability to share and analytically utilize that data for lawful purposes;

"(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

"(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

"(4) PREREQUISITE.—

"(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

"(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

"(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

"(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar rule or regulation);

"(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

"(iii) such other training prescribed by the Under Secretary for Intelligence and Analysis.

"(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Under Secretary for Intelligence and Analysis shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

"(i) has been previously assigned in the geographic area; or

"(ii) has previously worked with intelligence officials or law enforcement or other emergency response providers from that State, locality, or region.

"(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis—

"(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate security clearance to contribute effectively to the mission of the fusion center; and

"(B) may request that security clearance processing be expedited for each such officer or intelligence analyst and may use available funds for such purpose.

"(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

"(d) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

"(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to develop a comprehensive and accurate threat picture;

"(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

"(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department; and

"(4) assist in the dissemination of such products, as coordinated by the Under Secretary for Intelligence and Analysis, to law enforcement agencies and other emergency response providers of State, local, and tribal government, other fusion centers, and appropriate Federal agencies.

"(e) BORDER INTELLIGENCE PRIORITY.—

"(1) IN GENERAL.—The Secretary shall make it a priority to assign officers and intelligence analysts under this section from United States Customs and Border Protection, United States Immigration and Customs Enforcement, and the Coast Guard to participating State, local, and regional fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.

"(2) BORDER INTELLIGENCE PRODUCTS.—When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to participating State, local, and regional fusion centers under this section shall have, as a primary responsibility, the creation of border intelligence products that—

"(A) assist State, local, and tribal law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and related contraband at land or maritime borders of the United States;

"(B) promote more consistent and timely sharing of border security-relevant information among jurisdictions along land or maritime borders of the United States; and

"(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving the land or maritime borders of the United States.

"(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (d), each officer or intelligence analyst assigned to a fusion center under this section shall have appropriate access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

"(g) CONSUMER FEEDBACK.—

"(1) IN GENERAL.—The Secretary shall create a voluntary mechanism for any State, local, or tribal law enforcement officer or other emergency response provider who is a consumer of the intelligence or other information products referred to in subsection (d) to provide feedback to the Department on the quality and utility of such intelligence products.

"(2) REPORT.—Not later than one year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes a description of the consumer feedback obtained under paragraph (1) and, if applicable, how the Department has adjusted its production of intelligence products in response to that consumer feedback.

"(h) RULE OF CONSTRUCTION.—

"(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

"(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

"(i) GUIDELINES.—The Secretary, in consultation with the Attorney General, shall establish guidelines for fusion centers created and operated by State and local governments, to include standards that any such fusion center shall—

"(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

"(2) create a representative governance structure that includes law enforcement officers and other emergency response providers and, as appropriate, the private sector;

"(3) create a collaborative environment for the sharing of intelligence and information among Federal, State, local, and tribal government agencies (including law enforcement officers and other emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

"(4) leverage the databases, systems, and networks available from public and private sector entities, in accordance with all applicable laws, to maximize information sharing;

"(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

"(6) provide, in coordination with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, appropriate privacy and civil liberties training for all State, local, tribal, and private sector representatives at the fusion center;

"(7) ensure appropriate security measures are in place for the facility, data, and personnel;

"(8) select and train personnel based on the needs, mission, goals, and functions of that fusion center;

"(9) offer a variety of intelligence and information services and products to recipients of fusion center intelligence and information; and

"(10) incorporate law enforcement officers, other emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process, consistent with the mission statement developed under paragraph (1), either through full time representatives or liaison relationships with the fusion center to enable the receipt and sharing of information and intelligence.

"(j) DEFINITIONS.—In this section—

"(1) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

"(2) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(3) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, gathering, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

"(4) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

"(5) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, except for subsection (i), including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.".

(b) TRAINING FOR PREDEPLOYED OFFICERS AND ANALYSTS.—An officer or analyst assigned to a fusion center by the Secretary of Homeland Security before the date of the enactment of this Act shall undergo the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002, as added by subsection (a), by not later than six months after such date.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210 the following:

"Sec. 210A.Department of Homeland Security State, Local, and Regional Information Fusion Center Initiative.".

(d) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the Department of Homeland Security State, Local, and Regional Fusion Center Initiative under section 210A of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "program") has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date of the enactment of this Act, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Liberties and Civil Rights of the Department of Homeland Security, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board a report on the privacy and civil liberties impact of the program.

SEC. 512. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 210B. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

"(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

"(i) the relevant missions and capabilities of the Department and other Federal agencies; and

"(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

"(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

"(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal information requirements;

"(ii) identify information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is of interest to State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers;

"(iii) assist Department analysts in preparing and disseminating products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to prepare for and thwart acts of terrorism; and

"(iv) assist Department analysts in preparing products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal emergency response providers and assist in the dissemination of such products through appropriate Department channels.

"(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

"(A) have homeland security-related responsibilities;

"(B) be eligible for an appropriate security clearance;

"(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

"(D) be an employee of an eligible entity; and

"(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note).

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a State, local, or regional fusion center;

"(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

"(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

"(D) a tribal law enforcement or other authority; or

"(E) such other entity as the Secretary determines is appropriate.

"(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

"(d) PROCEDURES FOR NOMINATION AND SELECTION.—

"(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

"(2) LIMITATIONS.—The Under Secretary for Intelligence and Analysis shall—

"(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

"(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210A the following:

"Sec. 210B. Homeland Security Information Sharing Fellows Program.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 210B of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "Program") the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the program is implemented, the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board, a report on the privacy and civil liberties impact of the program.

SEC. 513. RURAL POLICING INSTITUTE.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 210C. RURAL POLICING INSTITUTE.

"(a) IN GENERAL.—The Secretary shall establish a Rural Policing Institute, which shall be administered by the Federal Law Enforcement Training Center, to target training to law enforcement agencies and other emergency response providers located in rural areas. The Secretary, through the Rural Policing Institute, shall—

"(1) evaluate the needs of law enforcement agencies and other emergency response providers in rural areas;

"(2) develop expert training programs designed to address the needs of law enforcement agencies and other emergency response providers in rural areas as identified in the evaluation conducted under paragraph (1), including training programs about intelligence-led policing and protections for privacy, civil rights, and civil liberties;

"(3) provide the training programs developed under paragraph (2) to law enforcement agencies and other emergency response providers in rural areas; and

"(4) conduct outreach efforts to ensure that local and tribal governments in rural areas are aware of the training programs developed under paragraph (2) so they can avail themselves of such programs.

"(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall—

"(1) be configured in a manner so as not to duplicate or displace any law enforcement or emergency response program of the Federal Law Enforcement Training Center or a local or tribal government entity in existence on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

"(2) to the maximum extent practicable, be delivered in a cost-effective manner at facilities of the Department, on closed military installations with adequate training facilities, or at facilities operated by the participants.

"(c) DEFINITION.—In this section, the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

"(1) $10,000,000 for fiscal year 2008; and

"(2) $5,000,000 for each of fiscal years 2009 through 2013.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210B the following:

"Sec. 210C. Rural Policing Institute.".

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 521. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 210D. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

"(a) IN GENERAL.—To improve the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) with State, local, tribal, and private sector officials, the Director of National Intelligence, through the program manager for the information sharing environment, in coordination with the Secretary, shall coordinate and oversee the creation of an Interagency Threat Assessment and Coordination Group (referred to in this section as the 'ITACG').

"(b) COMPOSITION OF ITACG.—The ITACG shall consist of—

"(1) an ITACG Advisory Council to set policy and develop processes for the integration, analysis, and dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

"(2) an ITACG Detail comprised of State, local, and tribal homeland security and law enforcement officers and intelligence analysts detailed to work in the National Counterterrorism Center with Federal intelligence analysts for the purpose of integrating, analyzing, and assisting in the dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, through appropriate channels identified by the ITACG Advisory Council.

"(c) RESPONSIBILITIES OF PROGRAM MANAGER.—The program manager, in consultation with the Information Sharing Council, shall—

"(1) monitor and assess the efficacy of the ITACG; and

"(2) not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and at least annually thereafter, submit to the Secretary, the Attorney General, the Director of National Intelligence, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the ITACG.

"(d) RESPONSIBILITIES OF SECRETARY.—The Secretary, or the Secretary's designee, in coordination with the Director of the National Counterterrorism Center and the ITACG Advisory Council, shall—

"(1) create policies and standards for the creation of information products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are suitable for dissemination to State, local, and tribal governments and the private sector;

"(2) evaluate and develop processes for the timely dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal governments and the private sector;

"(3) establish criteria and a methodology for indicating to State, local, and tribal governments and the private sector the reliability of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, disseminated to them;

"(4) educate the intelligence community about the requirements of the State, local, and tribal homeland security, law enforcement, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

"(5) establish and maintain the ITACG Detail, which shall assign an appropriate number of State, local, and tribal homeland security and law enforcement officers and intelligence analysts to work in the National Counterterrorism Center who shall—

"(A) educate and advise National Counterterrorism Center intelligence analysts about the requirements of the State, local, and tribal homeland security and law enforcement officers, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

"(B) assist National Counterterrorism Center intelligence analysts in integrating, analyzing, and otherwise preparing versions of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information that are unclassified or classified at the lowest possible level and suitable for dissemination to State, local, and tribal homeland security and law enforcement agencies in order to help deter and prevent terrorist attacks;

"(C) implement, in coordination with National Counterterrorism Center intelligence analysts, the policies, processes, procedures, standards, and guidelines developed by the ITACG Advisory Council;

"(D) assist in the dissemination of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal jurisdictions only through appropriate channels identified by the ITACG Advisory Council; and

"(E) report directly to the senior intelligence official from the Department under paragraph (6);

"(6) detail a senior intelligence official from the Department of Homeland Security to the National Counterterrorism Center, who shall—

"(A) manage the day-to-day operations of the ITACG Detail;

"(B) report directly to the Director of the National Counterterrorism Center or the Director's designee; and

"(C) in coordination with the Director of the Federal Bureau of Investigation, and subject to the approval of the Director of the National Counterterrorism Center, select a deputy from the pool of available detailees from the Federal Bureau of Investigation in the National Counterterrorism Center; and

"(7) establish, within the ITACG Advisory Council, a mechanism to select law enforcement officers and intelligence analysts for placement in the National Counterterrorism Center consistent with paragraph (5), using criteria developed by the ITACG Advisory Council that shall encourage participation from a broadly representative group of State, local, and tribal homeland security and law enforcement agencies.

"(e) MEMBERSHIP.—The Secretary, or the Secretary's designee, shall serve as the chair of the ITACG Advisory Council, which shall include—

"(1) representatives of—

"(A) the Department;

"(B) the Federal Bureau of Investigation;

"(C) the National Counterterrorism Center;

"(D) the Department of Defense;

"(E) the Department of Energy;

"(F) the Department of State; and

"(G) other Federal entities as appropriate;

"(2) the program manager of the information sharing environment, designated under section 1016(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)), or the program manager's designee; and

"(3) executive level law enforcement and intelligence officials from State, local, and tribal governments.

"(f) CRITERIA.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall—

"(1) establish procedures for selecting members of the ITACG Advisory Council and for the proper handling and safeguarding of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by those members; and

"(2) ensure that at least 50 percent of the members of the ITACG Advisory Council are from State, local, and tribal governments.

"(g) OPERATIONS.—

"(1) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the ITACG Advisory Council shall meet regularly, but not less than quarterly, at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

"(2) MANAGEMENT.—Pursuant to section 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 404o(f)(E)), the Director of the National Counterterrorism Center, acting through the senior intelligence official from the Department of Homeland Security detailed pursuant to subsection (d)(6), shall ensure that—

"(A) the products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, prepared by the National Counterterrorism Center and the ITACG Detail for distribution to State, local, and tribal homeland security and law enforcement agencies reflect the requirements of such agencies and are produced consistently with the policies, processes, procedures, standards, and guidelines established by the ITACG Advisory Council;

"(B) in consultation with the ITACG Advisory Council and consistent with sections 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), all products described in subparagraph (A) are disseminated through existing channels of the Department and the Department of Justice and other appropriate channels to State, local, and tribal government officials and other entities;

"(C) all detailees under subsection (d)(5) have appropriate access to all relevant information *within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, available at the National Counterterrorism Center in order to accomplish the objectives under that paragraph;*

"(D) all detailees under subsection (d)(5) have the appropriate security clearances and are trained in the procedures for handling, processing, storing, and disseminating classified products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

"(E) all detailees under subsection (d)(5) complete appropriate privacy and civil liberties training.

"(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the ITACG or any subsidiary groups thereof.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section, including to obtain security clearances for the State, local, and tribal participants in the ITACG.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 210C the following:

"Sec. 210D. Interagency Threat Assessment and Coordination Group.".

(c) PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security and the Chief Privacy and Civil Liberties Officer for the Department of Justice, in consultation with the Civil Liberties Protection Officer of the Office of the Director of National Intelligence, shall submit to the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Attorney General, the Director of the National Counterterrorism Center, the Director of National Intelligence, the Privacy and Civil Liberties Oversight Board, and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a privacy and civil liberties impact assessment of the Interagency Threat Assessment and Coordination Group under section 210D of the Homeland Security Act of 2002, as added by subsection (a), including the use of State, local, and tribal detailees at the National Counterterrorism Center, as described in subsection (d)(5) of that section.

Subtitle D—Homeland Security Intelligence Offices Reorganization

SEC. 531. OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.

(a) IN GENERAL.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 201) is amended—

(1) in the section heading, by striking "directorate for information" *and inserting* "information and";

(2) by striking subsections (a) through (c) and inserting the following:

"(a) INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—There shall be in the Department an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

"(b) UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

"(1) OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis shall be headed by an Under Secretary for Intelligence and Analysis, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CHIEF INTELLIGENCE OFFICER.—The Under Secretary for Intelligence and Analysis shall serve as the Chief Intelligence Officer of the Department.

"(3) OFFICE OF INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by an Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

"(c) DISCHARGE OF RESPONSIBILITIES.—The Secretary shall ensure that the responsibilities of the Department relating to information analysis and infrastructure protection, including those described in subsection (d), are carried out through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate.";

(3) in subsection (d)—

(A) in the subsection heading, by striking "UNDER SECRETARY" and inserting "SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION";

(B) in the matter preceding paragraph (1), by striking "Subject to the direction" and all that follows through "Infrastructure Protection" and inserting the following: "The responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection";

(C) in paragraph (9), as redesignated under section 510(a)(2)(A)(ii), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(D) in paragraph (11)(B), as so redesignated, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(E) by redesignating paragraph (18), as so redesignated, as paragraph (24); and

(F) by inserting after paragraph (17), as so redesignated, the following:

"(18) To coordinate and enhance integration among the intelligence components of the Department, including through strategic oversight of the intelligence activities of such components.

"(19) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence.

"(20) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

"(21) To ensure that, whenever possible, the Department—

"(A) produces and disseminates unclassified reports and analytic products based on open-source information; and

"(B) produces and disseminates such reports and analytic products contemporaneously with reports or analytic products concerning the same or similar information that the Department produced and disseminated in a classified format.

"(22) To establish within the Office of Intelligence and Analysis an internal continuity of operations plan.

"(23) Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence—

"(A) to provide to the heads of each intelligence component of the Department guidance for developing the budget pertaining to the activities of such component; and

"(B) to present to the Secretary a recommendation for a consolidated budget for the intelligence components of the Department, together with any comments from the heads of such components.";

(4) in subsection (e)(1)—

(A) by striking "Directorate" the first place that term appears and inserting "Office of Intelligence and Analysis and the Office of Infrastructure Protection"; and

(B) by striking "the Directorate in discharging" and inserting "such offices in discharging";

(5) in subsection (f)(1), by striking "Directorate" and inserting "Office of Intelligence and Analysis and the Office of Infrastructure Protection"; and

(6) In subsection (g), in the matter preceding paragraph (1), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Office of Intelligence and Analysis and the Office of Infrastructure Protection".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such Act is further amended—

(A) in section 223, by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection";

(B) in section 224, by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Assistant Secretary for Infrastructure Protection";

(C) in section 302(3), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection"; and

(D) in section 521(d)—

(i) in paragraph (1), by striking "Directorate for Information Analysis and Infrastructure Protection" and inserting "Office of Intelligence and Analysis"; and

(ii) in paragraph (2), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis".

(2) ADDITIONAL UNDER SECRETARY.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(B) by inserting after paragraph (7) the following:

"(8) An Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.".

*(3) HEADING.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended in the subtitle heading by striking "**Directorate for Information**" and inserting "**Information and**".*

(4) TABLE OF CONTENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents in section 1(b)—

(A) by striking the items relating to subtitle A of title II and section 201 and inserting the following:

"Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

"Sec. 201. Information and Analysis and Infrastructure Protection."; and

(5) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

"(I) The Under Secretary of Homeland Security for Intelligence and Analysis.".

(c) TREATMENT OF INCUMBENT.—The individual administratively performing the duties of the Under Secretary for Intelligence and Analysis as of the date of the enactment of this Act may continue to perform such duties after the date on which the President nominates an individual to serve as the Under Secretary pursuant to section 201 of the Homeland Security Act of 2002, as amended by this section, and until the individual so appointed assumes the duties of the position

Subtitle E—Authorization of Appropriations

SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this title and the amendments made by this title.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) Amounts Appropriated Each Fiscal Year.—Not later than 30 days after the end of each fiscal year beginning with fiscal year 2007, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

(b) Waiver.—Beginning with fiscal year 2009, the President may waive or postpone the disclosure required by subsection (a) for any fiscal year by, not later than 30 days after the end of such fiscal year, submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(1) a statement, in unclassified form, that the disclosure required in subsection (a) for that fiscal year would damage national security; and

(2) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(c) Definition.—As used in this section, the term "National Intelligence Program" has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 602. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking "Director of Central Intelligence" each place that term appears and inserting "Director of National Intelligence";

(2) in section 704(e)—

(A) by striking "If requested" and inserting the following:

"(1) In General.—If requested"; and

(B) by adding at the end the following:

"(2) Authority of Board.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

"(3) Reporting.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking minority member of the committee of Congress that made the request relating to such recommendations.";

(3) in section 705(c), in the subsection heading, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(4) in section 710(b), by striking "8 years after the date" and all that follows and inserting "on December 31, 2012.".

SEC. 603. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) Findings.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(b) Sense of the Senate.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the committees, if any, for carrying out such reforms.

SEC. 604. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289; 120 Stat. 1311), as amended by Public Law 109-369 (120 Stat. 2642), Public Law 109-383 (120 Stat. 2678), and Public Law 110-5, is amended by adding at the end the following new subsection:

"(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.".

SEC. 605. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) Public Availability.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) Report to Congress.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Terrorist Travel

SEC. 701. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.

(a) Report Required.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorism information.

(b) Contents.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) Definition.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the

Judiciary, and the Select Committee on Intelligence of the Senate.

Subtitle B—Visa Waiver

SEC. 711. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Secure Travel and Counterterrorism Partnership Act of 2007".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize and strengthen the security of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are partners in the war on terrorism—

(i) that are actively cooperating with the United States to prevent terrorist travel, including sharing counterterrorism and law enforcement information; and

(ii) whose nationals have demonstrated their compliance with the provisions of the Immigration and Nationality Act regarding the purpose and duration of their admission to the United States; and

(2) the modernization described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following new paragraphs:

"(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

"(A) CERTIFICATION.—

"(i) IN GENERAL.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit through airports of the United States and the electronic travel authorization system required under subsection (h)(3) is fully operational, the Secretary of Homeland Security shall certify to Congress that such air exit system and electronic travel authorization system are in place.

"(ii) NOTIFICATION TO CONGRESS.—The Secretary shall notify Congress in writing of the date on which the air exit system under clause (i) fully satisfies the biometric requirements specified in subsection (i).

"(iii) TEMPORARY SUSPENSION OF WAIVER AUTHORITY.—Notwithstanding any certification made under clause (i), if the Secretary has not notified Congress in accordance with clause (ii) by June 30, 2009, the Secretary's waiver authority under subparagraph (B) shall be suspended beginning on July 1, 2009, until such time as the Secretary makes such notification.

"(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as in any way abrogating the reporting requirements under subsection (i)(3).

"(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

"(i) the country meets all security requirements of this section;

"(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) there has been a sustained reduction in the rate of refusals for nonimmigrant visas for nationals of the country and conditions exist to continue such reduction;

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives, information sharing, and preventing terrorist travel before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State determine that such cooperation will continue; and

"(v)(I) the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than ten percent; or

"(II) the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once such rate is established under subparagraph (C).

"(C) MAXIMUM VISA OVERSTAY RATE.—

"(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary and the Secretary of State jointly shall use information from the air exit system referred to in such subparagraph to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B). The Secretary of Homeland Security shall certify to Congress that such rate would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States.

"(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

"(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa whose periods of authorized stays ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

"(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa during that fiscal year.

"(iii) REPORT AND PUBLICATION.—The Secretary of Homeland Security shall on the same date submit to Congress and publish in the Federal Register information relating to the maximum visa overstay rate established under clause (i). Not later than 60 days after such date, the Secretary shall issue a final maximum visa overstay rate above which a country may not participate in the program.

"(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(A) airport security standards in the country;

"(B) whether the country assists in the operation of an effective air marshal program;

"(C) the standards of passports and travel documents issued by the country; and

"(D) other security-related factors, including the country's cooperation with the United States' initiatives toward combating terrorism and the country's cooperation with the United States intelligence community in sharing information regarding terrorist threats.".

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a), in the flush text following paragraph (9)—

(i) by striking "Operators of aircraft" and inserting the following:

"(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft"; and

(ii) by adding at the end the following new paragraph:

"(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission to the United States, electronically provide to the system biographical information and such other information as the Secretary of Homeland Security shall determine necessary to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.";

(B) in subsection (c)—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

"(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol or other means as designated by the Secretary of Homeland Security, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement."; and

(II) by adding at the end the following new subparagraphs:

"(E) REPATRIATION OF ALIENS.—The government of the country accepts for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued not later than three weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

"(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether citizens and nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.";

(ii) in paragraph (5)—

(I) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking "and" at the end;

(bb) in subclause (III)—

(AA) by striking "and the Committee on International Relations" and inserting ", the Committee on Foreign Affairs, and the Committee on Homeland Security," and by striking "and the Committee on Foreign Relations" and inserting ", the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs"; and

(BB) by striking the period at the end and inserting "; and"; and

(cc) by adding at the end the following new subclause:

"(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8)."; and

(III) in subparagraph (B), by adding at the end the following new clause:

"(iv) PROGRAM SUSPENSION AUTHORITY.—The Director of National Intelligence shall immediately inform the Secretary of Homeland Security of any current and credible threat which poses an imminent danger to the United States or its citizens and originates from a country participating in the visa waiver program. Upon receiving such notification, the Secretary, in consultation with the Secretary of State—

"(I) may suspend a country from the visa waiver program without prior notice;

"(II) shall notify any country suspended under subclause (I) and, to the extent practicable without disclosing sensitive intelligence sources and methods, provide justification for the suspension; and

"(III) shall restore the suspended country's participation in the visa waiver program upon a determination that the threat no longer poses an imminent danger to the United States or its citizens."; and

(iii) by adding at the end the following new paragraphs:

"(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section. The Secretary of Homeland Security shall ensure that the program office within the Department of Homeland Security is adequately staffed and has resources to be able to provide such technical assistance, in addition to its duties to effectively monitor compliance of the countries participating in the program with all the requirements of the program.

"(11) INDEPENDENT REVIEW.—

"(A) IN GENERAL.—Prior to the admission of a new country into the program under this section, and in conjunction with the periodic evaluations required under subsection (c)(5)(A), the Director of National Intelligence shall conduct an independent intelligence assessment of a nominated country and member of the program.

"(B) REPORTING REQUIREMENT.—The Director shall provide to the Secretary of Homeland Security, the Secretary of State, and the Attorney General the independent intelligence assessment required under subparagraph (A).

"(C) CONTENTS.—The independent intelligence assessment conducted by the Director shall include—

"(i) a review of all current, credible terrorist threats of the subject country;

"(ii) an evaluation of the subject country's counterterrorism efforts;

"(iii) an evaluation as to the extent of the country's sharing of information beneficial to suppressing terrorist movements, financing, or actions;

"(iv) an assessment of the risks associated with including the subject country in the program; and

"(v) recommendations to mitigate the risks identified in clause (iv).";

(C) in subsection (d)—

(i),by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(ii) by adding at the end the following new sentence: "The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies, with respect to the House of Representatives, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations, and with respect to the Senate, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations not later than 30 days before the effective date of such waiver.";

(D) in subsection (f)(5)—

(i) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(ii) by striking "of blank" and inserting "or loss of";

(E) in subsection (h), by adding at the end the following new paragraph:

"(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

"(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such biographical and other information as the Secretary of Homeland Security determines necessary to determine, in advance of travel, the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States.

"(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

"(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

"(ii) available to pay the costs incurred to administer the System.

"(C) VALIDITY.—

"(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall prescribe regulations that provide for a period, not to exceed three years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

"(ii) LIMITATION.—A determination by the Secretary of Homeland Security that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

"(iii) NOT A DETERMINATION OF VISA ELIGIBILITY.—A determination by the Secretary of Homeland Security that an alien who applied for authorization to travel to the United States through the System is not eligible to travel under the program is not a determination of eligibility for a visa to travel to the United States and shall not preclude the alien from applying for a visa.

"(iv) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

"(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the system to—

"(i) the Committee on Homeland Security of the House of Representatives;

"(ii) the Committee on the Judiciary of the House of Representatives;

"(iii) the Committee on Foreign Affairs of the House of Representatives;

"(iv) the Permanent Select Committee on Intelligence of the House of Representatives;

"(v) the Committee on Appropriations of the House of Representatives;

"(vi) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(vii) the Committee on the Judiciary of the Senate;

"(viii) the Committee on Foreign Relations of the Senate;

"(ix) the Select Committee on Intelligence of the Senate; and

"(x) the Committee on Appropriations of the Senate."; and

(F) by adding at the end the following new subsection:

"(i) EXIT SYSTEM.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this subsection, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under this section.

"(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

"(A) match biometric information of the alien against relevant watch lists and immigration information; and

"(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such aliens have departed the United States.

"(3) REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that describes—

"(A) the progress made in developing and deploying the exit system established under this subsection; and

"(B) the procedures by which the Secretary shall improve the method of calculating the rates of nonimmigrants who overstay their authorized period of stay in the United States.".

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii), shall take effect on the date that is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section and the amendments made by this section.

Subtitle C—Strengthening Terrorism Prevention Programs

SEC. 721. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking "address" and inserting "integrate and disseminate intelligence and information related to";

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

"(e) STAFFING OF THE CENTER.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

"(A) Agencies and offices within the Department of Homeland Security, including the following:

"(i) The Office of Intelligence and Analysis.

"(ii) The Transportation Security Administration.

"(iii) United States Citizenship and Immigration Services.

"(iv) United States Customs and Border Protection.

"(v) The United States Coast Guard.

"(vi) United States Immigration and Customs Enforcement.

"(B) Other departments, agencies, or entities, including the following:

"(i) The Central Intelligence Agency.

"(ii) The Department of Defense.

"(iii) The Department of the Treasury.

"(iv) The National Counterterrorism Center.

"(v) The National Security Agency.

"(vi) The Department of Justice.

"(vii) The Department of State.

"(viii) Any other relevant agency or department.

"(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity referred to in paragraph (1), shall ensure that the detailees provided to the Center under such paragraph include an adequate number of personnel who are—

"(A) intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel; and

"(B) personnel with experience in the areas of—

"(i) consular affairs;

"(ii) counterterrorism;

"(iii) criminal law enforcement;

"(iv) intelligence analysis;

"(v) prevention and detection of document fraud;

"(vi) border inspection;

"(vii) immigration enforcement; or

"(viii) human trafficking and combating severe forms of trafficking in persons.

"(3) ENHANCED PERSONNEL MANAGEMENT.—

"(A) INCENTIVES FOR SERVICE IN CERTAIN POSITIONS.—

"(i) IN GENERAL.—The Secretary of Homeland Security, and the heads of other relevant agencies, shall prescribe regulations or promulgate personnel policies to provide incentives for service on the staff of the Center, particularly for serving terms of at least two years duration.

"(ii) FORMS OF INCENTIVES.—Incentives under clause (i) may include financial incentives, bonuses, and such other awards and incentives as the Secretary and the heads of other relevant agencies, consider appropriate.

"(B) ENHANCED PROMOTION FOR SERVICE AT THE CENTER.—Notwithstanding any other provision of law, the Secretary of Homeland Security, and the heads of other relevant agencies, shall ensure that personnel who are assigned or detailed to service at the Center shall be considered for promotion at rates equivalent to or better than similarly situated personnel of such agencies who are not so assigned or detailed, except that this subparagraph shall not apply in the case of personnel who are subject to the provisions of the Foreign Service Act of 1980.

"(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.".

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as redesignated by subsection (a)(2), is amended to read as follows:

"(g) REPORT.—

"(1) INITIAL REPORT.—Not later than 180 days after December 17, 2004, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

"(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

"(A) the roles and responsibilities of each agency or department that is participating in the Center;

"(B) the mechanisms used to share information among each such agency or department;

"(C) the personnel provided to the Center by each such agency or department;

"(D) the type of information and reports being disseminated by the Center;

"(E) any efforts by the Center to create a centralized Federal Government database to store information related to unlawful travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared;

"(F) how each agency and department shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

"(G) efforts to consolidate networked systems for the Center;

"(H) the mechanisms for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b);

"(I) the ability of participating personnel in the Center to freely access necessary databases and share information regarding issues related to human smuggling, trafficking in persons, and terrorist travel;

"(J) how the assignment of personnel to the Center is incorporated into the civil service career path of such personnel; and

"(K) cooperation and coordination efforts, including any memorandums of understanding, among participating agencies and departments regarding issues related to human smuggling, trafficking in persons, and terrorist travel.".

(c) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding after subsection (h), as redesignated by subsection (a)(2), the following new subsection:

"(i) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to relevant State, local, and tribal law enforcement agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $20,000,000 for fiscal year 2008 to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by this section.

SEC. 722. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

"SEC. 7215. TERRORIST TRAVEL PROGRAM.

"(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

"(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

"(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

"(2) an official appointed by the Secretary who reports directly to the Secretary.

"(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

"(1) developing relevant strategies and policies;

"(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

"(3) making recommendations on budget requests and on the allocation of funding and personnel;

"(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

"(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

"(i) United States Customs and Border Protection;

"(ii) United States Immigration and Customs Enforcement;

"(iii) United States Citizenship and Immigration Services;

"(iv) the Transportation Security Administration; and

"(v) the United States Coast Guard; and

"(B) between the Department of Homeland Security and other appropriate Federal agencies; and

"(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

"(d) REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.".

SEC. 723. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than one State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission

into the United States from Canada or Mexico, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada or Mexico at land and sea ports of entry."; and

(2) by adding at the end the following new subparagraph:

"(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to screen individuals participating in the pilot program against United States terrorist watch lists; and

"(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.".

SEC. 724. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before the Secretary of Homeland Security publishes a final rule in the Federal Register implementing section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall complete a cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under such section 7209; and

(2) the Secretary of State shall develop proposals for reducing the execution fee charged for the passport card, proposed at 71 Fed. Reg. 60928–32 (October 17, 2006), including the use of mobile application teams, during implementation of the land and sea phase of the Western Hemisphere Travel Initiative, in order to encourage United States citizens to apply for the passport card.

SEC. 725. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH-VOLUME PORTS.—Subject to the availability of appropriations, not later than the end of fiscal year 2008 the Secretary of Homeland Security shall employ not fewer than an additional 200 Customs and Border Protection officers over the number of such positions for which funds were appropriated for the proceeding fiscal year to address staff shortages at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

Subtitle D—Miscellaneous Provisions

SEC. 731. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report regarding ongoing initiatives of the Department of Homeland Security to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit to Congress a report that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

SEC. 801. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

"SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

"(a) IN GENERAL.—There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

"(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

"(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

"(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

"(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that 'The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.'.

"(c) PURPOSE.—The Board shall—

"(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

"(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

"(d) FUNCTIONS.—

"(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

"(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

"(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

"(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

"(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

"(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

"(iii) that there are adequate guidelines and oversight to properly confine its use.

"(2) OVERSIGHT.—The Board shall continually review—

"(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

"(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

"(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions—

"(i) appropriately protect privacy and civil liberties; and

"(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

"(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

"(A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;

"(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

"(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

"(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

"(e) REPORTS.—

"(1) IN GENERAL.—The Board shall—

"(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

“(B) periodically submit, not less than semiannually, reports—

“(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(II) to the President; and

“(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

“(A) a description of the major activities of the Board during the preceding period;

“(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(D) each proposal reviewed by the Board under subsection (d)(1) that—

“(i) the Board advised against implementation; and

“(ii) notwithstanding such advice, actions were taken to implement; and

“(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

“(f) INFORMING THE PUBLIC.—The Board shall—

“(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(g) ACCESS TO INFORMATION.—

“(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

“(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

“(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

“(C) request information or assistance from any State, tribal, or local government; and

“(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

“(2) REVIEW OF SUBPOENA REQUEST.—

“(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

“(i) issue the subpoena as requested; or

“(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

“(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

“(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

“(h) MEMBERSHIP.—

“(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President, consult with the leadership of that party, if any, in the Senate and House of Representatives.

“(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

“(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

“(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term; and

“(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

“(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

“(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

“(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

“(i) COMPENSATION AND TRAVEL EXPENSES.—

“(1) COMPENSATION.—

“(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

“(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(j) STAFF.—

“(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

“(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

“(k) SECURITY CLEARANCES.—

“(1) IN GENERAL.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

“(2) RULES AND PROCEDURES.—After consultation with the Secretary of Defense, the Attorney General, and the Director of National Intelligence, the Board shall adopt rules and procedures of the Board for physical, communications, computer, document, personnel, and other security relating to carrying out the functions of the Board.

“(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

“(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

“(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

“(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

“(1) For fiscal year 2008, $5,000,000.

“(2) For fiscal year 2009, $6,650,000.

“(3) For fiscal year 2010, $8,300,000.

“(4) For fiscal year 2011, $10,000,000.

“(5) For fiscal year 2012 and each subsequent fiscal year, such sums as may be necessary.”.

(b) SECURITY RULES AND PROCEDURES.—The Privacy and Civil Liberties Oversight Board shall promptly adopt the security rules and procedures required under section 1061(k)(2) of the National Security Intelligence Reform Act of 2004 (as added by subsection (a) of this section).

(c) TRANSITION PROVISIONS.—

(1) TREATMENT OF INCUMBENT MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—

(A) CONTINUATION OF SERVICE.—Any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act may continue to serve on the Board until 180 days after the date of enactment of this Act.

(B) TERMINATION OF TERMS.—The term of any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act shall terminate 180 days after the date of enactment of this Act.

(2) APPOINTMENTS.—

(A) IN GENERAL.—The President and the Senate shall take such actions as necessary for the President, by and with the advice and consent of the Senate, to appoint members to the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a) in a timely manner to provide for the continuing operation of the Board and orderly implementation of this section.

(B) DESIGNATIONS.—In making the appointments described under subparagraph (A) of the first members of the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a), the President shall provide for the members to serve terms of 2, 3, 4, 5, and 6 years beginning on the effective date described under subsection (d)(1), with the term of each such member to be designated by the President.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) and subsection (b) shall take effect 180 days after the date of enactment of this Act.

(2) TRANSITION PROVISIONS.—Subsection (c) shall take effect on the date of enactment of this Act.

SEC. 802. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting "(a) APPOINTMENT AND RESPONSIBILITIES.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) AUTHORITY TO INVESTIGATE.—

"(1) IN GENERAL.—The senior official appointed under subsection (a) may—

"(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

"(B) make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official's judgment, necessary or desirable;

"(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

"(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

"(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

"(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

"(c) SUPERVISION AND COORDINATION.—

"(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

"(A) report to, and be under the general supervision of, the Secretary; and

"(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

"(2) COORDINATION WITH THE INSPECTOR GENERAL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the senior official appointed under subsection (a) may investigate any matter relating to possible violations or abuse concerning the administration of any program or operation of the Department relevant to the purposes under this section.

"(B) COORDINATION.—

"(i) REFERRAL.—Before initiating any investigation described under subparagraph (A), the senior official shall refer the matter and all related complaints, allegations, and information to the Inspector General of the Department.

"(ii) DETERMINATIONS AND NOTIFICATIONS BY THE INSPECTOR GENERAL.—

"(I) IN GENERAL.—Not later than 30 days after the receipt of a matter referred under clause (i), the Inspector General shall—

"(aa) make a determination regarding whether the Inspector General intends to initiate an audit or investigation of the matter referred under clause (i); and

"(bb) notify the senior official of that determination.

"(II) INVESTIGATION NOT INITIATED.—If the Inspector General notifies the senior official under subclause (I)(bb) that the Inspector General intended to initiate an audit or investigation, but does not initiate that audit or investigation within 90 days after providing that notification, the Inspector General shall further notify the senior official that an audit or investigation was not initiated. The further notification under this subclause shall be made not later than 3 days after the end of that 90-day period.

"(iii) INVESTIGATION BY SENIOR OFFICIAL.—The senior official may investigate a matter referred under clause (i) if—

"(I) the Inspector General notifies the senior official under clause (ii)(I)(bb) that the Inspector General does not intend to initiate an audit or investigation relating to that matter; or

"(II) the Inspector General provides a further notification under clause (ii)(II) relating to that matter.

"(iv) PRIVACY TRAINING.—Any employee of the Office of Inspector General who audits or investigates any matter referred under clause (i) shall be required to receive adequate training on privacy laws, rules, and regulations, to be provided by an entity approved by the Inspector General in consultation with the senior official appointed under subsection (a).

"(d) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

"(1) promptly submit a written notification of the removal or transfer to Houses of Congress; and

"(2) include in any such notification the reasons for the removal or transfer.

"(e) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

"(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

"(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

"(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

"(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.".

SEC. 803. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to serve as the principal advisor to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) EXCEPTION TO DESIGNATION AUTHORITY.—

"(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decision makers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) PERIODIC REPORTS.—

"(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.".

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended by striking the item relating to section 1062 and inserting the following new item:

"Sec. 1062. Privacy and civil liberties officers.".

SEC. 804. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Federal Agency Data Mining Reporting Act of 2007".

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term "data mining" means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(2) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX.—

(A) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY.—Any annex described in clause (i)—

(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(ii) shall not be made available to the public.

(4) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

TITLE IX—PRIVATE SECTOR PREPAREDNESS

SEC. 901. PRIVATE SECTOR PREPAREDNESS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 409, is further amended by adding at the end the following:

"SEC. 523. GUIDANCE AND RECOMMENDATIONS.

"(a) IN GENERAL.—Consistent with their responsibilities and authorities under law, as of the day before the date of the enactment of this section, the Administrator and the Assistant Secretary for Infrastructure Protection, in consultation with the private sector, may develop guidance or recommendations and identify best practices to assist or foster action by the private sector in—

"(1) identifying potential hazards and assessing risks and impacts;

"(2) mitigating the impact of a wide variety of hazards, including weapons of mass destruction;

"(3) managing necessary emergency preparedness and response resources;

"(4) developing mutual aid agreements;

"(5) developing and maintaining emergency preparedness and response plans, and associated operational procedures;

"(6) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

"(7) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

"(8) developing procedures to respond to requests for information from the media or the public.

"(b) ISSUANCE AND PROMOTION.—Any guidance or recommendations developed or best practices identified under subsection (a) shall be—

"(1) issued through the Administrator; and

"(2) promoted by the Secretary to the private sector.

"(c) SMALL BUSINESS CONCERNS.—In developing guidance or recommendations or identifying best practices under subsection (a), the Administrator and the Assistant Secretary for Infrastructure Protection shall take into consideration small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)), including any need for separate guidance or recommendations or best practices, as necessary and appropriate.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede any requirement established under any other provision of law.

"SEC. 524. VOLUNTARY PRIVATE SECTOR PREPAREDNESS ACCREDITATION AND CERTIFICATION PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the officer designated under paragraph (2), shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section.

"(2) DESIGNATION OF OFFICER.—The Secretary shall designate an officer responsible for the accreditation and certification program under this section. Such officer (hereinafter referred to in this section as the 'designated officer') shall be one of the following:

"(A) The Administrator, based on consideration of—

"(i) the expertise of the Administrator in emergency management and preparedness in the United States; and

"(ii) the responsibilities of the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.

"(B) The Assistant Secretary for Infrastructure Protection, based on consideration of the expertise of the Assistant Secretary in, and responsibilities for—

"(i) protection of critical infrastructure;

"(ii) risk assessment methodologies; and

"(iii) interacting with the private sector on the issues described in clauses (i) and (ii).

"(C) The Under Secretary for Science and Technology, based on consideration of the expertise of the Under Secretary in, and responsibilities associated with, standards.

"(3) COORDINATION.—In carrying out the accreditation and certification program under this section, the designated officer shall coordinate with—

"(A) the other officers of the Department referred to in paragraph (2), using the expertise and responsibilities of such officers; and

"(B) the Special Assistant to the Secretary for the Private Sector, based on consideration of the expertise of the Special Assistant in, and responsibilities for, interacting with the private sector.

"(b) VOLUNTARY PRIVATE SECTOR PREPAREDNESS STANDARDS; VOLUNTARY ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.—

"(1) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall—

"(A) begin supporting the development and updating, as necessary, of voluntary preparedness standards through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards and voluntary consensus standards development organizations; and

"(B) in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups, such as sector coordinating councils and information sharing and analysis centers—

"(i) develop and promote a program to certify the preparedness of private sector entities that voluntarily choose to seek certification under the program; and

"(ii) implement the program under this subsection through any entity with which the designated officer enters into an agreement under paragraph (3)(A), which shall accredit third parties to carry out the certification process under this section.

"(2) PROGRAM ELEMENTS.—

"(A) IN GENERAL.—

"(i) PROGRAM.—The program developed and implemented under this subsection shall assess whether a private sector entity complies with voluntary preparedness standards.

"(ii) GUIDELINES.—In developing the program under this subsection, the designated officer shall develop guidelines for the accreditation and certification processes established under this subsection.

"(B) STANDARDS.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, representatives of appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers—

"(i) shall adopt one or more appropriate voluntary preparedness standards that promote preparedness, which may be tailored to address the unique nature of various sectors within the private sector, as necessary and appropriate, that shall be used in the accreditation and certification program under this subsection; and

"(ii) after the adoption of one or more standards under clause (i), may adopt additional voluntary preparedness standards or modify or discontinue the use of voluntary preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

"(C) SUBMISSION OF RECOMMENDATIONS.—In adopting one or more standards under subparagraph (B), the designated officer may receive recommendations from any entity described in that subparagraph relating to appropriate voluntary preparedness standards, including appropriate sector specific standards, for adoption in the program.

"(D) SMALL BUSINESS CONCERNS.—The designated officer and any entity with which the designated officer enters into an agreement under paragraph (3)(A) shall establish separate classifications and methods of certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this subsection.

"(E) CONSIDERATIONS.—In developing and implementing the program under this subsection, the designated officer shall—

"(i) consider the unique nature of various sectors within the private sector, including preparedness standards, business continuity standards, or best practices, established—

"(I) under any other provision of Federal law; or

"(II) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

"(ii) coordinate the program, as appropriate, with—

"(I) other Department private sector related programs; and

"(II) preparedness and business continuity programs in other Federal agencies.

"(3) ACCREDITATION AND CERTIFICATION PROCESSES.—

"(A) AGREEMENT.—

"(i) IN GENERAL.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall enter into one or more agreements with a highly qualified nongovernmental entity with experience or expertise in coordinating and facilitating the development and use of voluntary consensus standards and in managing or implementing accreditation and certification programs for voluntary consensus standards, or a similarly qualified private sector entity, to carry out accreditations and oversee the certification process under this subsection. An entity entering into an agreement with the designated officer under this clause (hereinafter referred to in this section as a 'selected entity') shall not perform certifications under this subsection.

"(ii) CONTENTS.—A selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this subsection and accredit qualified third parties to carry out the certification program established under this subsection.

"(B) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

"(i) IN GENERAL.—Any selected entity shall collaborate to develop procedures and requirements for the accreditation and certification processes under this subsection, in accordance with the program established under this subsection and guidelines developed under paragraph (2)(A)(ii).

"(ii) CONTENTS AND USE.—The procedures and requirements developed under clause (i) shall—

"(I) ensure reasonable uniformity in any accreditation and certification processes if there is more than one selected entity; and

"(II) be used by any selected entity in conducting accreditations and overseeing the certification process under this subsection.

"(iii) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under clause (i) shall be resolved by the designated officer.

"(C) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this subsection.

"(D) DISADVANTAGED BUSINESS INVOLVEMENT.—In accrediting qualified third parties to carry out the certification process under this subsection, a selected entity shall ensure, to the extent practicable, that the third parties include qualified small, minority, women-owned, or disadvantaged business concerns when appropriate. The term 'disadvantaged business concern' means a small business that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 124 of title 13, United States Code of Federal Regulations.

"(E) TREATMENT OF OTHER CERTIFICATIONS.—At the request of any entity seeking certification, any selected entity may consider, as appropriate, other relevant certifications acquired

by the entity seeking certification. If the selected entity determines that such other certifications are sufficient to meet the certification requirement or aspects of the certification requirement under this section, the selected entity may give credit to the entity seeking certification, as appropriate, to avoid unnecessarily duplicative certification requirements.

"(F) THIRD PARTIES.—To be accredited under subparagraph (C), a third party shall—

"(i) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under subparagraph (B);

"(ii) agree to perform certifications in accordance with such procedures and requirements;

"(iii) agree not to have any beneficial interest in or any direct or indirect control over—

"(I) a private sector entity for which that third party conducts a certification under this subsection; or

"(II) any organization that provides preparedness consulting services to private sector entities;

"(iv) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this subsection;

"(v) maintain liability insurance coverage at policy limits in accordance with the requirements developed under subparagraph (B); and

"(vi) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this subsection.

"(G) MONITORING.—

"(i) IN GENERAL.—The designated officer and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this subsection to ensure that the third party is complying with the procedures and requirements established under subparagraph (B) and all other applicable requirements.

"(ii) REVOCATION.—If the designated officer or any selected entity determines that a third party is not meeting the procedures or requirements established under subparagraph (B), the selected entity shall—

"(I) revoke the accreditation of that third party to conduct certifications under this subsection; and

"(II) review any certification conducted by that third party, as necessary and appropriate.

"(4) ANNUAL REVIEW.—

"(A) IN GENERAL.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, appropriate representatives of State and local governments, including emergency management officials, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this subsection to ensure the effectiveness of such program (including the operations and management of such program by any selected entity and the selected entity's inclusion of qualified disadvantaged business concerns under paragraph (3)(D)) and make improvements and adjustments to the program as necessary and appropriate.

"(B) REVIEW OF STANDARDS.—Each review under subparagraph (A) shall include an assessment of the voluntary preparedness standard or standards used in the program under this subsection.

"(5) VOLUNTARY PARTICIPATION.—Certification under this subsection shall be voluntary for any private sector entity.

"(6) PUBLIC LISTING.—The designated officer shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this subsection, if that private sector entity consents to such listing.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

"(1) a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established—

"(A) under any other provision of federal law; or

"(B) by any sector-specific agency, as those agencies are defined under Homeland Security Presidential Directive-7; or

"(2) exempting any private sector entity seeking certification or meeting certification requirements under subsection (b) from compliance with all applicable statutes, regulations, directives, policies, and industry codes of practice.".

(b) REPORT TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing—

(1) any action taken to implement section 524(b) of the Homeland Security Act of 2002, as added by subsection (a), including a discussion of—

(A) the separate methods of classification and certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) as compared to other private sector entities; and

(B) whether the separate classifications and methods of certification for small business concerns are likely to help to ensure that such measures are not overly burdensome and are adequate to meet the voluntary preparedness standard or standards adopted by the program under section 524(b) of the Homeland Security Act of 2002, as added by subsection (a); and

(2) the status, as of the date of that report, of the implementation of that subsection.

(c) DEADLINE FOR DESIGNATION OF OFFICER.—The Secretary of Homeland Security shall designate the officer as described in section 524 of the Homeland Security Act of 2002, as added by subsection (a), by not later than 30 days after the date of the enactment of this Act.

(d) DEFINITION.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

"(18) The term 'voluntary preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).".

(e) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is further amended by adding at the end the following:

"Sec. 523. Guidance and recommendations.
"Sec. 524. Voluntary private sector preparedness accreditation and certification program.".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 902. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) IN GENERAL.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) providing information to the private sector regarding voluntary preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary preparedness standards;".

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following:

"(C) advise the Secretary on private sector preparedness issues, including effective methods for—

"(i) promoting voluntary preparedness standards to the private sector; and

"(ii) assisting the private sector in adopting voluntary preparedness standards;".

TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

SEC. 1001. NATIONAL ASSET DATABASE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002, as amended by title V, is further amended by adding at the end the following new section:

"SEC. 210E. NATIONAL ASSET DATABASE.

"(a) ESTABLISHMENT.—

"(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of each system or asset that—

"(A) the Secretary, in consultation with appropriate homeland security officials of the States, determines to be vital and the loss, interruption, incapacity, or destruction of which would have a negative or debilitating effect on the economic security, public health, or safety of the United States, any State, or any local government; or

"(B) the Secretary determines is appropriate for inclusion in the database.

"(2) PRIORITIZED CRITICAL INFRASTRUCTURE LIST.—In accordance with Homeland Security Presidential Directive-7, as in effect on January 1, 2007, the Secretary shall establish and maintain a single classified prioritized list of systems and assets included in the database under paragraph (1) that the Secretary determines would, if destroyed or disrupted, cause national or regional catastrophic effects.

"(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)(1) in the development and implementation of Department plans and programs as appropriate.

"(c) MAINTENANCE OF DATABASE.—

"(1) IN GENERAL.—The Secretary shall maintain and annually update the database established under subsection (a)(1) and the list established under subsection (a)(2), including—

"(A) establishing data collection guidelines and providing such guidelines to the appropriate homeland security official of each State;

"(B) regularly reviewing the guidelines established under subparagraph (A), including by consulting with the appropriate homeland security officials of States, to solicit feedback about the guidelines, as appropriate;

"(C) after providing the homeland security official of a State with the guidelines under subparagraph (A), allowing the official a reasonable amount of time to submit to the Secretary any data submissions recommended by the official for inclusion in the database established under subsection (a)(1);

"(D) examining the contents and identifying any submissions made by such an official that are described incorrectly or that do not meet the guidelines established under subparagraph (A); and

"(E) providing to the appropriate homeland security official of each relevant State a list of submissions identified under subparagraph (D) for review and possible correction before the Secretary finalizes the decision of which submissions will be included in the database established under subsection (a)(1).

"(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall organize the contents of the database established under subsection (a)(1) and the list established under subsection (a)(2) as the Secretary determines is appropriate. Any organizational structure of such contents shall include the categorization of the contents—

"(A) according to the sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive-7; and

"(B) by the State and county of their location.

"(3) PRIVATE SECTOR INTEGRATION.—The Secretary shall identify and evaluate methods, including the Department's Protected Critical Infrastructure Information Program, to acquire relevant private sector information for the purpose of using that information to generate any database or list, including the database established under subsection (a)(1) and the list established under subsection (a)(2).

"(4) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

"(d) REPORTS.—

"(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the database established under subsection (a)(1) and the list established under subsection (a)(2).

"(2) CONTENTS OF REPORT.—Each such report shall include the following:

"(A) The name, location, and sector classification of each of the systems and assets on the list established under subsection (a)(2).

"(B) The name, location, and sector classification of each of the systems and assets on such list that are determined by the Secretary to be most at risk to terrorism.

"(C) Any significant challenges in compiling the list of the systems and assets included on such list or in the database established under subsection (a)(1).

"(D) Any significant changes from the preceding report in the systems and assets included on such list or in such database.

"(E) If appropriate, the extent to which such database and such list have been used, individually or jointly, for allocating funds by the Federal Government to prevent, reduce, mitigate, or respond to acts of terrorism.

"(F) The amount of coordination between the Department and the private sector, through any entity of the Department that meets with representatives of private sector industries for purposes of such coordination, for the purpose of ensuring the accuracy of such database and such list.

"(G) Any other information the Secretary deems relevant.

"(3) CLASSIFIED INFORMATION.—The report shall be submitted in unclassified form but may contain a classified annex.

"(e) INSPECTOR GENERAL STUDY.—By not later than two years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct a study of the implementation of this section.

"(f) NATIONAL INFRASTRUCTURE PROTECTION CONSORTIUM.—The Secretary may establish a consortium to be known as the 'National Infrastructure Protection Consortium'. The Consortium may advise the Secretary on the best way to identify, generate, organize, and maintain any database or list of systems and assets established by the Secretary, including the database established under subsection (a)(1) and the list established under subsection (a)(2). If the Secretary establishes the National Infrastructure Protection Consortium, the Consortium may—

"(1) be composed of national laboratories, Federal agencies, State and local homeland security organizations, academic institutions, or national Centers of Excellence that have demonstrated experience working with and identifying critical infrastructure and key resources; and

"(2) provide input to the Secretary on any request pertaining to the contents of such database or such list.".

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit the first report required under section 210E(d) of the Homeland Security Act of 2002, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210D the following:

"Sec. 210E. National Asset Database.".

SEC. 1002. RISK ASSESSMENTS AND REPORT.

(a) RISK ASSESSMENTS.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following new paragraph:

"(25) To prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security in the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, for each sector identified in the National Infrastructure Protection Plan, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection. Each such report—

"(A) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments;

"(B) shall be required for fiscal year 2007 and each subsequent fiscal year and shall be submitted not later than 35 days after the last day of the fiscal year covered by the report; and

"(C) may be classified.".

(b) REPORT ON INDUSTRY PREPAREDNESS.—Not later than 6 months after the last day of fiscal year 2007 and each subsequent fiscal year, the Secretary of Homeland Security, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy, shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry to reduce interruption of critical infrastructure and key resource operations during an act of terrorism, natural catastrophe, or other similar national emergency.

SEC. 1003. SENSE OF CONGRESS REGARDING THE INCLUSION OF LEVEES IN THE NATIONAL INFRASTRUCTURE PROTECTION PLAN.

It is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resources sectors identified in the National Infrastructure Protection Plan.

TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1101. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

"SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

"(a) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center (referred to in this section as the 'NBIC'), which shall be headed by a Directing Officer, under an office or directorate of the Department that is in existence as of the date of the enactment of this section.

"(b) PRIMARY MISSION.—The primary mission of the NBIC is to—

"(1) enhance the capability of the Federal Government to—

"(A) rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international); and

"(B) disseminate alerts and other information to Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern; and

"(2) oversee development and operation of the National Biosurveillance Integration System.

"(c) REQUIREMENTS.—The NBIC shall detect, as early as possible, a biological event of national concern that presents a risk to the United States or the infrastructure or key assets of the United States, including by—

"(1) consolidating data from all relevant surveillance systems maintained by Member Agencies to detect biological events of national concern across human, animal, and plant species;

"(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

"(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national concern in as close to real-time as is practicable;

"(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

"(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

"(6) alerting Member Agencies and, in coordination with (and where possible through) Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national concern.

"(d) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

"(1) IN GENERAL.—The Directing Officer of the NBIC shall—

"(A) on an ongoing basis, monitor the availability and appropriateness of surveillance systems used by the NBIC and those systems that could enhance biological situational awareness or the overall performance of the NBIC;

"(B) on an ongoing basis, review and seek to improve the statistical and other analytical methods used by the NBIC;

"(C) receive and consider other relevant homeland security information, as appropriate; and

"(D) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIC.

"(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

"(A) on an ongoing basis, evaluate available data for evidence of a biological event of national concern; and

"(B) integrate homeland security information with NBIC data to provide overall situational awareness and determine whether a biological event of national concern has occurred.

"(3) INFORMATION SHARING.—

"(A) IN GENERAL.—The Directing Officer of the NBIC shall—

"(i) establish a method of real-time communication with the National Operations Center;

"(ii) in the event that a biological event of national concern is detected, notify the Secretary and disseminate results of NBIC assessments relating to that biological event of national concern to appropriate Federal response entities and, in coordination with relevant Member Agencies, regional, State, local, and tribal governmental response entities in a timely manner;

"(iii) provide any report on NBIC assessments to Member Agencies and, in coordination with relevant Member Agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national concern; and

"(iv) share NBIC incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established under that section.

"(B) CONSULTATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) consistent with the policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in consultation with the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

"(e) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

"(1) IN GENERAL.—Each Member Agency shall—

"(A) use its best efforts to integrate biosurveillance information into the NBIC, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national concern;

"(B) provide timely information to assist the NBIC in maintaining biological situational awareness for accurate detection and response purposes;

"(C) enable the NBIC to receive and use biosurveillance information from member agencies to carry out its requirements under subsection (c);

"(D) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually agreed protocols that are consistent with subsection (c)(5);

"(E) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing;

"(F) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC; and

"(G) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable.

"(f) ADMINISTRATIVE AUTHORITIES.—

"(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIC.

"(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

"(g) NBIC INTERAGENCY WORKING GROUP.—The Directing Officer of the NBIC shall—

"(1) establish an interagency working group to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite Member Agencies to serve on that working group.

"(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(j) DEFINITIONS.—In this section:

"(1) The terms 'biological agent' and 'toxin' have the meanings given those terms in section 178 of title 18, United States Code.

"(2) The term 'biological event of national concern' means—

"(A) an act of terrorism involving a biological agent or toxin; or

"(B) a naturally occurring outbreak of an infectious disease that may result in a national epidemic.

"(3) The term 'homeland security information' has the meaning given that term in section 892.

"(4) The term 'Member Agency' means any Federal department or agency that, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC.

"(5) The term 'Privacy Officer' means the Privacy Officer appointed under section 222.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. National Biosurveillance Integration Center.".

(c) DEADLINE FOR IMPLEMENTATION.—The National Biosurveillance Integration Center under section 316 of the Homeland Security Act, as added by subsection (a), shall be fully operational by not later than September 30, 2008;

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an interim report on the status of the operations at the National Biosurviellance Integration Center that addresses the efforts of the Center to integrate the surveillance efforts of Federal, State, local, and tribal governments. When the National Biosurveillance Integration Center is fully operational, the Secretary shall submit to such committees a final report on the status of such operations.

SEC. 1102. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit to Congress a report —

(1) describing the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) describing any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) providing the recommendations of the Comptroller General regarding—

(A) the integration of biosurveillance systems;

(B) the effective use of biosurveillance resources; and

(C) the effective use of the expertise of Federal, State, local, and tribal governments.

SEC. 1103. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 1906, as redesignated by section 104, the following:

"SEC. 1907. JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

"(A) each relevant agency, office, or entity—

"(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and

"(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction; and

"(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—

"(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;

"(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and

"(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

"(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of radiation detection technologies deployed or implemented in support of the domestic portion of the global nuclear detection architecture.

"(b) ANNUAL REPORT ON JOINT INTERAGENCY REVIEW.—

"(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall jointly submit a report regarding the implementation of this section and the results of the reviews required under subsection (a) to—

"(A) the President;

"(B) the Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(C) the Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Science and Technology of the House of Representatives.

"(2) FORM.—The annual report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

"(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 104, the following:

"Sec. 1907. Joint annual interagency review of global nuclear detection architecture.".

SEC. 1104. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) RESPONSIBILITY OF SECRETARY.—The Secretary of Homeland Security shall have responsibility for ensuring that domestic chemical, biological, radiological, and nuclear detection equipment and technologies are integrated, as appropriate, with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 1201. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 1202. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal security plans addressing security risks, including threats, vulnerabilities, and consequences, for aviation, railroad, ferry, highway, maritime, pipeline, public transportation, over-the-road bus, and other transportation infrastructure assets.".

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted or received by the Secretary of Homeland Security (including assessments conducted under the Implementing Recommendations of the 9/11 Commission Act of 2007" after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting "local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities, including nonprofit employee labor organizations,";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security or the Secretary of Transportation before the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007."; and

(5) by adding at the end the following:

"(G) A 3- and 10-year budget for Federal transportation security programs that will achieve the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation.

"(I) Transportation modal security plans described in paragraph (1)(B), including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or other incident. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942) and the National Maritime Transportation Security Plan required under section 70103(a) of title 46.".

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i) by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants and contracts for research and development, awarded by the Secretary of Homeland Security in the most recent fiscal year and c description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recent fiscal year for transportation security, by mode;

"(bb) personnel working on transportation security by mode, including the number of contractors; and

"(cc) information on the turnover in the previous year among senior staff of the Department of Homeland Security, including component agencies, working on transportation security issues. Such information shall include the number of employees who have permanently left the office, agency, or area in which they worked, and the amount of time that they worked for the Department.

"(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each fiscal year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any Federal transportation security activity that is inconsistent with the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved."; and

(2) by striking subparagraph (E) and inserting the following:

"(E) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and".

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

"(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

"(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available and appropriately publicize an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders, including nonprofit employee labor organizations representing transportation employees, institutions of higher learning, and other appropriate entities.".

SEC. 1203. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

"(1) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

"(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (2).

"(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders'

means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations representing transportation employees.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, public transportation, railroad, ferry, highway, maritime, pipeline, and over-the-road bus transportation, and may include specific and general intelligence products, as appropriate.

"(2) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the Plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

"(3) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(4) CONTENT OF PLAN.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center described in section 1410 of the Implementing Recommendations of the 9/11 Commission Act of 2007;

"(B) the establishment of a point of contact, which may be a single point of contact within the Department of Homeland Security, for each mode of transportation for the sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

"(C) a reasonable deadline by which the Plan will be implemented; and

"(D) a description of resource needs for fulfilling the Plan.

"(5) COORDINATION WITH INFORMATION SHARING .—The Plan shall be—

"(A) implemented in coordination, as appropriate, with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with the establishment of the information sharing environment and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of the information sharing environment.

"(6) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—Not later than 150 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the appropriate congressional committees, a report containing the Plan.

"(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report on updates to and the implementation of the Plan.

"(7) SURVEY AND REPORT.—

"(A) IN GENERAL.—The Comptroller General of the United States shall conduct a biennial survey of the satisfaction of recipients of transportation intelligence reports disseminated under the Plan.

"(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated by the Department of Homeland Security to public and private stakeholders.

"(C) REPORT.—Not later than 1 year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and every even numbered year thereafter, the Comptroller General shall submit to the appropriate congressional committees, a report on the results of the survey conducted under subparagraph (A). The Comptroller General shall also provide a copy of the report to the Secretary.

"(8) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for designated public and private stakeholders to receive and obtain access to classified information distributed under this section, as appropriate.

"(9) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide designated public and private stakeholders with transportation security information in an unclassified format.".

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) the number of public and private stakeholders who were provided with each report;

(B) a description of the measures the Secretary has taken, under section 114(u)(7) of title 49, United States Code, as added by this section, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the Plan; and

(C) an explanation of the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

(b) MEMBERS.—Members of the National Domestic Preparedness Consortium shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site;

(6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and

(7) the National Disaster Preparedness Training Center, University of Hawaii.

(c) DUTIES.—The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for the Center for Domestic Preparedness—

(A) $57,000,000 for fiscal year 2008;

(B) $60,000,000 for fiscal year 2009;

(C) $63,000,000 for fiscal year 2010; and

(D) $66,000,000 for fiscal year 2011; and

(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center, the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

(A) $22,000,000 for fiscal year 2008;

(B) $23,000,000 for fiscal year 2009;

(C) $24,000,000 for fiscal year 2010; and

(D) $25,500,000 for fiscal year 2011.

(e) SAVINGS PROVISION.—From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year 2007:

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University; and

(5) the National Exercise, Test, and Training Center, Nevada Test Site.

SEC. 1205. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals.

(b) DESIGNATION.—The Secretary shall select one of the institutions identified in subsection (c) as the lead institution responsible for coordinating the National Transportation Security Center of Excellence.

(c) MEMBER INSTITUTIONS.—

(1) CONSORTIUM.—The institution of higher education selected under subsection (b) shall execute agreements with the other institutions of higher education identified in this subsection and other institutions designated by the Secretary to develop a consortium to assist in accomplishing the goals of the Center.

(2) MEMBERS.—The National Transportation Security Center of Excellence shall consist of—

(A) Texas Southern University in Houston, Texas;

(B) the National Transit Institute at Rutgers, The State University of New Jersey;

(C) Tougaloo College;

(D) the Connecticut Transportation Institute at the University of Connecticut;

(E) the Homeland Security Management Institute, Long Island University;

(F) the Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas; and

(G) any additional institutions or facilities designated by the Secretary.

(3) CERTAIN INCLUSIONS.—To the extent practicable, the Secretary shall ensure that an appropriate number of any additional consortium colleges or universities designated by the Secretary under this subsection are Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $18,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009;

(3) $18,000,000 for fiscal year 2010; and

(4) $18,000,000 for fiscal year 2011.

SEC. 1206. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by subsection (d)(1)(A) not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term "authorized official" means—

(A) any employee or agent of a passenger transportation system or other person with responsibilities relating to the security of such systems;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice with responsibilities relating to the security of passenger transportation systems; or

(C) any Federal, State, or local law enforcement officer.

(2) COVERED ACTIVITY.—The term "covered activity" means any suspicious transaction, activity, or occurrence that involves, or is directed against, a passenger transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

(A) a threat to a passenger transportation system or passenger safety or security; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) PASSENGER TRANSPORTATION.—The term "passenger transportation" means—

(A) public transportation, as defined in section 5302 of title 49, United States Code;

(B) over-the-road bus transportation, as defined in title XV of this Act, and school bus transportation;

(C) intercity passenger rail transportation as defined in section 24102 of title 49, United States Code;

(D) the transportation of passengers onboard a passenger vessel as defined in section 2101 of title 46, United States Code;

(E) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(F) air transportation, as defined in section 40102 of title 49, United States Code, of passengers.

(4) PASSENGER TRANSPORTATION SYSTEM.—The term "passenger transportation system" means an entity or entities organized to provide passenger transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term "vehicle" has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 2006, and shall apply to all activities and claims occurring on or after such date.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

SEC. 1301. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) STATE.—The term "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(5) TERRORISM.—The term "terrorism" has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(6) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

SEC. 1302. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1203 of this Act, is further amended by adding at the end the following:

"(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY.—

"(1) APPLICATION OF SUBSECTION.—

"(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and under a provision of this title other than a provision of chapter 449 (in this subsection referred to as an 'applicable provision of this title').

"(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed and orders issued by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

"(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

"(i) Paragraphs (2) through (5) do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

"(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

"(II) by a member of the armed forces of the United States when performing official duties; or

"(III) by a civilian employee of the Department of Defense when performing official duties.

"(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

"(2) CIVIL PENALTY.—

"(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.

"(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

"(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

"(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary shall give written notice of the finding of a violation and the penalty.

"(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, a court may not re-examine issues of liability or the amount of the penalty.

"(C) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

"(i) the amount in controversy is more than—

"(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(II) $50,000 if the violation was committed by an individual or small business concern;

"(ii) the action is in rem or another action in rem based on the same violation has been brought; or

"(iii) another action has been brought for an injunction based on the same violation.

"(D) MAXIMUM PENALTY.—The maximum civil penalty the Secretary administratively may impose under this paragraph is—

"(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(ii) $50,000, if the violation was committed by an individual or small business concern.

"(E) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—

"(i) written notice of the proposed penalty; and

"(ii) the opportunity to request a hearing on the proposed penalty, if the Secretary receives *the request not later than 30 days after the date on which the person receives notice.*

"(4) COMPROMISE AND SETOFF.—

"(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection.

"(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

"(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

"(6) DEFINITIONS.—In this subsection:

"(A) PERSON.—The term 'person' does not include—

"(i) the United States Postal Service; or

"(ii) the Department of Defense.

"(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

"(7) ENFORCEMENT TRANSPARENCY.—

"(A) IN GENERAL.—Not later than December 31, 2008, and annually thereafter, the Secretary shall—

"(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and

"(ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.

"(B) ELECTRONIC AVAILABILITY.—Each summary under this paragraph shall be made available to the public by electronic means.

"(C) RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT.—Nothing in this subsection shall be construed to require disclosure of information or records that are exempt from disclosure under sections 552 or 552a of title 5.

"(D) ENFORCEMENT GUIDANCE.—Not later than 180 days after the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary shall provide a report to the public describing the enforcement process established under this subsection.".

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code, is amended by striking "or another requirement under this title administered by the Under Secretary of Transportation for Security".

SEC. 1303. AUTHORIZATION OF VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAMS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, may develop Visible Intermodal Prevention and Response (referred to in this section as "VIPR") teams to augment the security of any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—

(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;

(2) may determine when a VIPR team shall be deployed, as well as the duration of the deployment;

(3) shall, prior to and during the deployment, consult with local security and law enforcement officials in the jurisdiction where the VIPR team is or will be deployed, to develop and agree upon the appropriate operational protocols and provide relevant information about the mission of the VIPR team, as appropriate; and

(4) shall, prior to and during the deployment, consult with all transportation entities directly affected by the deployment of a VIPR team, as appropriate, including railroad carriers, air carriers, airport owners, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, port operators and facility owners, vessel owners and operators and pipeline operators.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as necessary for fiscal years 2007 through 2011.

SEC. 1304. SURFACE TRANSPORTATION SECURITY INSPECTORS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to train, employ, and utilize surface transportation security inspectors.

(b) MISSION.—The Secretary shall use surface transportation security inspectors to assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attack and other security threats and to assist the Secretary in enforcing applicable surface transportation security regulations and directives.

(c) AUTHORITIES.—Surface transportation security inspectors employed pursuant to this section shall be authorized such powers and delegated such responsibilities as the Secretary determines appropriate, subject to subsection (e).

(d) REQUIREMENTS.—The Secretary shall require that surface transportation security inspectors have relevant transportation experience and other security and inspection qualifications, as determined appropriate.

(e) LIMITATIONS.—

(1) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders except through the process described in paragraph (2).

(2) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders, except in accordance with the following:

(A) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(B) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.

(3) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for, and expenditure of, funds awarded under transportation security grant programs under this Act.

(f) NUMBER OF INSPECTORS.—The Secretary shall employ up to a total of—

(1) 100 surface transportation security inspectors in fiscal year 2007;

(2) 150 surface transportation security inspectors in fiscal year 2008;

(3) 175 surface transportation security inspectors in fiscal year 2009; and

(4) 200 surface transportation security inspectors in fiscal years 2010 and 2011.

(g) COORDINATION.—The Secretary shall ensure that the mission of the surface transportation security inspectors is consistent with any relevant risk assessments required by this Act or completed by the Department, the modal plans required under section 114(t) of title 49, United States Code, the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and other relevant documents setting forth the Department's transportation security strategy, as appropriate.

(h) CONSULTATION.—The Secretary shall periodically consult with the surface transportation entities which are or may be inspected by the surface transportation security inspectors, including, as appropriate, railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, and pipeline operators on—

(1) the inspectors' duties, responsibilities, authorities, and mission; and

(2) strategies to improve transportation security and to ensure compliance with transportation security requirements.

(i) REPORT.—Not later than September 30, 2008, the Department of Homeland Security Inspector General shall transmit a report to the appropriate congressional committees on the performance and effectiveness of surface transportation security inspectors, whether there is a need for additional inspectors, and other recommendations.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $11,400,000 for fiscal year 2007;

(2) $17,100,000 for fiscal year 2008;

(3) $19,950,000 for fiscal year 2009;

(4) $22,800,000 for fiscal year 2010; and

(5) $22,800,000 for fiscal year 2011.

SEC. 1305. SURFACE TRANSPORTATION SECURITY TECHNOLOGY INFORMATION SHARING.

(a) IN GENERAL.—

(1) INFORMATION SHARING.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities, including railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, pipeline operators, and State, local, and tribal governments that provide security assistance to such entities.

(2) DESIGNATION OF QUALIFIED ANTITERRORISM TECHNOLOGIES.—The Secretary shall include in such information provided in paragraph (1) whether the technology is designated as a qualified antiterrorism technology under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (Public Law 107–296), as appropriate.

(b) PURPOSE.—The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

(c) COORDINATION.—The Secretary shall ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

SEC. 1306. TSA PERSONNEL LIMITATIONS.

Any statutory limitation on the number of employees in the Transportation Security Administration does not apply to employees carrying out this title and titles XII, XIV, and XV.

SEC. 1307. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING PROGRAM.

(a) DEFINITIONS.—For purposes of this section, the term "explosives detection canine team" means a canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary.

(b) IN GENERAL.—

(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(A) begin to increase the number of explosives detection canine teams certified by the Transportation Security Administration for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010; and

(B) encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

(2) EXPLOSIVES DETECTION CANINE TEAMS.—The Secretary of Homeland Security shall increase the number of explosives detection canine teams by—

(A) using the Transportation Security Administration's National Explosives Detection Canine Team Training Center, including expanding and upgrading existing facilities, procuring and breeding additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities;

(B) partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams;

(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector provided they are trained in a manner consistent with the standards and requirements developed pursuant to subsection (c) or other criteria developed by the Secretary; or

(D) a combination of subparagraphs (A), (B), and (C), as appropriate.

(c) STANDARDS FOR EXPLOSIVES DETECTION CANINE TEAMS.—

(1) IN GENERAL.—Based on the feasibility in meeting the ongoing demand for quality explosives detection canine teams, the Secretary shall establish criteria, including canine training curricula, performance standards, and other requirements approved by the Transportation Security Administration necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

(2) EXPANSION.—In developing and implementing such curriculum, performance standards, and other requirements, the Secretary shall—

(A) coordinate with key stakeholders, including international, Federal, State, and local officials, and private sector and academic entities to develop best practice guidelines for such a standardized program, as appropriate;

(B) require that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and

(C) review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

(d) DEPLOYMENT.—The Secretary shall—

(1) use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network, and may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate by the Secretary;

(2) make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary;

(3) encourage, but not require, any transportation facility or system to deploy TSA-certified explosives detection canine teams developed under this section; and

(4) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's transportation network, including in venues of multiple modes of transportation, as appropriate.

(e) CANINE PROCUREMENT.—The Secretary, acting through the Administrator of the Transportation Security Administration, shall work to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price, while maintaining the needed level of quality, including, if appropriate, through increased domestic breeding.

(f) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate congressional committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program.

(g) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2007 through 2011.

SEC. 1308. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security, including vessel and facility plans required under section 70103(c) of title 46, United States Code. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3) an assessment of—

(A) the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroad carriers, motor carriers, pipelines, other transportation modes, and shippers;

(4) the private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) PORT OF ENTRY.—The term "port of entry" means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(2) MARITIME AND SURFACE TRANSPORTATION.—The term "maritime and surface transportation" includes ocean borne and vehicular transportation.

SEC. 1309. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a crime under a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material in violation of section 5104(b) of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 or section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act, or a comparable State law, if one of the predicate acts found by a jury or admitted by the defendant consists of one of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the U.S. Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnaping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport in violation of section 1036 of title 18, or a comparable State law.

"(xv) A violation of the chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT, WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in paragraph (1)(A), is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.

"(E) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add to or modify the list of disqualifying crimes described in paragraph (1)(B).".

SEC. 1310. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out this title and titles XII, XIV, and XV are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; The Homeland Security Act of 2002; The National Response Plan; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004 and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

SEC. 1401. SHORT TITLE.

This title may be cited as the "National Transit Systems Security Act of 2007".

SEC. 1402. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) DISADVANTAGED BUSINESSES CONCERNS.—The term "disadvantaged business concerns" means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, title 13, Code of Federal Regulations.

(4) FRONTLINE EMPLOYEE.—The term "frontline employee" means an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Secretary determines should receive security training under section 1408.

(5) PUBLIC TRANSPORTATION AGENCY.—The term "public transportation agency" means a publicly owned operator of public transportation eligible to receive Federal assistance under chapter 53 of title 49, United States Code.

(6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 1403. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary targets of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $93,800,000,000 since 1992 for construction and improvements;

(5) the Federal investment in transit security has been insufficient; and

(6) greater Federal investment in transit security improvements per passenger boarding is necessary to better protect the American people, given transit's vital importance in creating mobility and promoting our Nation's economy.

SEC. 1404. NATIONAL STRATEGY FOR PUBLIC TRANSPORTATION SECURITY.

(a) NATIONAL STRATEGY.—Not later than 9 months after the date of enactment of this Act and based upon the previous and ongoing security assessments conducted by the Department and the Department of Transportation, the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for public transportation, entitled the "National Strategy for Public Transportation Security".

(b) PURPOSE.—

(1) GUIDELINES.—In developing the National Strategy for Public Transportation Security, the Secretary shall establish guidelines for public transportation security that—

(A) minimize security threats to public transportation systems; and

(B) maximize the abilities of public transportation systems to mitigate damage resulting from terrorist attack or other major incident.

(2) ASSESSMENTS AND CONSULTATIONS.—In developing the National Strategy for Public Transportation Security, the Secretary shall—

(A) use established and ongoing public transportation security assessments as the basis of the National Strategy for Public Transportation Security; and

(B) consult with all relevant stakeholders, including public transportation agencies, nonprofit labor organizations representing public transportation employees, emergency responders, public safety officials, and other relevant parties.

(c) CONTENTS.—In the National Strategy for Public Transportation Security, the Secretary shall describe prioritized goals, objectives, policies, actions, and schedules to improve the security of public transportation.

(d) RESPONSIBILITIES.—The Secretary shall include in the National Strategy for Public Transportation Security a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, tribal governments, and appropriate stakeholders. The plan shall also include—

(1) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities of Federal agencies; and

(2) a process for coordinating existing or future security strategies and plans for public transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; and subsequent annexes and agreements.

(e) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the National Strategy for Public Transportation Security, the Secretary shall use relevant existing risk assessments and strategies developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title

49, United States Code, or Homeland Security Presidential Directive 7.

(f) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for fiscal year 2008.

SEC. 1405. SECURITY ASSESSMENTS AND PLANS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) SECRETARIAL REVIEW.—Not later than 60 days after receiving the submission under paragraph (1), the Secretary shall review and augment the security assessments received, and conduct additional security assessments as necessary to ensure that at a minimum, all high risk public transportation agencies, as determined by the Secretary, will have a completed security assessment.

(3) CONTENT.—The Secretary shall ensure that each completed security assessment includes—

(A) identification of critical assets, infrastructure, and systems and their vulnerabilities; and

(B) identification of any other security weaknesses, including weaknesses in emergency response planning and employee training.

(b) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) conduct security assessments, based on a representative sample, to determine the specific needs of—

(A) local bus-only public transportation systems; and

(B) public transportation systems that receive funds under section 5311 of title 49, United States Code; and

(2) make the representative assessments available for use by similarly situated systems.

(c) SECURITY PLANS.—

(1) REQUIREMENT FOR PLAN.—

(A) HIGH RISK AGENCIES.—The Secretary shall require public transportation agencies determined by the Secretary to be at high risk for terrorism to develop a comprehensive security plan. The Secretary shall provide technical assistance and guidance to public transportation agencies in preparing and implementing security plans under this section.

(B) OTHER AGENCIES.—Provided that no public transportation agency that has not been designated high risk shall be required to develop a security plan, the Secretary may also establish a security program for public transportation agencies not designated high risk by the Secretary, to assist those public transportation agencies which request assistance, including—

(i) guidance to assist such agencies in conducting security assessments and preparing and implementing security plans; and

(ii) a process for the Secretary to review and approve such assessments and plans, as appropriate.

(2) CONTENTS OF PLAN.—The Secretary shall ensure that security plans include, as appropriate—

(A) a prioritized list of all items included in the public transportation agency's security assessment that have not yet been addressed;

(B) a detailed list of any additional capital and operational improvements identified by the Department or the public transportation agency and a certification of the public transportation agency's technical capacity for operating and maintaining any security equipment that may be identified in such list;

(C) specific procedures to be implemented or used by the public transportation agency in response to a terrorist attack, including evacuation and passenger communication plans and appropriate evacuation and communication measures for the elderly and individuals with disabilities;

(D) a coordinated response plan that establishes procedures for appropriate interaction with State and local law enforcement agencies, emergency responders, and Federal officials in order to coordinate security measures and plans for response in the event of a terrorist attack or other major incident;

(E) a strategy and timeline for conducting training under section 1408;

(F) plans for providing redundant and other appropriate backup systems necessary to ensure the continued operation of critical elements of the public transportation system in the event of a terrorist attack or other major incident;

(G) plans for providing service capabilities throughout the system in the event of a terrorist attack or other major incident in the city or region which the public transportation system serves;

(H) methods to mitigate damage within a public transportation system in case of an attack on the system, including a plan for communication and coordination with emergency responders; and

(I) other actions or procedures as the Secretary determines are appropriate to address the security of the public transportation system.

(3) REVIEW.—Not later than 6 months after receiving the plans required under this section, the Secretary shall—

(A) review each security plan submitted;

(B) require the public transportation agency to make any amendments needed to ensure that the plan meets the requirements of this section; and

(C) approve any security plan that meets the requirements of this section.

(4) EXEMPTION.—The Secretary shall not require a public transportation agency to develop a security plan under paragraph (1) if the agency does not receive a grant under section 1406.

(5) WAIVER.—The Secretary may waive the exemption provided in paragraph (4) to require a public transportation agency to develop a security plan under paragraph (1) in the absence of grant funds under section 1406 if not less than 3 days after making the determination the Secretary provides the appropriate congressional committees and the public transportation agency written notification detailing the need for the security plan, the reasons grant funding has not been made available, and the reason the agency has been designated high risk.

(d) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by public transportation agencies under this section are consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security developed under section 1404.

(e) UPDATES.—Not later than September 30, 2008, and annually thereafter, the Secretary shall—

(1) update the security assessments referred to in subsection (a);

(2) update the security improvement priorities required under subsection (f); and

(3) require public transportation agencies to update the security plans required under subsection (c) as appropriate.

(f) SECURITY IMPROVEMENT PRIORITIES.—

(1) IN GENERAL.—Beginning in fiscal year 2008 and each fiscal year thereafter, the Secretary, after consultation with management and nonprofit employee labor organizations representing public transportation employees as appropriate, and with appropriate State and local officials, shall utilize the information developed or received in this section to establish security improvement priorities unique to each individual public transportation agency that has been assessed.

(2) ALLOCATIONS.—The Secretary shall use the security improvement priorities established in paragraph (1) as the basis for allocating risk-based grant funds under section 1406, unless the Secretary notifies the appropriate congressional committees that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant national security factors.

(g) SHARED FACILITIES.—The Secretary shall encourage the development and implementation of coordinated assessments and security plans to the extent a public transportation agency shares facilities (such as tunnels, bridges, stations, or platforms) with another public transportation agency, a freight or passenger railroad carrier, or over-the-road bus operator that are geographically close or otherwise co-located.

(h) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a public transportation agency under any other Federal law.

(i) DETERMINATION.—In response to a petition by a public transportation agency or at the discretion of the Secretary, the Secretary may recognize existing procedures, protocols, and standards of a public transportation agency that the Secretary determines meet all or part of the requirements of this section regarding security assessments or security plans.

SEC. 1406. PUBLIC TRANSPORTATION SECURITY ASSISTANCE.

(a) SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program for making grants to eligible public transportation agencies for security improvements described in subsection (b).

(2) ELIGIBILITY.—A public transportation agency is eligible for a grant under this section if the Secretary has performed a security assessment or the agency has developed a security plan under section 1405. Grant funds shall only be awarded for permissible uses under subsection (b) to—

(A) address items included in a security assessment; or

(B) further a security plan.

(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Capital uses of funds, including—

(A) tunnel protection systems;

(B) perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems, including the acquisition of canines used for such detection;

(E) surveillance equipment;

(F) communications equipment, including mobile service equipment to provide access to wireless Enhanced 911 (E911) emergency services in an underground fixed guideway system;

(G) emergency response equipment, including personal protective equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or tracking and recovery equipment, and other automated-vehicle-locator-type system equipment;

(J) evacuation improvements;

(K) purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels;

(L) capital costs associated with security awareness, security preparedness, and security response training, including training under section 1408 and exercises under section 1407;

(M) security improvements for public transportation systems, including extensions thereto, in final design or under construction;

(N) security improvements for stations and other public transportation infrastructure, including stations and other public transportation infrastructure owned by State or local governments; and

(O) other capital security improvements determined appropriate by the Secretary.

(2) Operating uses of funds, including—

(A) security training, including training under section 1408 and training developed by institutions of higher education and by nonprofit employee labor organizations, for public transportation employees, including frontline employees;

(B) live or simulated exercises under section 1407;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, radiological, biological, or explosives detection;

(E) development of security plans under section 1405;

(F) overtime reimbursement including reimbursement of State, local, and tribal governments, for costs for enhanced security personnel during significant national and international public events;

(G) operational costs, including reimbursement of State, local, and tribal governments for costs for personnel assigned to full-time or part-time security or counterterrorism duties related to public transportation, provided that this expense totals no more than 10 percent of the total grant funds received by a public transportation agency in any 1 year; and

(H) other operational security costs determined appropriate by the Secretary, excluding routine, ongoing personnel costs, other than those set forth in this section.

(c) Department of Homeland Security Responsibilities.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (a)(2), select the recipients of grants based solely on risk; and

(3) pursuant to subsection (b), establish the priorities for which grant funds may be used under this section.

(d) Distribution of Grants.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(e) Subject to Certain Terms and Conditions.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, as in effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.

(f) Limitation on Uses of Funds.—Grants made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(g) Annual Reports.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.

(h) Guidelines.—Before distribution of funds to recipients of grants, the Secretary shall issue guidelines to ensure that, to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors to the extent practicable.

(i) Coordination With State Homeland Security Plans.—In establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b), the Secretary shall act consistently with relevant State homeland security plans.

(j) Multistate Transportation Systems.—In cases in which a public transportation system operates in more than one State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b).

(k) Congressional Notification.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify simultaneously, the appropriate congressional committees of the intent to award such grant.

(l) Return of Misspent Grant Funds.—The Secretary shall establish a process to require the return of any misspent grant funds received under this section determined to have been spent for a purpose other than those specified in the grant award.

(m) Authorization of Appropriations.—

(1) There are authorized to be appropriated to the Secretary to make grants under this section—

(A) such sums as are necessary for fiscal year 2007;

(B) $650,000,000 for fiscal year 2008, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2);

(C) $750,000,000 for fiscal year 2009, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2);

(D) $900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); and

(E) $1,100,000,000 for fiscal year 2011, except that not more than 10 percent of such funds may be used for operational costs under subsection (b)(2).

(2) Period of Availability.—Sums appropriated to carry out this section shall remain available until expended.

(3) Waiver.—The Secretary may waive the limitation on operational costs specified in subparagraphs (B) through (E) of paragraph (1) if the Secretary determines that such a waiver is required in the interest of national security, and if the Secretary provides a written justification to the appropriate congressional committees prior to any such action.

(4) Effective date.—Funds provided for fiscal year 2007 transit security grants under Public Law 110–28 shall be allocated based on security assessments that are in existence as of the date of enactment of this Act.

SEC. 1407. SECURITY EXERCISES.

(a) In General.—The Secretary shall establish a program for conducting security exercises for public transportation agencies for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism.

(b) Covered Entities.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) public transportation agencies;

(3) governmental and nongovernmental emergency response providers and law enforcement personnel, including transit police; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) Requirements.—The Secretary shall ensure that the program—

(1) requires, for public transportation agencies which the Secretary deems appropriate, exercises to be conducted that are—

(A) scaled and tailored to the needs of specific public transportation systems, and include taking into account the needs of the elderly and individuals with disabilities;

(B) live;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of frontline employees and managers; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(2) provides that exercises described in paragraph (1) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and

(C) followed by remedial action by covered entities in response to lessons learned;

(3) involves individuals in neighborhoods around the infrastructure of a public transportation system; and

(4) assists State, local, and tribal governments and public transportation agencies in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).

(d) National Exercise Program.—The Secretary shall ensure that the exercise program developed under subsection (a) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(e) Ferry System Exemption.—This section does not apply to any ferry system for which drills are required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 1408. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop and issue detailed interim final regulations, and not later than 1 year after the date of enactment of this Act, the Secretary shall develop and issue detailed final regulations, for a public transportation security training program to prepare public transportation employees, including frontline employees, for potential security threats and conditions.

(b) Consultation.—The Secretary shall develop the interim final and final regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, security, and terrorism experts;

(2) representatives of public transportation agencies; and

(3) nonprofit employee labor organizations representing public transportation employees or emergency response personnel.

(c) PROGRAM ELEMENTS.—The interim final and final regulations developed under subsection (a) shall require security training programs to include, at a minimum, elements to address the following:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself, including using nonlethal defense devices.

(4) Use of personal protective devices and other protective equipment.

(5) Evacuation procedures for passengers and employees, including individuals with disabilities and the elderly.

(6) Training related to behavioral and psychological understanding of, and responses to, terrorist incidents, including the ability to cope with hijacker behavior, and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.

(9) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on scene interaction with such emergency response providers.

(10) Operation and maintenance of security equipment and systems.

(11) Other security training activities that the Secretary deems appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after a public transportation agency meets the requirements under subsection (e), each such public transportation agency shall develop a security training program in accordance with the regulations developed under subsection (a) and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the public transportation agency that developed the program to make any revisions to the program that the Secretary determines necessary for the program to meet the requirements of the regulations. A public transportation agency shall respond to the Secretary's comments within 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program proposal in accordance with this subsection, the public transportation agency that developed the program shall complete the training of all employees covered under the program.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each public transportation agency shall revise its training program accordingly and provide additional training as necessary to its workers within a reasonable time after the regulations are updated.

(e) APPLICABILITY.—A public transportation agency that receives a grant award under this title shall be required to develop and implement a security training program pursuant to this section.

(f) LONG-TERM TRAINING REQUIREMENT.—Any public transportation agency required to develop a security training program pursuant to this section shall provide routine and ongoing training for employees covered under the program, regardless of whether the public transportation agency receives subsequent grant awards.

(g) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(h) FERRY EXEMPTION.—This section shall not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46, United States Code.

(i) REPORT.—Not later than 2 years after the date of issuance of the final regulation, the Comptroller General shall review implementation of the training program, including interviewing a representative sample of public transportation agencies and employees, and report to the appropriate congressional committees, on the number of reviews conducted and the results. The Comptroller General may submit the report in both classified and redacted formats as necessary.

SEC. 1409. PUBLIC TRANSPORTATION RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.

(b) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(c) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing;

(D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;

(E) develop technologies for securing tunnels, transit bridges and aerial structures;

(F) research technologies that mitigate damages in the event of a cyber attack; and

(G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section to ensure that the awards made are expended in accordance with the purposes of this title and the priorities developed by the Secretary.

(f) COORDINATION.—The Secretary shall ensure that the research is consistent with the priorities established in the National Strategy for Public Transportation Security and is coordinated, to the extent practicable, with other Federal, State, local, tribal, and private sector public transportation, railroad, commuter railroad, and over-the-road bus research initiatives to leverage resources and avoid unnecessary duplicative efforts.

(g) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (c), the grantee or contractor shall return any amount so used to the Treasury of the United States.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to make grants under this section—

(1) such sums as necessary for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008;

(3) $25,000,000 for fiscal year 2009;

(4) $25,000,000 for fiscal year 2010; and

(5) $25,000,000 for fiscal year 2011.

SEC. 1410. INFORMATION SHARING.

(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) AUTHORIZATION.—The Secretary shall provide for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC").

(2) PARTICIPATION.—The Secretary—

(A) shall require public transportation agencies that the Secretary determines to be at high risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC;

(C) shall encourage the participation of nonprofit employee labor organizations representing public transportation employees, as appropriate; and

(D) shall not charge a fee for participating in the ISAC.

(c) REPORT.—The Comptroller General shall report, not less than 3 years after the date of enactment of this Act, to the appropriate congressional committees, as to the value and efficacy of the ISAC along with any other public transportation information-sharing programs ongoing at the Department. The report shall include an analysis of the user satisfaction of public transportation agencies on the state of information-sharing and the value that each system provides the user, the costs and benefits of all centers and programs, the coordination among centers and programs, how each center or program contributes to implementing the information sharing plan under section 1203, and analysis of the extent to which the ISAC is duplicative with the Department's information-sharing program.

(d) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $600,000 for fiscal year 2008;

(B) $600,000 for fiscal year 2009;

(C) $600,000 for fiscal year 2010; and

(D) such sums as may be necessary for 2011, provided the report required in subsection (c) of this section has been submitted to Congress.

(2) AVAILABILITY OF FUNDS.—Such sums shall remain available until expended.

SEC. 1411. THREAT ASSESSMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all public transportation frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).

SEC. 1412. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31st of each year, the Secretary shall submit a report, containing the information described in paragraph (2), to the appropriate congressional committees.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of this title;

(B) the amount of funds appropriated to carry out the provisions of this title that have not been expended or obligated;

(C) the National Strategy for Public Transportation Security required under section 1404;

(D) an estimate of the cost to implement the National Strategy for Public Transportation Security which shall break out the aggregated total cost of needed capital and operational security improvements for fiscal years 2008–2018; and

(E) the state of public transportation security in the United States, which shall include detailing the status of security assessments, the progress being made around the country in developing prioritized lists of security improvements necessary to make public transportation facilities and passengers more secure, the progress being made by agencies in developing security plans and how those plans differ from the security assessments and a prioritized list of security improvements being compiled by other agencies, as well as a random sample of an equal number of large- and small-scale projects currently underway.

(3) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this Act.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1413. PUBLIC TRANSPORTATION EMPLOYEE PROTECTIONS.

(a) IN GENERAL.—A public transportation agency, a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—

(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to public transportation safety or security, or fraud, waste, or abuse of Federal grants or other public funds intended to be used for public transportation safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—

(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any Committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;

(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to public transportation safety or security;

(3) to file a complaint or directly cause to be brought a proceeding related to the enforcement of this section or to testify in that proceeding;

(4) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

(5) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with public transportation.

(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A public transportation agency, or a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—

(A) reporting a hazardous safety or security condition;

(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

(C) refusing to authorize the use of any safety- or security-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or security condition, if the conditions described in paragraph (2) of this subsection exist.

(2) A refusal is protected under paragraph (1)(B) and (C) if—

(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

(B) a reasonable individual in the circumstances then confronting the employee would conclude that—

(i) the hazardous condition presents an imminent danger of death or serious injury; and

(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

(C) the employee, where possible, has notified the public transportation agency of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

(3) In this subsection, only subsection (b)(1)(A) shall apply to security personnel, including transit police, employed or utilized by a public transportation agency to protect riders, equipment, assets, or facilities.

(c) ENFORCEMENT ACTION.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) or (b) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of a complaint filed under this paragraph, the Secretary of Labor shall notify, in writing, the person named in the complaint and the person's employer of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) or (b) of the Secretary of Labor's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall accompany the Secretary of Labor's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under clause (i), no investigation otherwise required under paragraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY OF LABOR.—The Secretary of Labor may determine that a violation of subsection (a) or (b) has occurred only if the complainant demonstrates that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) PROHIBITION.—Relief may not be ordered under paragraph (A) if the employer demonstrates by clear and convincing evidence that

the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3) FINAL ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall order the person who committed such violation to—

(i) take affirmative action to abate the violation; and

(ii) provide the remedies described in subsection (d).

(C) ORDER.—If an order is issued under subparagraph (B), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

(D) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer reasonable attorney fees not exceeding $1,000.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(7) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The action shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

(d) REMEDIES.—

(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.

(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in (c)(7)) shall include—

(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

(B) any backpay, with interest; and

(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.

(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the public transportation agency.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DISCLOSURE OF IDENTITY.—

(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information described in subsection (a)(1).

(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

(1) ESTABLISHMENT OF PROCESS.—The Secretary shall establish through regulations after an opportunity for notice and comment, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding public transportation security problems, deficiencies, or vulnerabilities.

(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

(3) STEPS TO ADDRESS PROBLEM.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

SEC. 1414. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS FOR PUBLIC TRANSPORTATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SECURITY BACKGROUND CHECK.—The term "security background check" means reviewing the following for the purpose of identifying individuals who may pose a threat to transportation security, national security, or of terrorism:

(A) Relevant criminal history databases.

(B) In the case of an alien (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))), the relevant databases to determine the status of the alien under the immigration laws of the United States.

(C) Other relevant information or databases, as determined by the Secretary.

(2) COVERED INDIVIDUAL.—The term "covered individual" means an employee of a public transportation agency or a contractor or subcontractor of a public transportation agency.

(b) GUIDANCE.—

(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.

(2) Not later than 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (b)(1).

(3) If a public transportation agency or a contractor or subcontractor of a public transportation agency performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.

(c) REQUIREMENTS.—If the Secretary issues a rule, regulation or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, then the Secretary shall prohibit a public transportation agency or contractor or subcontractor of a public transportation agency from making an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive with respect to a covered individual unless the

public transportation agency or contractor or subcontractor of a public transportation agency determines that the covered individual—

(1) has been convicted of, has been found not guilty of by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the public transportation agency or contractor or subcontractor of the public transportation agency performs the security background check; or

(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the public transportation agency or contractor or subcontractor of a public transportation agency performs the security background check.

(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, the Secretary shall—

(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation workers at ports, as required by section 70105(c) of title 49, United States Code; and

(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a public transportation agency or contractor or subcontractor of a public transportation agency wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.

(e) FALSE STATEMENTS.- A public transportation agency or a contractor or subcontractor of a public transportation agency may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that prohibits a public transportation agency or a contractor or subcontractor of a public transportation agency from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a public transportation agency's or a contractor or subcontractor of a public transportation agency's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a public transportation agency, or a contractor or subcontractor of a public transportation agency under any other Federal, State, or local laws or collective bargaining agreement.

(g) NO PREEMPTION OF FEDERAL OR STATE LAW.--Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks of covered individuals.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 1415. LIMITATION ON FINES AND CIVIL PENALTIES.

(a) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies for violations of the Department's regulations or orders except through the process described in subsection (b).

(b) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies for violations of the Department's regulations or orders, except in accordance with the following:

(1) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(2) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.

(c) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for and expenditure of funds awarded under transportation security grant programs under this title.

TITLE XV—SURFACE TRANSPORTATION SECURITY

Subtitle A—General Provisions

SEC. 1501. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) OVER-THE-ROAD BUS.—The term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(5) OVER-THE-ROAD BUS FRONTLINE EMPLOYEES.—In this section, the term "over-the-road bus frontline employees" means over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Secretary determines should receive security training under this title.

(6) RAILROAD FRONTLINE EMPLOYEES.—In this section, the term "railroad frontline employees" means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Secretary determines should receive security training under this title.

(7) RAILROAD.—The term "railroad" has the meaning that term has in section 20102 of title 49, United States Code.

(8) RAILROAD CARRIER.—The term "railroad carrier" has the meaning that term has in section 20102 of title 49, United States Code.

(9) STATE.—The term "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) TERRORISM.—The term "terrorism" has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(11) TRANSPORTATION.—The term "transportation", as used with respect to an over-the-road bus, means the movement of passengers or property by an over-the-road bus—

(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or

(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).

(12) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(13) SECURITY-SENSITIVE MATERIAL.—The term "security-sensitive material" means a material, or a group or class of material, in a particular amount and form that the Secretary, in consultation with the Secretary of Transportation, determines, through a rulemaking with opportunity for public comment, poses a significant risk to national security while being transported in commerce due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall, at a minimum, consider the following:

(A) Class 7 radioactive materials.

(B) Division 1.1, 1.2, or 1.3 explosives.

(C) Materials poisonous or toxic by inhalation, including Division 2.3 gases and Division 6.1 materials.

(D) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.

(14) DISADVANTAGED BUSINESS CONCERNS.—The term "disadvantaged business concerns" means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, of title 13, Code of Federal Regulations.

(15) AMTRAK.—The term "Amtrak" means the National Railroad Passenger Corporation.

SEC. 1502. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary, in coordination with Secretary of Transportation for grants awarded to Amtrak, shall establish necessary procedures, including monitoring and audits, to ensure that grants made under this title are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(b) ADDITIONAL AUDITS AND REVIEWS.--The Secretary, and the Secretary of Transportation for grants awarded to Amtrak, may award contracts to undertake additional audits and reviews of the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants

under this title, including application and qualification procedures, and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107(i) and (j) of title 46, United States Code.

(d) ADDITIONAL AUTHORITY.—

(1) ISSUANCE.—The Secretary may issue nonbinding letters of intent to recipients of a grant under this title, to commit funding from future budget authority of an amount, not more than the Federal Government's share of the project's cost, for a capital improvement project.

(2) SCHEDULE.—The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Government's share of the project's costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this title.

(3) NOTICE TO SECRETARY.—A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Secretary shall transmit to the appropriate congressional committees a written notification at least 5 days before the issuance of a letter of intent under this subsection.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, United States Code, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(e) RETURN OF MISSPENT GRANT FUNDS.—As part of the grant agreement under subsection (c), the Secretary shall require grant applicants to return any misspent grant funds received under this title that the Secretary considers to have been spent for a purpose other than those specified in the grant award. The Secretary shall take all necessary actions to recover such funds.

(f) CONGRESSIONAL NOTIFICATION.—Not later than 5 days before the award of any grant is made under this title, the Secretary shall notify the appropriate congressional committees of the intent to award such grant.

(g) GUIDELINES.—The Secretary shall ensure, to the extent practicable, that grant recipients under this title who use contractors or subcontractors use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors when appropriate.

SEC. 1503. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, as amended by section 1302 of this Act, is further amended by adding at the end the following:

"(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for—

"(1) railroad security—

"(A) $488,000,000 for fiscal year 2008;

"(B) $483,000,000 for fiscal year 2009;

"(C) $508,000,000 for fiscal year 2010; and

"(D) $508,000,000 for fiscal year 2011;

"(2) over-the-road bus and trucking security—

"(A) $14,000,000 for fiscal year 2008;

"(B) $27,000,000 for fiscal year 2009;

"(C) $27,000,000 for fiscal year 2010; and

"(D) $27,000,000 for fiscal year 2011; and

"(3) hazardous material and pipeline security—

"(A) $12,000,000 for fiscal year 2008;

"(B) $12,000,000 for fiscal year 2009; and

"(C) $12,000,000 for fiscal year 2010.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out section 1515—

(1) $38,000,000 for fiscal year 2008;

(2) $40,000,000 for fiscal year 2009;

(3) $55,000,000 for fiscal year 2010; and

(4) $70,000,000 for fiscal year 2011.

SEC. 1504. PUBLIC AWARENESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a national plan for railroad and over-the-road bus security public outreach and awareness. Such a plan shall be designed to increase awareness of measures that the general public, passengers, and employees of railroad carriers and over-the-road bus operators can take to increase the security of the national railroad and over-the-road bus transportation systems. Such a plan shall also provide outreach to railroad carriers and over-the-road bus operators and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

Subtitle B—Railroad Security

SEC. 1511. RAILROAD TRANSPORTATION SECURITY RISK ASSESSMENT AND NATIONAL STRATEGY.

(a) RISK ASSESSMENT.—The Secretary shall establish a Federal task force, including the Transportation Security Administration and other agencies within the Department, the Department of Transportation, and other appropriate Federal agencies, to complete, within 6 months of the date of enactment of this Act, a nationwide risk assessment of a terrorist attack on railroad carriers. The assessment shall include—

(1) a methodology for conducting the risk assessment, including timelines, that addresses how the Department will work with the entities described in subsection (c) and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(2) identification and evaluation of critical assets and infrastructure, including tunnels used by railroad carriers in high-threat urban areas;

(3) identification of risks to those assets and infrastructure;

(4) identification of risks that are specific to the transportation of hazardous materials via railroad;

(5) identification of risks to passenger and cargo security, transportation infrastructure protection systems, operations, communications systems, and any other area identified by the assessment;

(6) an assessment of employee training and emergency response planning;

(7) an assessment of public and private operational recovery plans, taking into account the plans for the maritime sector required under section 70103 of title 46, United States Code, to expedite, to the maximum extent practicable, the return of an adversely affected railroad transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(8) an account of actions taken or planned by both public and private entities to address identified railroad security issues and an assessment of the effective integration of such actions.

(b) NATIONAL STRATEGY.—

(1) REQUIREMENT.—Not later than 9 months after the date of enactment of this Act and based upon the assessment conducted under subsection (a), the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for railroad transportation, entitled the "National Strategy for Railroad Transportation Security".

(2) CONTENTS.—The modal plan shall include prioritized goals, actions, objectives, policies, mechanisms, and schedules for, at a minimum—

(A) improving the security of railroad tunnels, railroad bridges, railroad switching and car storage areas, other railroad infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant railroad-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of railroad service or on operations served or otherwise affected by railroad service;

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) consistent with section 1517, training railroad employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns for railroads regarding security, including educational initiatives designed to inform the public on how to prevent, prepare for, respond to, and recover from a terrorist attack on railroad transportation;

(E) providing additional railroad security support for railroads at high or severe threat levels of alert;

(F) ensuring, in coordination with freight and intercity and commuter passenger railroads, the continued movement of freight and passengers in the event of an attack affecting the railroad system, including the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station;

(G) coordinating existing and planned railroad security initiatives undertaken by the public and private sectors;

(H) assessing—

(i) the usefulness of covert testing of railroad security systems;

(ii) the ability to integrate security into infrastructure design; and

(iii) the implementation of random searches of passengers and baggage; and

(I) identifying the immediate and long-term costs of measures that may be required to address those risks and public and private sector sources to fund such measures.

(3) RESPONSIBILITIES.—The Secretary shall include in the modal plan a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, government-sponsored entities, tribal governments, and appropriate stakeholders described in subsection (c). The plan shall also include—

(A) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities described in this paragraph;

(B) a methodology for how the Department will work with the entities described in subsection (c), and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(C) a process for facilitating security clearances for the purpose of intelligence and information sharing with the entities described in subsection (c), as appropriate;

(D) a strategy and timeline, coordinated with the research and development program established under section 1518, for the Department, the Department of Transportation, other appropriate Federal agencies and private entities to

research and develop new technologies for securing railroad systems; and

(E) a process for coordinating existing or future security strategies and plans for railroad transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order Number 13416: "Strengthening Surface Transportation Security" dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and any other relevant agreements between the two Departments.

(c) CONSULTATION WITH STAKEHOLDERS.—In developing the National Strategy required under this section, the Secretary shall consult with railroad management, nonprofit employee organizations representing railroad employees, owners or lessors of railroad cars used to transport hazardous materials, emergency responders, offerors of security-sensitive materials, public safety officials, and other relevant parties.

(d) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the risk assessment and National Strategy required under this section, the Secretary shall utilize relevant existing plans, strategies, and risk assessments developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive 7, and, as appropriate, assessments developed by other public and private stakeholders.

(e) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing—

(A) the assessment and the National Strategy required by this section; and

(B) an estimate of the cost to implement the National Strategy.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(f) ANNUAL UPDATES.—Consistent with the requirements of section 114(t) of title 49, United States Code, the Secretary shall update the assessment and National Strategy each year and transmit a report, which may be submitted in both classified and redacted formats, to the appropriate congressional committees containing the updated assessment and recommendations.

(g) FUNDING.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1512. RAILROAD CARRIER ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) require each railroad carrier assigned to a high-risk tier under this section to—

(A) conduct a vulnerability assessment in accordance with subsections (c) and (d); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with this section that addresses security performance requirements; and

(2) establish standards and guidelines, based on and consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511, for developing and implementing the vulnerability assessments and security plans for railroad carriers assigned to high-risk tiers.

(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for railroad carriers not assigned to a high-risk tier, including—

(1) guidance for such carriers in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and

(2) a process to review and approve such assessments and plans, as appropriate.

(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for railroad carriers assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.

(d) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of a railroad carrier assigned to a high-risk tier under this section, include, as applicable—

(A) identification and evaluation of critical railroad carrier assets and infrastructure, including platforms, stations, intermodal terminals, tunnels, bridges, switching and storage areas, and information systems as appropriate;

(B) identification of the vulnerabilities to those assets and infrastructure;

(C) identification of strengths and weaknesses in—

(i) physical security;

(ii) passenger and cargo security, including the security of security-sensitive materials being transported by railroad or stored on railroad property;

(iii) programmable electronic devices, computers, or other automated systems which are used in providing the transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems and utilities needed for railroad security purposes, including dispatching and notification systems;

(vi) emergency response planning;

(vii) employee training; and

(viii) such other matters as the Secretary determines appropriate; and

(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of a railroad carrier's system in the event of an attack or other incident, including disruption of commercial electric power or communications network.

(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of a railroad carrier, as designated by the railroad carrier, threat information that is relevant to the carrier when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in railroad security.

(e) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in preparing and implementing security plans under this section, and shall require that each security plan of a railroad carrier assigned to a high-risk tier under this section include, as applicable—

(A) identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements; and

(iii) to receive immediate communications from appropriate Federal officials regarding railroad security;

(B) a list of needed capital and operational improvements;

(C) procedures to be implemented or used by the railroad carrier in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities as appropriate;

(D) identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(E) a strategy and timeline for conducting training under section 1517;

(F) enhanced security measures to be taken by the railroad carrier when the Secretary declares a period of heightened security risk;

(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the railroad carrier's system in the event of a terrorist attack or other incident;

(H) a strategy for implementing enhanced security for shipments of security-sensitive materials, including plans for quickly locating and securing such shipments in the event of a terrorist attack or security incident; and

(I) such other actions or procedures as the Secretary determines are appropriate to address the security of railroad carriers.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.

(3) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by railroad carriers under this section are consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511.

(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);

(2) require amendments to any security plan that does not meet the requirements of this section; and

(3) approve any vulnerability assessment or security plan that meets the requirements of this section.

(g) INTERIM SECURITY MEASURES.—The Secretary may require railroad carriers, during the period before the deadline established under subsection (c), to submit a security plan under subsection (e) to implement any necessary interim security measures essential to providing adequate security of the railroad carrier's system. An interim plan required under this subsection will be superseded by a plan required under subsection (e).

(h) TIER ASSIGNMENT.—Utilizing the risk assessment and National Strategy for Railroad Transportation Security required under section 1511, the Secretary shall assign each railroad carrier to a risk-based tier established by the Secretary.

(1) PROVISION OF INFORMATION.—The Secretary may request, and a railroad carrier shall provide, information necessary for the Secretary to assign a railroad carrier to the appropriate tier under this subsection.

(2) NOTIFICATION.—Not later than 60 days after the date a railroad carrier is assigned to a tier under this subsection, the Secretary shall notify the railroad carrier of the tier to which it is assigned and the reasons for such assignment.

(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this subsection shall be designated a tier for high-risk railroad carriers.

(4) REASSIGNMENT.—The Secretary may reassign a railroad carrier to another tier, as appropriate, in response to changes in risk. The Secretary shall notify the railroad carrier not later than 60 days after such reassignment and provide the railroad carrier with the reasons for such reassignment.

(i) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a railroad carrier under any other Federal law.

(j) EXISTING PROCEDURES, PROTOCOLS AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by a railroad carrier or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section, including regulations issued under subsection (a), regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of a railroad carrier satisfy the requirements of this section, the railroad carrier may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of a railroad carrier satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the railroad carrier of any additional information relevant to the vulnerability assessment and security plan of the railroad carrier to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of a railroad carrier under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the railroad carrier a written notification that includes an explanation of the determination.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by a railroad carrier under this section; and

(B) to approve or disapprove each submission on an individual basis.

(k) PERIODIC EVALUATION BY RAILROAD CARRIERS REQUIRED.—

(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), a railroad carrier who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier must also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the railroad carrier submitting the evaluation of the Secretary's approval or disapproval of the evaluation.

(l) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that a railroad carrier shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.

(m) CONSULTATION.—In carrying out this section, the Secretary shall consult with railroad carriers, nonprofit employee labor organizations representation railroad employees, and public safety and law enforcement officials.

SEC. 1513. RAILROAD SECURITY ASSISTANCE.

(a) SECURITY IMPROVEMENT GRANTS.—(1) The Secretary, in consultation with the Administrator of the Transportation Security Administration and other appropriate agencies or officials, is authorized to make grants to railroad carriers, the Alaska Railroad, security-sensitive materials offerors who ship by railroad, owners of railroad cars used in the transportation of security-sensitive materials, State and local governments (for railroad passenger facilities and infrastructure not owned by Amtrak), and Amtrak for intercity passenger railroad and freight railroad security improvements described in subsection (b) as approved by the Secretary.

(2) A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved in accordance with section 1512.

(3) A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a railroad security plan that meets the requirements of paragraph (2).

(4) Notwithstanding the requirement for eligibility and uses of funds in paragraphs (2) and (3), a railroad carrier is eligible for a grant under this section if the applicant uses the funds solely for the development of assessments or security plans under section 1512.

(5) Notwithstanding the requirements for eligibility and uses of funds in paragraphs (2) and (3), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1512 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for rail security improvements listed under subsection (b) based upon railroad carrier vulnerability assessments and security plans that the Secretary determines are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1512.

(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:

(1) Security and redundancy for critical communications, computer, and train control systems essential for secure railroad operations.

(2) Accommodation of railroad cargo or passenger security inspection facilities, related infrastructure, and operations at or near United States international borders or other ports of entry.

(3) The security of security-sensitive materials transportation by railroad.

(4) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(5) The security of intercity passenger railroad stations, trains, and infrastructure, including security capital improvement projects that the Secretary determines enhance railroad station security.

(6) Technologies to reduce the vulnerabilities of railroad cars, including structural modification of railroad cars transporting security-sensitive materials to improve their resistance to acts of terrorism.

(7) The sharing of intelligence and information about security threats.

(8) To obtain train tracking and communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.

(9) To hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation.

(10) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to railroad security during periods of high or severe threat levels and National Special Security Events or other periods of heightened security as determined by the Secretary.

(11) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.

(12) Tunnel protection systems.

(13) Passenger evacuation and evacuation-related capital improvements.

(14) Railroad security inspection technologies, including verified visual inspection technologies using hand-held readers.

(15) Surveillance equipment.

(16) Cargo or passenger screening equipment.

(17) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(18) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees.

(19) Live or simulated exercises, including exercises described in section 1516.

(20) Public awareness campaigns for enhanced railroad security.

(21) Development of assessments or security plans under section 1512.

(22) Other security improvements—

(A) identified, required, or recommended under sections 1511 and 1512, including infrastructure, facilities, and equipment upgrades; or

(B) that the Secretary considers appropriate.

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants;

(2) establish priorities for uses of funds for grant recipients;

(3) award the funds authorized by this section based on risk, as identified by the plans required under sections 1511 and 1512, or assessment or plan described in subsection (a)(5);

(4) take into account whether stations or facilities are used by commuter railroad passengers as well as intercity railroad passengers in reviewing grant applications;

(5) encourage non-Federal financial participation in projects funded by grants; and

(6) not later than 5 business days after awarding a grant to Amtrak under this section, transfer grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(d) MULTIYEAR AWARDS.—Grant funds awarded under this section may be awarded for projects that span multiple years.

(e) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(f) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.

(g) NON-FEDERAL MATCH STUDY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the appropriate congressional committees on the feasibility and appropriateness of requiring a non-Federal match for grants awarded to freight railroad carriers and other private entities under this section.

(h) SUBJECT TO CERTAIN STANDARDS.—A recipient of a grant under this section and sections 1514 and 1515 shall be required to comply with the standards of section 24312 of title 49, United States Code, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—

(A) $300,000,000 for fiscal year 2008;

(B) $300,000,000 for fiscal year 2009;

(C) $300,000,000 for fiscal year 2010; and

(D) $300,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 1514. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—

(1) GRANTS.—Subject to subsection (b), the Secretary, in consultation with the Administrator of the Transportation Security Administration, is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high-risk and high-consequence assets identified through systemwide risk assessments;

(C) providing counterterrorism or security training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watchlist identification system approved by the Secretary;

(E) to obtain train tracking and interoperable communications systems that are coordinated with Federal, State, and local agencies and tribal governments to the maximum extent possible;

(F) to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation;

(G) for operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees; and

(H) for live or simulated exercises, including exercises described in section 1516.

(b) CONDITIONS.—The Secretary shall award grants to Amtrak under this section for projects contained in a systemwide security plan approved by the Secretary developed pursuant to section 1512. Not later than 5 business days after awarding a grant to Amtrak under this section, the Secretary shall transfer the grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1511 and Amtrak's vulnerability assessment and security plan developed under section 1512, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49,. United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary and the Administrator of the Transportation Security Administration to carry out this section—

(A) $150,000,000 for fiscal year 2008;

(B) $150,000,000 for fiscal year 2009;

(C) $175,000,000 for fiscal year 2010; and

(D) $175,000,000 for fiscal year 2011.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1515. FIRE AND LIFE SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $25,000,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009;

(C) $45,000,000 for fiscal year 2010; and

(D) $60,000,000 for fiscal year 2011.

(2) For the Baltimore Potomac Tunnel and the Union Tunnel, together, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(3) For the Union Station tunnels in the District of Columbia to improve ventilation, communication, lighting, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(b) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1503(b), there shall be made available to the Secretary of Transportation for fiscal year 2008, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to this section shall remain available until expended.

(d) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary of Transportation, and the Secretary of Transportation has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary of Transportation has approved a project management plan prepared by Amtrak.

(e) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary of Transportation shall complete the review of a plan required under subsection (d) and approve or disapprove the plan within 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary of Transportation determines that a plan is incomplete or deficient, the Secretary of Transportation shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary of Transportation's notification, submit a modified plan for the Secretary of Transportation's review.

(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary of Transportation shall either approve the modified plan, or if the Secretary of Transportation finds the plan is still incomplete or deficient, the Secretary of Transportation shall—

(A) identify in writing to the appropriate congressional committees the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(f) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which railroad carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other railroad carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other railroad carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1516. RAILROAD CARRIER EXERCISES.

(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for railroad carriers for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) railroad carriers;

(3) governmental and nongovernmental emergency response providers, law enforcement agencies, and railroad and transit police, as appropriate; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary shall ensure that the program—

(1) consolidates existing security exercises for railroad carriers administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement as appropriate;

(2) consists of exercises that are—

(A) scaled and tailored to the needs of the carrier, including addressing the needs of the elderly and individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of railroad frontline employees; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with railroad carriers, nonprofit employee organizations that represent railroad carrier employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad carrier and transit police, and other stakeholders; and

(C) used to develop recommendations, as appropriate, from the Secretary to railroad carriers on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and railroad carriers in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (1).

(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

SEC. 1517. RAILROAD SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) CONSULTATION.—The Secretary shall develop the regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;

(2) railroad carriers;

(3) railroad shippers; and

(4) nonprofit employee labor organizations representing railroad employees or emergency response personnel.

(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following, as applicable:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of personal and other protective equipment.

(5) Evacuation procedures for passengers and railroad employees, including individuals with disabilities and the elderly.

(6) Psychology, behavior, and methods of terrorists, including observation and analysis.

(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.

(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

(10) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on-scene interaction with such emergency response providers.

(11) Operation and maintenance of security equipment and systems.

(12) Other security training activities that the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues regulations under subsection (a), each railroad carrier shall develop a security training program in accordance with this section and submit the program to the Secretary for approval.

(2) APPROVAL OR DISAPPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the railroad carrier that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of this section. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the railroad carrier that developed the program shall complete the training of all railroad frontline employees who were hired by a carrier more than 30 days preceding such date. For such employees employed less than 30 days by a carrier preceding such date, training shall be completed within the first 60 days of employment.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update as appropriate the training regulations issued under subsection (a) to reflect new or changing security threats. Each railroad carrier shall revise its training program accordingly and provide additional training as necessary to its frontline employees within a reasonable time after the regulations are updated.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of railroad carriers and railroad frontline employees, and report to the appropriate congressional committees on the number of reviews conducted and the results of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a railroad shipper employee security program containing the elements listed under subsection (c).

SEC. 1518. RAILROAD SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of railroad transportation systems.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers at peak commuting times with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved railroad security technologies, including—

(A) technologies for sealing or modifying railroad tank cars;

(B) automatic inspection of railroad cars;

(C) communication-based train control systems;

(D) emergency response training, including training in a tunnel environment;

(E) security and redundancy for critical communications, electrical power, computer, and train control systems; and

(F) technologies for securing bridges and tunnels;

(4) to test wayside detectors that can detect tampering;

(5) to support enhanced security for the transportation of security-sensitive materials by railroad;

(6) to mitigate damages in the event of a cyber attack; and

(7) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—

(1) shall ensure that the research and development program is consistent with the National Strategy for Railroad Transportation Security developed under section 1511 and any other transportation security research and development programs required by this Act;

(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—

(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(B) the National Academy of Sciences;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and universities and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, or Indian Tribally Controlled Colleges and Universities;

(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) may award grants, or enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and the eligible grant recipients under section 1513; and

(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with railroad carriers willing to contribute both physical space and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the

Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009;

(C) $33,000,000 for fiscal year 2010; and

(D) $33,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.

SEC. 1519. RAILROAD TANK CAR SECURITY TESTING.

(a) RAILROAD TANK CAR VULNERABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary shall assess the likely methods of a deliberate terrorist attack against a railroad tank car used to transport toxic-inhalation-hazard materials, and for each method assessed, the degree to which it may be successful in causing death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare.

(2) THREATS.—In carrying out paragraph (1), the Secretary shall consider the most current threat information as to likely methods of a successful terrorist attack on a railroad tank car transporting toxic-inhalation-hazard materials, and may consider the following:

(A) Explosive devices placed along the tracks or attached to a railroad tank car.

(B) The use of missiles, grenades, rockets, mortars, or other high-caliber weapons against a railroad tank car.

(3) PHYSICAL TESTING.—In developing the assessment required under paragraph (1), the Secretary shall conduct physical testing of the vulnerability of railroad tank cars used to transport toxic-inhalation-hazard materials to different methods of a deliberate attack, using technical information and criteria to evaluate the structural integrity of railroad tank cars.

(4) REPORT.—Not later than 30 days after the completion of the assessment under paragraph (1), the Secretary shall provide to the appropriate congressional committees a report, in the appropriate format, on such assessment.

(b) RAILROAD TANK CAR DISPERSION MODELING.—

(1) IN GENERAL.—The Secretary, acting through the National Infrastructure Simulation and Analysis Center, shall conduct an air dispersion modeling analysis of release scenarios of toxic-inhalation-hazard materials resulting from a terrorist attack on a loaded railroad tank car carrying such materials in urban and rural environments.

(2) CONSIDERATIONS.—The analysis under this subsection shall take into account the following considerations:

(A) The most likely means of attack and the resulting dispersal rate.

(B) Different times of day, to account for differences in cloud coverage and other atmospheric conditions in the environment being modeled.

(C) Differences in population size and density.

(D) Historically accurate wind speeds, temperatures, and wind directions.

(E) Differences in dispersal rates or other relevant factors related to whether a railroad tank car is in motion or stationary.

(F) Emergency response procedures by local officials.

(G) Any other considerations the Secretary believes would develop an accurate, plausible dispersion model for toxic-inhalation-hazard materials released from a railroad tank car as a result of a terrorist act.

(3) CONSULTATION.—In conducting the dispersion modeling under paragraph (1), the Secretary shall consult with the Secretary of Transportation, hazardous materials experts, railroad carriers, nonprofit employee labor organizations representing railroad employees, appropriate State, local, and tribal officials, and other Federal agencies, as appropriate.

(4) INFORMATION SHARING.—Upon completion of the analysis required under paragraph (1), the Secretary shall share the information developed with the appropriate stakeholders, given appropriate information protection provisions as may be required by the Secretary.

(5) REPORT.—Not later than 30 days after completion of all dispersion analyses under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report detailing the Secretary's conclusions and findings in an appropriate format.

SEC. 1520. RAILROAD THREAT ASSESSMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all railroad frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).

SEC. 1521. RAILROAD EMPLOYEE PROTECTIONS.

Section 20109 of title 49, United States Code, is amended to read:

"SEC. 20109. EMPLOYEE PROTECTIONS.

"(a) IN GENERAL.—A railroad carrier engaged in interstate or foreign commerce, a contractor or a subcontractor of such a railroad carrier, or an officer or employee of such a railroad carrier, may not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—

"(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to railroad safety or security, or gross fraud, waste, or abuse of Federal grants or other public funds intended to be used for railroad safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—

"(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

"(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

"(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;

"(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to railroad safety or security;

"(3) to file a complaint, or directly cause to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or to testify in that proceeding;

"(4) to notify, or attempt to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;

"(5) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board;

"(6) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or

"(7) to accurately report hours on duty pursuant to chapter 211.

"(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, or an officer or employee of such a railroad carrier, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—

"(A) reporting, in good faith, a hazardous safety or security condition;

"(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

"(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or security condition, if the conditions described in paragraph (2) exist.

"(2) A refusal is protected under paragraph (1)(B) and (C) if—

"(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

"(B) a reasonable individual in the circumstances then confronting the employee would conclude that—

"(i) the hazardous condition presents an imminent danger of death or serious injury; and

"(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

"(C) the employee, where possible, has notified the railroad carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

"(3) In this subsection, only paragraph (1)(A) shall apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.

"(c) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—An employee who alleges discharge, discipline, or other discrimination in violation of subsection (a) or (b) of this section, may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

"(2) PROCEDURE.—

"(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and

procedures set forth in section 42121(b), including:

"(i) BURDENS OF PROOF.—Any action brought under (c)(1) shall be governed by the legal burdens of proof set forth in section 42121(b).

"(ii) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 180 days after the date on which the alleged violation of subsection (a) or (b) of this section occurs.

"(iii) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred, as set forth in 42121.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and the person's employer.

"(3) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

"(4) APPEALS.—Any person adversely affected or aggrieved by an order issued pursuant to the procedures in section 42121(b), may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. The review shall conform to chapter 7 of title 5. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

"(d) REMEDIES.—

"(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.

"(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in subsection (c)(3)) shall include—

"(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

"(B) any backpay, with interest; and

"(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.

"(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the railroad carrier.

"(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

"(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

"(h) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or a regulation prescribed or order issued under any of those provisions.

"(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosures shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

"(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

"(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding railroad security problems, deficiencies, or vulnerabilities.

"(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

"(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.".

SEC. 1522. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SECURITY BACKGROUND CHECK.—The term "security background check" means reviewing, for the purpose of identifying individuals who may pose a threat to transportation security or national security, or of terrorism—

(A) relevant criminal history databases;

(B) in the case of an alien (as defined in the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), the relevant databases to determine the status of the alien under the immigration laws of the United States; and

(C) other relevant information or databases, as determined by the Secretary.

(2) COVERED INDIVIDUAL.—The term "covered individual" means an employee of a railroad carrier or a contractor or subcontractor of a railroad carrier.

(b) GUIDANCE.—

(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action items issued by the Secretary to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.

(2) Within 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (1).

(3) If a railroad carrier or a contractor or subcontractor of a railroad carrier performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.

(c) REQUIREMENTS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, then the Secretary shall prohibit the railroad carrier or contractor or subcontractor of a railroad carrier from making an adverse employment decision, including removal or suspension of the covered individual, due to such rule, regulation, or directive with respect to a covered individual unless the railroad carrier or contractor or subcontractor of a railroad carrier determines that the covered individual—

(1) has been convicted of, has been found not guilty by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check; or

(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check.

(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, the Secretary shall—

(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation employees at ports, as required by section 70105(c) of title 46, United States Code; and

(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a railroad carrier or contractor or subcontractor of a railroad carrier wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.

(e) FALSE STATEMENTS.—A railroad carrier or a contractor or subcontractor of a railroad carrier may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that *prohibits a railroad carrier or a contractor or subcontractor of a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.*

(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a railroad carrier's or a contractor or subcontractor of a railroad carrier's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a railroad carrier, or a contractor or subcontractor of a railroad carrier, under any other Federal, State, or local laws or under any collective bargaining agreement.

(g) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks, of covered individuals.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 1523. NORTHERN BORDER RAILROAD PASSENGER REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal departments and agencies and Amtrak shall transmit a report to the appropriate congressional committees that contains—

(1) a description of the current system for screening passengers and baggage on passenger railroad service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for railroad passengers traveling between the United States and Canada to the Department;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for prescreening of such passengers and providing prescreened passenger lists to the Department; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

(b) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In preparing the report under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the report must contain a privacy impact assessment conducted by the Chief Privacy Officer and a review conducted by the Officer for Civil Rights and Civil Liberties.

SEC. 1524. INTERNATIONAL RAILROAD SECURITY PROGRAM.

(a) IN GENERAL.—

(1) The Secretary shall develop a system to detect both undeclared passengers and contraband, with a primary focus on the detection of nuclear and radiological materials entering the United States by railroad.

(2) SYSTEM REQUIREMENTS.—In developing the system under paragraph (1), the Secretary may, in consultation with the Domestic Nuclear Detection Office, Customs and Border Protection, and the Transportation Security Administration—

(A) deploy radiation detection equipment and nonintrusive imaging equipment at locations where railroad shipments cross an international border to enter the United States;

(B) consider the integration of radiation detection technologies with other nonintrusive inspection technologies where feasible;

(C) ensure appropriate training, operations, and response protocols are established for Federal, State, and local personnel;

(D) implement alternative procedures to check railroad shipments at locations where the deployment of nonintrusive inspection imaging equipment is determined to not be practicable;

(E) ensure, to the extent practicable, that such technologies deployed can detect terrorists or weapons, including weapons of mass destruction; and

(F) take other actions, as appropriate, to develop the system.

(b) ADDITIONAL INFORMATION.—The Secretary shall—

(1) identify and seek the submission of additional data elements for improved high-risk targeting related to the movement of cargo through the international supply chain utilizing a railroad prior to importation into the United States;

(2) utilize data collected and maintained by the Secretary of Transportation in the targeting of high-risk cargo identified under paragraph (1); and

(3) analyze the data provided in this subsection to identify high-risk cargo for inspection.

(c) REPORT TO CONGRESS.—Not later than September 30, 2008, the Secretary shall transmit to the appropriate congressional committees a report that describes the progress of the system being developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods to or from the United States, beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

(2) RADIATION DETECTION EQUIPMENT.—The term "radiation detection equipment" means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(3) INSPECTION.—The term "inspection" means the comprehensive process used by Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws.

SEC. 1525. TRANSMISSION LINE REPORT.

(a) STUDY.—The Comptroller General shall undertake an assessment of the placement of high-voltage, direct-current, electric transmission lines along active railroad and other transportation rights-of-way. In conducting the assessment, the Comptroller General shall evaluate any economic, safety, and security risks and benefits to inhabitants living adjacent to such rights-of-way and to consumers of electric power transmitted by such transmission lines.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall transmit the results of the assessment in subsection (a) to the appropriate congressional committees.

SEC. 1526. RAILROAD SECURITY ENHANCEMENTS.

(a) RAILROAD POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by adding at the end the following:

"(b) ASSIGNMENT.—A railroad police officer employed by a railroad carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second railroad carrier in carrying out law enforcement duties upon the request of the second railroad carrier, at which time the police officer shall be considered to be an employee of the second railroad carrier and shall have authority to enforce the laws of any jurisdiction in which the second railroad carrier owns property to the same extent as provided in subsection (a).".

(b) MODEL STATE LEGISLATION.—Not later than November 2, 2007, the Secretary of Transportation shall develop and make available to States model legislation to address the problem of entities that claim to be railroad carriers in order to establish and run a police force when the entities do not in fact provide railroad transportation. In developing the model State legislation the Secretary shall solicit the input of the States, railroads carriers, and railroad carrier employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1527. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

SEC. 1528. RAILROAD PREEMPTION CLARIFICATION.

Section 20106 of title 49, United States Code, is amended to read as follows:

"§20106. Preemption

"(a) NATIONAL UNIFORMITY OF REGULATION.—(1) Laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable.

"(2) A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A

State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order—

"(A) is necessary to eliminate or reduce an essentially local safety or security hazard;

"(B) is not incompatible with a law, regulation, or order of the United States Government; and

"(C) does not unreasonably burden interstate commerce.

"(b) CLARIFICATION REGARDING STATE LAW CAUSES OF ACTION.—(1) Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party—

"(A) has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), covering the subject matter as provided in subsection (a) of this section;

"(B) has failed to comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries; or

"(C) has failed to comply with a State law, regulation, or order that is not incompatible with subsection (a)(2).

"(2) This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.

"(c) JURISDICTION.—Nothing in this section creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.".

Subtitle C—Over-the-Road Bus and Trucking Security

SEC. 1531. OVER-THE-ROAD BUS SECURITY ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) require each over-the-road bus operator assigned to a high-risk tier under this section—

(A) to conduct a vulnerability assessment in accordance with subsections (c) and (d); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with subsection (e); and

(2) establish standards and guidelines for developing and implementing the vulnerability assessments and security plans for carriers assigned to high-risk tiers consistent with this section.

(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for over-the-road bus operators not assigned to a high-risk tier, including—

(1) guidance for such operators in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and

(2) a process to review and approve such assessments and plans, as appropriate.

(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for over-the-road bus operators assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.

(d) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of an operator assigned to a high-risk tier under this section includes, as appropriate—

(A) identification and evaluation of critical assets and infrastructure, including platforms, stations, terminals, and information systems;

(B) identification of the vulnerabilities to those assets and infrastructure; and

(C) identification of weaknesses in—

(i) physical security;

(ii) passenger and cargo security;

(iii) the security of programmable electronic devices, computers, or other automated systems which are used in providing over-the-road bus transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems and utilities needed for over-the-road bus security purposes, including dispatching systems;

(vi) emergency response planning;

(vii) employee training; and

(viii) such other matters as the Secretary determines appropriate.

(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of an over-the-road bus operator, as designated by the over-the-road bus operator, threat information that is relevant to the operator when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in over-the-road bus security.

(e) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in preparing and implementing security plans under this section and shall require that each security plan of an over-the-road bus operator assigned to a high-risk tier under this section includes, as appropriate—

(A) the identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements; and

(iii) to receive communications from appropriate Federal officials regarding over-the-road bus security;

(B) a list of needed capital and operational improvements;

(C) procedures to be implemented or used by the over-the-road bus operator in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities, as appropriate;

(D) the identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(E) a strategy and timeline for conducting training under section 1534;

(F) enhanced security measures to be taken by the over-the-road bus operator when the Secretary declares a period of heightened security risk;

(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the over-the-road bus operator's system in the event of a terrorist attack or other incident; and

(H) such other actions or procedures as the Secretary determines are appropriate to address the security of over-the-road bus operators.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.

(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);

(2) require amendments to any security plan that does not meet the requirements of this section; and

(3) approve any vulnerability assessment or security plan that meets the requirements of this section.

(g) INTERIM SECURITY MEASURES.—The Secretary may require over-the-road bus operators, during the period before the deadline established under subsection (c), to submit a security plan to implement any necessary interim security measures essential to providing adequate security of the over-the-road bus operator's system. An interim plan required under this subsection shall be superseded by a plan required under subsection (c).

(h) TIER ASSIGNMENT.—The Secretary shall assign each over-the-road bus operator to a risk-based tier established by the Secretary.

(1) PROVISION OF INFORMATION.—The Secretary may request, and an over-the-road bus operator shall provide, information necessary for the Secretary to assign an over-the-road bus operator to the appropriate tier under this subsection.

(2) NOTIFICATION.—Not later than 60 days after the date an over-the-road bus operator is assigned to a tier under this section, the Secretary shall notify the operator of the tier to which it is assigned and the reasons for such assignment.

(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this section shall be a tier designated for high-risk over-the-road bus operators.

(4) REASSIGNMENT.—The Secretary may reassign an over-the-road bus operator to another tier, as appropriate, in response to changes in risk and the Secretary shall notify the over-the-road bus operator within 60 days after such reassignment and provide the operator with the reasons for such reassignment.

(i) EXISTING PROCEDURES, PROTOCOLS, AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by an over-the-road bus operator or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of an over-the-road bus operator satisfy the requirements of this section, the over-the-road bus operator may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of an over-the-road bus operator satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the operator of any additional information relevant to the vulnerability assessment and security plan of the operator to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of an over-the-road bus operator under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the operator a written notification that includes an explanation of the reasons for nonacceptance.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by an over-the-road bus operator under this section; and

(B) to approve or disapprove each submission on an individual basis.

(j) PERIODIC EVALUATION BY OVER-THE-ROAD BUS PROVIDER REQUIRED.—

(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), an over-the-road bus operator who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier shall also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the over-the-road bus operator submitting the evaluation of the Secretary's approval or disapproval of the evaluation.

(k) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that an over-the-road bus operator shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.

(l) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from an over-the-road bus operator under any other Federal law.

SEC. 1532. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program for making grants to eligible private operators providing transportation by an over-the-road bus for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant received under subsection (a) shall use the grant funds for one or more of the following:

(1) Constructing and modifying terminals, garages, and facilities, including terminals and other over-the-road bus facilities owned by State or local governments, to increase their security.

(2) Modifying over-the-road buses to increase their security.

(3) Protecting or isolating the driver of an over-the-road bus.

(4) Acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or other means and for information links with government agencies, for security purposes.

(5) Installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities.

(6) Establishing and improving an emergency communications system linking drivers and over-the-road buses to the recipient's operations center or linking the operations center to law enforcement and emergency personnel.

(7) Implementing and operating passenger screening programs for weapons and explosives.

(8) Public awareness campaigns for enhanced over-the-road bus security.

(9) Operating and capital costs associated with over-the-road bus security awareness, preparedness, and response training, including training under section 1534 and training developed by institutions of higher education and by nonprofit employee labor organizations, for over-the-road bus employees, including frontline employees.

(10) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(11) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to over-the-road bus security during periods of high or severe threat levels, National Special Security Events, or other periods of heightened security as determined by the Secretary.

(12) Live or simulated exercises, including those described in section 1533.

(13) Operational costs to hire, train; and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to over-the-road bus transportation, including reimbursement of State, local, and tribal government costs for such personnel.

(14) Development of assessments or security plans under section 1531.

(15) Such other improvements as the Secretary considers appropriate.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall prioritize grant funding based on security risks to bus passengers and the ability of a project to reduce, or enhance response to, that risk, and shall not penalize private operators of over-the-road buses that have taken measures to enhance over-the-road bus transportation security prior to September 11, 2001.

(d) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) select grant recipients;

(3) award the funds authorized by this section based on risk, as identified by the plans required under section 1531 or assessment or plan described in subsection (f)(2); and

(4) pursuant to subsection (c), establish priorities for the use of funds for grant recipients.

(e) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(f) ELIGIBILITY.—

(1) A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 1531. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

(2) Notwithstanding the requirements for eligibility and uses in paragraph (1), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1531 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for over-the-road bus security improvements listed under subsection (b) based upon over-the-road bus vulnerability assessments and security plans that the Secretary deems are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1531.

(g) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide over-the-road bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as are determined necessary by the Secretary.

(h) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(i) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary and on the use of such grant funds.

(j) CONSULTATION.—In carrying out this section, the Secretary shall consult with over-the-road bus operators and nonprofit employee labor organizations representing over-the-road bus employees, public safety and law enforcement officials.

(k) AUTHORIZATION.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to make grants under this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009;

(C) $25,000,000 for fiscal year 2010; and

(D) $25,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 1533. OVER-THE-ROAD BUS EXERCISES.

(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for over-the-road bus transportation for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) over-the-road bus operators and over-the-road bus terminal owners and operators;

(3) governmental and nongovernmental emergency response providers and law enforcement agencies; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary shall ensure that the program—

(1) consolidates existing security exercises for over-the-road bus operators and terminals administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement, as appropriate;

(2) consists of exercises that are—

(A) scaled and tailored to the needs of the over-the-road bus operators and terminals, including addressing the needs of the elderly and individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of over-the-road bus frontline employees; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with operators providing over-the-road bus transportation, nonprofit employee organizations that represent over-the-road bus employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, and law enforcement personnel; and

(C) used to develop recommendations, as appropriate, provided to over-the-road bus operators and terminal owners and operators on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and over-the-road bus operators and terminal owners and operators in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (2).

(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is consistent with the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

SEC. 1534. OVER-THE-ROAD BUS SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for an over-the-road bus training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) CONSULTATION.—The Secretary shall develop regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;

(2) operators providing over-the-road bus transportation; and

(3) nonprofit employee labor organizations representing over-the-road bus employees and emergency response personnel.

(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs, to include, at a minimum, elements to address the following, as applicable:

(1) Determination of the seriousness of any occurrence or threat.

(2) Driver and passenger communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of personal and other protective equipment.

(5) Evacuation procedures for passengers and over-the-road bus employees, including individuals with disabilities and the elderly.

(6) Psychology, behavior, and methods of terrorists, including observation and analysis.

(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.

(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

(10) Understanding security incident procedures, including procedures for communicating with emergency response providers and for on-scene interaction with such emergency response providers.

(11) Operation and maintenance of security equipment and systems.

(12) Other security training activities that the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues the regulations under subsection (a), each over-the-road bus operator shall develop a security training program in accordance with such regulations and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program under this subsection, the Secretary shall approve the program or require the over-the-road bus operator that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of the regulations. An over-the-road bus operator shall respond to the Secretary's comments not later than 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the over-the-road bus operator that developed the program shall complete the training of all over-the-road bus frontline employees who were hired by the operator more than 30 days preceding such date. For such employees employed less than 30 days by an operator preceding such date, training shall be completed within the first 60 days of employment.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each over-the-road bus operator shall revise its training program accordingly and provide additional training as necessary to its employees within a reasonable time after the regulations are updated.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of over-the-road bus operators and over-the-road bus frontline employees, and report to the appropriate congressional committees of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.

SEC. 1535. OVER-THE-ROAD BUS SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of over-the-road buses.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of over-the-road buses, stations, terminals, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved technologies, including those for—

(A) emergency response training, including training in a tunnel environment, if appropriate; and

(B) security and redundancy for critical communications, electrical power, computer, and over-the-road bus control systems; and

(4) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—

(1) shall ensure that the research and development program is consistent with the other transportation security research and development programs required by this Act;

(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—

(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(B) the National Academy of Sciences;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities;

(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) may award grants and enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and eligible recipients under section 1532; and

(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with private operators providing over-the-road bus transportation willing to contribute assets, physical space, and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503

of this Act, there shall be made available to the Secretary to carry out this section—

(A) $2,000,000 for fiscal year 2008;

(B) $2,000,000 for fiscal year 2009;

(C) $2,000,000 for fiscal year 2010; and

(D) $2,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.

SEC. 1536. MOTOR CARRIER EMPLOYEE PROTECTIONS.

Section 31105 of title 49, United States Code, is amended to read:

"(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

"(A)(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

"(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

"(B) the employee refuses to operate a vehicle because—

"(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

"(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

"(C) the employee accurately reports hours on duty pursuant to chapter 315;

"(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

"(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

"(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

"(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

"(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

"(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

"(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

"(iii) pay compensatory damages, including backpay with interest and compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(B) If the Secretary of Labor issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary of Labor may assess against the person against whom the order is issued the costs (including attorney fees) reasonably incurred by the complainant in bringing the complaint. The Secretary of Labor shall determine the costs that reasonably were incurred.

"(C) Relief in any action under subsection (b) may include punitive damages in an amount not to exceed $250,000.

"(c) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

"(d) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. Review shall conform to chapter 7 of title 5. The review shall be heard and decided expeditiously. An order of the Secretary of Labor subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

"(e) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary of Labor shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

"(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

"(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

"(h) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information about an alleged violation of this part, or a regulation prescribed or order issued under any of those provisions.

"(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

"(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

"(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding motor carrier vehicle security problems, deficiencies, or vulnerabilities.

"(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

"(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

"(j) DEFINITION.—In this section, 'employee' means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

"(1) directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier; and

"(2) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.".

SEC. 1537. UNIFIED CARRIER REGISTRATION SYSTEM AGREEMENT.

(a) REENACTMENT OF SSRS.—Section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, shall be in effect as a law of the United States for the period beginning on January 1, 2007, ending on the earlier of January 1, 2008, or the effective date of the final regulations issued pursuant to subsection (b).

(b) DEADLINE FOR FINAL REGULATIONS.—Not later than October 1, 2007, the Federal Motor Carrier Safety Administration shall issue final regulations to establish the Unified Carrier Registration System, as required by section 13908 of title 49, United States Code, and set fees for the unified carrier registration agreement for calendar year 2007 or subsequent calendar years to

be charged to motor carriers, motor private carriers, and freight forwarders under such agreement, as required by 14504a of title 49, United States Code.

(c) REPEAL OF SSRS.—Section 4305(a) of the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking "the first January" and all that follows through "this Act" and inserting "January 1, 2008".

SEC. 1538. SCHOOL BUS TRANSPORTATION SECURITY.

(a) SCHOOL BUS SECURITY RISK ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report, including a classified report, as appropriate, containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system in accordance with the requirements of this section.

(b) CONTENTS OF RISK ASSESSMENT.—The assessment shall include—

(1) an assessment of security risks to the Nation's school bus transportation system, including publicly and privately operated systems;

(2) an assessment of actions already taken by operators or others to address identified security risks; and

(3) an assessment of whether additional actions and investments are necessary to improve the security of passengers traveling on school buses and a list of such actions or investments, if appropriate.

(c) CONSULTATION.—In conducting the risk assessment, the Secretary shall consult with administrators and officials of school systems, representatives of the school bus industry, including both publicly and privately operated systems, public safety and law enforcement officials, and nonprofit employee labor organizations representing school bus drivers.

SEC. 1539. TECHNICAL AMENDMENT.

Section 1992(d)(7) of title 18, United States Code, is amended by inserting "intercity bus transportation" after "includes".

SEC. 1540. TRUCK SECURITY ASSESSMENT.

(a) DEFINITION.—For the purposes of this section, the term "truck" means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property when the vehicle—

(1) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(2) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under subtitle B, chapter I, subchapter C of title 49, Code of Federal Regulations.

(b) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Transportation, shall transmit a report to the appropriate congressional committees on truck security issues that includes—

(1) a security risk assessment of the trucking industry;

(2) an assessment of actions already taken by both public and private entities to address identified security risks;

(3) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(4) an assessment of ongoing research by public and private entities and the need for additional research on truck security;

(5) an assessment of industry best practices to enhance security; and

(6) an assessment of the current status of secure truck parking.

(c) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 1541. MEMORANDUM OF UNDERSTANDING ANNEX.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the Memorandum of Understanding between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources, and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including over-the-road bus security matters, and shall cover the processes the Departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1542. DHS INSPECTOR GENERAL REPORT ON TRUCKING SECURITY GRANT PROGRAM.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees on the Federal trucking industry security grant program, for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(F) marketing; and

(G) other functions.

(b) SUBSEQUENT REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees that—

(1) analyzes the performance, efficiency, and effectiveness of the Federal trucking industry security grant program, and the need for the program using all years of available data; and

(2) makes recommendations regarding the future of the program, including options to improve the effectiveness and utility of the program and motor carrier security.

Subtitle D—Hazardous Material and Pipeline Security

SEC. 1551. RAILROAD ROUTING OF SECURITY-SENSITIVE MATERIALS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall publish a final rule based on the Pipeline and Hazardous Materials Safety Administration's Notice of Proposed Rulemaking published on December 21, 2006, entitled "Hazardous Materials: Enhancing Railroad Transportation Safety and Security for Hazardous Materials Shipments". The final rule shall incorporate the requirements of this section and, as appropriate, public comments received during the comment period of the rulemaking.

(b) SECURITY-SENSITIVE MATERIALS COMMODITY DATA.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, no later than 90 days after the end of each calendar year, compile security-sensitive materials commodity data. Such data must be collected by route, line segment, or series of line segments, as aggregated by the railroad carrier. Within the railroad carrier selected route, the commodity data must identify the geographic location of the route and the total number of shipments by the United Nations identification number for the security-sensitive materials.

(c) RAILROAD TRANSPORTATION ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, for each calendar year, provide a written analysis of the safety and security risks for the transportation routes identified in the security-sensitive materials commodity data collected as required by subsection (b). The safety and security risks present shall be analyzed for the route, railroad facilities, railroad storage facilities, and high-consequence targets along or in proximity to the route.

(d) ALTERNATIVE ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to—

(1) for each calendar year—

(A) identify practicable alternative routes over which the railroad carrier has authority to operate as compared to the current route for such a shipment analyzed under subsection (c); and

(B) perform a safety and security risk assessment of the alternative route for comparison to the route analysis specified in subsection (c);

(2) ensure that the analysis under paragraph (1) includes—

(A) identification of safety and security risks for an alternative route;

(B) comparison of those risks identified under subparagraph (A) to the primary railroad transportation route, including the risk of a catastrophic release from a shipment traveling along the alternate route compared to the primary route;

(C) any remediation or mitigation measures implemented on the primary or alternative route; and

(D) potential economic effects of using an alternative route; and

(3) consider when determining the practicable alternative routes under paragraph (1)(A) the use of interchange agreements with other railroad carriers.

(e) ALTERNATIVE ROUTE SELECTION FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to use the analysis required by subsections (c) and (d) to select the safest and most secure route to be used in transporting security-sensitive materials.

(f) REVIEW.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to annually review and select the practicable route posing the least overall safety and security risk in accordance with this section. The railroad carrier must retain in writing all route review and selection decision documentation and restrict the distribution, disclosure, and availability of information contained in the route analysis to appropriate persons. This documentation should include, but is not limited to, comparative analyses, charts, graphics, or railroad system maps.

(g) RETROSPECTIVE ANALYSIS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, not less than once every 3 years, analyze the route selection determinations required under this section. Such an analysis shall include a comprehensive, systemwide review of all operational

changes, infrastructure modifications, traffic adjustments, changes in the nature of high-consequence targets located along or in proximity to the route, or other changes affecting the safety and security of the movements of security-sensitive materials that were implemented since the previous analysis was completed.

(h) CONSULTATION.—In carrying out subsection (c), railroad carriers transporting security-sensitive materials in commerce shall seek relevant information from State, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets along or in proximity to a route used by a railroad carrier to transport security-sensitive materials.

(i) DEFINITIONS.—In this section:

(1) The term "route" includes storage facilities and trackage used by railroad cars in transportation in commerce.

(2) The term "high-consequence target" means a property, natural resource, location, area, or other target designated by the Secretary that is a viable terrorist target of national significance, which may include a facility or specific critical infrastructure, the attack of which by railroad could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

SEC. 1552. RAILROAD SECURITY-SENSITIVE MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1518 and consistent with the results of research relating to wireless and other tracking technologies, the Secretary, in consultation with the Administrator of the Transportation Security Administration, shall develop a program that will encourage the equipping of railroad cars transporting security-sensitive materials, as defined in section 1501, with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of railroad car depressurization, breach, unsafe temperature, or release of hazardous materials, as appropriate.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for railroad car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material railroad tank car tracking pilot programs.

(b) FUNDING.—From the amounts appropriated pursuant to 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—

(1) $3,000,000 for fiscal year 2008;

(2) $3,000,000 for fiscal year 2009; and

(3) $3,000,000 for fiscal year 2010.

SEC. 1553. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

(1) document existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier, and develop a framework for using a geographic information system-based approach to characterize routes in the national hazardous materials route registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the safety and security concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based nonradioactive materials routing criteria and radioactive materials routing criteria in subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials, assess specific security risks associated with each route, and explore alternative mitigation measures; and

(7) transmit to the appropriate congressional committees a report on the actions taken to fulfill paragraphs (1) through (6) and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403, taking into account the various segments of the motor carrier industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the appropriate congressional committees containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance security and safety without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1554. MOTOR CARRIER SECURITY-SENSITIVE MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, consistent with the findings of the Transportation Security Administration's hazardous materials truck security pilot program, the Secretary, through the Administrator of the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of security-sensitive materials and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency distress signal.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or security-sensitive materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the hazardous material safety and security operational field test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting security-sensitive materials not included in the hazardous material safety and security operational field test report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of security-sensitive materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting security-sensitive materials;

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle or alert emergency response resources to locate and recover security-sensitive materials in the event of loss or theft of such materials;

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the costs, benefits, and practicality of such technology described in clause (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems and information the Secretary determines appropriate.

(b) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—

(1) $7,000,000 for fiscal year 2008 of which $3,000,000 may be used for equipment;

(2) $7,000,000 for fiscal year 2009 of which $3,000,000 may be used for equipment; and

(3) $7,000,000 for fiscal year 2010 of which $3,000,000 may be used for equipment.

(c) REPORT.—Not later than 1 year after the issuance of regulations under subsection (a), the Secretary shall issue a report to the appropriate congressional committees on the program developed and evaluation carried out under this section.

(d) LIMITATION.—The Secretary may not mandate the installation or utilization of a technology described under this section without additional congressional authority provided after the date of enactment of this Act.

SEC. 1555. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND STUDY.

(a) IN GENERAL.—The Secretary of Transportation shall consult with the Secretary to limit, to the extent practicable, duplicative reviews of the hazardous materials security plans required under part 172, title 49, Code of Federal Regulations.

(b) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerors of such commodities as compared to the costs and rates, respectively, for the transportation of nonhazardous materials.

SEC. 1556. TECHNICAL CORRECTIONS.

(a) CORRECTION.—Section 5103a of title 49, United States Code, is amended—

(1) in subsection (a)(1) by striking "Secretary" and inserting "Secretary of Homeland Security";

(2) in subsection (b) by striking "Secretary" each place it appears and inserting "Secretary of Transportation";

(3) in subsection (d)(1)(B) by striking "Secretary" and inserting "Secretary of Homeland Security"; and

(4) in subsection (e) by striking "Secretary" and inserting "Secretary of Homeland Security" each place it appears.

(b) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—

(1) BACKGROUND CHECK.—An individual who has a valid transportation employee identification card issued by the Secretary under section 70105 of title 46, United States Code, shall be deemed to have met the background records check required under section 5103a of title 49, United States Code.

(2) STATE REVIEW.—Nothing in this subsection prevents or preempts a State from conducting a criminal records check of an individual that has applied for a license to operate a motor vehicle transporting in commerce a hazardous material.

SEC. 1557. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Transportation and the Department, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations of the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Not later than 12 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations shall incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for noncompliance.

(e) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1558. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Annex to the Memorandum of Understanding executed on August 9, 2006, the National Strategy for Transportation Security, and Homeland Security Presidential Directive 7, shall develop a pipeline security and incident recovery protocols plan. The plan shall include—

(1) for the Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1557 when—

(A) under severe security threat levels of alert; or

(B) under specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for restoring essential services supporting pipelines and granting access to pipeline operators for pipeline infrastructure repair, replacement, or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, nonprofit employee organizations representing pipeline employees, emergency responders, offerors, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing the plan required by subsection (a), including an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

TITLE XVI—AVIATION

SEC. 1601. AIRPORT CHECKPOINT SCREENING FUND.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting ", other than subsection (i)," before "except to"; and

(2) by adding at the end the following:

"(i) CHECKPOINT SCREENING SECURITY FUND.—

"(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

"(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

"(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.

"(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended by the Administrator of the Transportation Security Administration for the purchase, deployment, installation, research, and development of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.".

SEC. 1602. SCREENING OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) AIR CARGO ON PASSENGER AIRCRAFT.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

"(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage as follows:

"(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

"(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.

"(3) REGULATIONS.—

"(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

"(B) FINAL RULE.—

"(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

"(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the one-year period referred to in clause (i), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Committees containing updated information every 30 days thereafter until the final rule is issued.

"(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

"(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.

"(5) SCREENING DEFINED.—In this subsection the term 'screening' means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.".

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report containing an assessment of each exemption granted under section 44901(i)(1) of title 49, United States Code, for the screening required by such section for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened in accordance with section 44901(g) of title 49, United States Code;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(C) FORMAT.—The Secretary may submit the report under subparagraph (A) in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption under section 44901(i)(1) of title 49, United States Code.

SEC. 1603. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking "2007." and inserting "2007, and $450,000,000 for each of fiscal years 2008 through 2011".

(b) SUBMISSION OF COST-SHARING STUDY AND PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

SEC. 1604. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "may make" and inserting "shall make";

(2) in subsection (d)(1) by striking "may" and inserting "shall";

(3) in subsection (h)(1) by striking "2007" and inserting "2028";

(4) in subsection (h) by striking paragraphs (2) and (3) and inserting the following:

"(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

"(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.";

(5) by redesignating subsection (i) as subsection (j); and

(6) by inserting after subsection (h) the following:

"(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.".

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall establish a prioritization schedule for airport security improvement projects described in section 44923 of title 49, United States Code, based on risk and other relevant factors, to be funded under that section. The schedule shall include both hub airports referred to in paragraphs (29), (31), and (42) of section 40102 of such title and nonhub airports (as defined in section 47102(13) of such title).

(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial or completed in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1606. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code is amended by adding at the end the following:

"§44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

"(a) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

"(b) OFFICE OF APPEALS AND REDRESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

"(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

"(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office shall—

"(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

"(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

"(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

"(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—

"(A) require that Federal employees of the Department handling personally identifiable information of passengers (in this paragraph referred to as 'PII') complete mandatory privacy and security training prior to being authorized to handle PII;

"(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security technical protections as the Secretary determines necessary;

"(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

"(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

"(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Codé, and the Federal Information Security Management Act of 2002 (Public Law 107–296);

"(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

"(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

"(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 44925 the following:

"44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.".

SEC. 1607. STRENGTHENING EXPLOSIVES DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall issue the strategic plan the Secretary was required by section 44925(b) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) IMPLEMENTATION.—The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.".

SEC. 1608. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note; 115 Stat. 637) is amended—

(1) by striking "2002 through 2006" and inserting "2006 through 2011";

(2) by striking "aviation" and inserting "transportation"; and

(3) by striking "2002 and 2003" and inserting "2006 through 2011".

SEC. 1609. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1602, is further amended by adding at the end the following:

"(j) BLAST-RESISTANT CARGO CONTAINERS.—

"(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

"(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before the date of enactment of this subsection; and

"(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

"(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

"(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

"(B) pay for the program; and

"(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

"(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.".

SEC. 1610. PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 1611. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1612. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1613. PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;

(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not colocated with a screening checkpoint; and

(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

(A) the airport or airports selected to participate in the pilot program;

(B) the technologies to be tested;

(C) the potential savings from implementing the technologies at selected airport exits;

(D) the types of configurations expected to be deployed at such airports; and

(E) the expected financial contribution from each airport.

(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—

(A) the changes in security procedures and technologies deployed;

(B) the estimated cost savings at the airport or airports that participated in the pilot program; and

(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) USE OF EXISTING FUNDS:—This section shall be executed using existing funds.

SEC. 1614. SECURITY CREDENTIALS FOR AIRLINE CREWS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning one year after the date on which the report is submitted.

(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than one year after the date on which the Administrator submits the report under subsection (a).

SEC. 1615. LAW ENFORCEMENT OFFICER BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Section 44903(h)(6) of title 49, United States Code, is amended to read as follows:

"(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Attorney General, shall—

"(i) implement this section by publication in the Federal Register; and

"(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.

"(B) PROGRAM REQUIREMENTS.—The program shall—

"(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

"(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;

"(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;

"(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and

"(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

"(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

"(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;

"(ii) to preserve the anonymity of the armed law enforcement officer;

"(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;

"(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;

"(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;

"(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and

"(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees within 180 days explaining the reasons for the failure to implement the program within the time required by that section and a further report within each successive 90-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is functioning.

(2) CLASSIFIED FORMAT.—The Secretary may submit each report required by this subsection in classified format.

SEC. 1616. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, is amended—

(1) in each of subsections (a) and (b) by striking "18 months" and inserting "6 months"; and

(2) in subsection (d) by inserting "(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)" before "until".

SEC. 1617. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by sections 1602 and 1609, is further amended by adding at the end the following:

"(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

"(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Administrator of the Transportation Security Administration shall—

"(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and

"(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

"(2) GRANT PROGRAM.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m)) for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

"(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall develop a risk-based system under which—

"(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

"(B) such information is checked against appropriate databases.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).".

SEC. 1618. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking "and 2006" and inserting "2007, 2008, 2009, 2010, and 2011".

TITLE XVII—MARITIME CARGO

SEC. 1701. CONTAINER SCANNING AND SEALS.

(a) CONTAINER SCANNING.—Section 232(b) of the SAFE Ports Act (6 U.S.C. 982(b)) is amended to read as follows:

"(b) FULL-SCALE IMPLEMENTATION.—

"(1) IN GENERAL.—A container that was loaded on a vessel in a foreign port shall not enter the United States (either directly or via a foreign port) unless the container was scanned by nonintrusive imaging equipment and radiation detection equipment at a foreign port before it was loaded on a vessel.

"(2) APPLICATION.—Paragraph (1) shall apply with respect to containers loaded on a vessel in a foreign country on or after the earlier of—

"(A) July 1, 2012; or

"(B) such other date as may be established by the Secretary under paragraph (3).

"(3) ESTABLISHMENT OF EARLIER DEADLINE.—The Secretary shall establish a date under (2)(B) pursuant to the lessons learned through the pilot integrated scanning systems established under section 231.

"(4) EXTENSIONS.—The Secretary may extend the date specified in paragraph (2)(A) or (2)(B) for 2 years, and may renew the extension in additional 2-year increments, for containers loaded in a port or ports, if the Secretary certifies to Congress that at least two of the following conditions exist:

"(A) Systems to scan containers in accordance with paragraph (1) are not available for purchase and installation.

"(B) Systems to scan containers in accordance with paragraph (1) do not have a sufficiently low false alarm rate for use in the supply chain.

"(C) Systems to scan containers in accordance with paragraph (1) cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system.

"(D) Systems to scan containers in accordance with paragraph (1) cannot be integrated, as necessary, with existing systems.

"(E) Use of systems that are available to scan containers in accordance with paragraph (1) will significantly impact trade capacity and the flow of cargo.

"(F) Systems to scan containers in accordance with paragraph (1) do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

"(5) EXEMPTION FOR MILITARY CARGO.—Notwithstanding any other provision in the section, supplies bought by the Secretary of Defense and transported in compliance section 2631 of title 10, United States Code, and military cargo of foreign countries are exempt from the requirements of this section.

"(6) REPORT ON EXTENSIONS.—An extension under paragraph (4) for a port or ports shall take effect upon the expiration of the 60-day period beginning on the date the Secretary provides a report to Congress that—

"(A) states what container traffic will be affected by the extension;

"(B) provides supporting evidence to support the Secretary's certification of the basis for the extension; and

"(C) explains what measures the Secretary is taking to ensure that scanning can be implemented as early as possible at the port or ports that are the subject of the report.

"(7) REPORT ON RENEWAL OF EXTENSION.—If an extension under paragraph (4) takes effect, the Secretary shall, after one year, submit a report to Congress on whether the Secretary expects to seek to renew the extension.

"(8) SCANNING TECHNOLOGY STANDARDS.—In implementing paragraph (1), the Secretary shall—

"(A) establish technological and operational standards for systems to scan containers;

"(B) ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and

"(C) coordinate with other Federal agencies that administer scanning or detection programs at foreign ports.

"(9) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this subsection, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders, and ensure that actions under this section do not violate international trade obligations, and are consistent with the World Customs Organization framework, or other international obligations of the United States.".

(b) DEADLINE FOR CONTAINER SECURITY STANDARDS AND PROCEDURES.—Section 204(a)(4) of the SAFE Port Act (6 U.S.C. 944(a)(4)) is amended by—

(1) striking "(1) DEADLINE FOR ENFORCEMENT.—" and inserting the following:

"(1) DEADLINE FOR ENFORCEMENT.—

"(A) ENFORCEMENT OF RULE.—"; and

(2) adding at the end the following:

"(B) INTERIM REQUIREMENT.—If the interim final rule described in paragraph (2) is not issued by April 1, 2008, then—

"(i) effective not later than October 15, 2008, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers; and

"(ii) the requirements of this subparagraph shall cease to be effective upon the effective date of the interim final rule issued pursuant to this subsection.".

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

SEC. 1801. FINDINGS.

The 9/11 Commission has made the following recommendations:

(1) STRENGTHEN "COUNTER-PROLIFERATION" EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative, the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People's Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction program.

SEC. 1802. DEFINITIONS.

In this title:

(1) The terms "prevention of weapons of mass destruction proliferation and terrorism" and "prevention of WMD proliferation and terrorism" include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2729);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms "weapons of mass destruction" and "WMD" mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials used in the manufacture of such weapons.

(3) The term "items of proliferation concern" means—

(A) equipment, materials, or technology listed in—

(i) the Trigger List of the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group;

(ii) the Annex of the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology of the Nuclear Suppliers Group; or

(iii) any of the Common Control Lists of the Australia Group; and

(B) any other sensitive items.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

SEC. 1811. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Subsections (b) and (c) of section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) are repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking "the President may" and inserting "the Secretary of Defense may"; and

(ii) by striking "if the President" and inserting "if the Secretary of Defense, with the concurrence of the Secretary of State,";

(B) in subsection (d)(1)—

(i) by striking "The President may not" and inserting "The Secretary of Defense may not"; and

(ii) by striking "until the President" and inserting "until the Secretary of Defense, with the concurrence of the Secretary of State,";

(C) in subsection (d)(2)—

(i) by striking "Not later than 10 days after" and inserting "Not later than 15 days prior to";

(ii) by striking "the President shall" and inserting "the Secretary of Defense shall"; and

(iii) by striking "Congress" and inserting "the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate"; and

(D) in subsection (d) by adding at the end the following:

"(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.".

Subtitle B—Proliferation Security Initiative

SEC. 1821. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (in this subtitle referred to as "PSI") announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant United States Government agencies and departments that directs such agencies and departments to—

(A) establish clear PSI authorities, responsibilities, and structures;

(B) include in the budget request for each such agency or department for each fiscal year, a request for funds necessary for United States PSI-related activities; and

(C) provide other necessary resources to achieve more efficient and effective performance of United States PSI-related activities.

(2) Increasing PSI cooperation with all countries.

(3) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled "Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities" (GAO–06–937C) regarding the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(4) Establishing a multilateral mechanism to increase coordination, cooperation, and compliance among PSI-participating countries.

(b) BUDGET SUBMISSION.—

(1) IN GENERAL.—Each fiscal year in which activities are planned to be carried out under the PSI, the President shall include in the budget request for each participating United States Government agency or department for that fiscal year, a description of the funding and the activities for which the funding is requested for each such agency or department.

(2) REPORT.—Not later than the first Monday in February of each year in which the President submits a budget request described in paragraph (1), the Secretary of Defense and the Secretary of State shall submit to Congress a comprehensive joint report setting forth the following:

(A) A three-year plan, beginning with the fiscal year for the budget request, that specifies the amount of funding and other resources to be provided by the United States for PSI-related activities over the term of the plan, including the purposes for which such funding and resources will be used.

(B) For the report submitted in 2008, a description of the PSI-related activities carried out during the three fiscal years preceding the year of the report, and for the report submitted in 2009 and each year thereafter, a description of the PSI-related activities carried out during the fiscal year preceding the year of the report. The description shall include, for each fiscal year covered by the report—

(i) the amounts obligated and expended for such activities and the purposes for which such amounts were obligated and expended;

(ii) a description of the participation of each department or agency of the United States Government in such activities;

(iii) a description of the participation of each foreign country or entity in such activities;

(iv) a description of any assistance provided to a foreign country or entity participating in such activities in order to secure such participation, in response to such participation, or in order to improve the quality of such participation; and

(v) such other information as the Secretary of Defense and the Secretary of State determine should be included to keep Congress fully informed of the operation and activities of the PSI.

(3) CLASSIFICATION.—The report required by paragraph (2) shall be in an unclassified form but may include a classified annex as necessary.

(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (3) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), and (4) of subsection (a).

(d) GAO REPORTS.—The Government Accountability Office shall submit to Congress, for each of fiscal years 2007, 2009, and 2011, a report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

SEC. 1822. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

(a) IN GENERAL.—The President is authorized to provide assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) TYPES OF ASSISTANCE.—The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in PSI operations.

(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS.—

(1) LIMITATION.—Except as provided in paragraph (2), the President may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed, in connection with such transfer, that it will support and assist efforts by the United States, consistent with international law, to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the committees described in subsection (c) in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to any transfer, not involving significant military equipment, in which the primary use of the aircraft or vessel will be for counternarcotics, counterterrorism, or counterproliferation purposes.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1831. STATEMENT OF POLICY.

It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such policy shall be implemented with concrete measures, such as those described in this title, including the removal and modification of statutory limits to executing funds, the expansion and strengthening of the Proliferation Security Initiative, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this subtitle will be executed in a timely manner.

SEC. 1832. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2008 for the following purposes:

(A) Chemical weapons destruction at Shchuch'ye, Russia.

(B) Biological weapons proliferation prevention.

(C) Acceleration, expansion, and strengthening of Cooperative Threat Reduction Program activities.

(2) LIMITATION.—The sums appropriated pursuant to paragraph (1) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to the Department of Defense Cooperative Threat Reduction Program for such purposes.

(b) FUTURE YEARS.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

SEC. 1833. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation such sums as may be necessary for fiscal year 2008 to accelerate, expand, and strengthen the following programs to prevent weapons of mass destruction (WMD) proliferation and terrorism:

(1) The Global Threat Reduction Initiative.

(2) The Nonproliferation and International Security program.

(3) The International Materials Protection, Control and Accounting program.

(4) The Nonproliferation and Verification Research and Development program.

(b) LIMITATION.—The sums appropriated pursuant to subsection (a) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation for such purposes.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1841. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the "Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism" (in this section referred to as the "Office").

(b) OFFICERS.—

(1) UNITED STATES COORDINATOR.—The head of the Office shall be the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the "Coordinator").

(2) DEPUTY UNITED STATES COORDINATOR.—There shall be a Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the "Deputy Coordinator"), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) APPOINTMENT.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) LIMITATION.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(5) ACCESS BY CONGRESS.—The establishment of the Office of the Coordinator within the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—

(A) information, documents, and studies in the possession of, or conducted by or at the direction of, the Coordinator; or

(B) personnel of the Office of the Coordinator.

(c) DUTIES.—The responsibilities of the Coordinator shall include the following:

(1) Serving as the principal advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of Energy, the Department of Defense, the Department of State, and the Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and

(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.

(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.

(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(d) STAFF.—The Coordinator may—

(1) appoint, employ, fix compensation, and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties under this title;

(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States policy with regard to the prevention of WMD proliferation and terrorism;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

(5) use the mails in the same manner as any other department or agency of the executive branch.

(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

(g) PARTICIPATION IN NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating the last subsection (added as "(i)" by section 301 of Public Law 105–292) as subsection (k); and

(2) by adding at the end the following:

"(l) PARTICIPATION OF COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—The United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (or, in the Coordinator's absence, the Deputy United States Coordinator) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to the prevention of weapons of mass destruction proliferation and terrorism, and, subject to the direction of the President, attend and participate in meetings of the National Security Council and the Homeland Security Council.".

SEC. 1842. SENSE OF CONGRESS ON UNITED STATES-RUSSIA COOPERATION AND COORDINATION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

It is the sense of the Congress that, as soon as practical, the President should engage the President of the Russian Federation in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the "Office"), the authorities and responsibilities of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the "United States Coordinator"), and the importance of strong cooperation between the United States Coordinator and a senior official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction proliferation and terrorism commensurate with those of the United States Coordinator, and with whom the United States Coordinator should coordinate planning and implementation of activities within and outside of the Russian Federation having the purpose of preventing weapons of mass destruction proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1851. ESTABLISHMENT OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the "Commission").

SEC. 1852. PURPOSES OF COMMISSION.

(a) IN GENERAL.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent weapons of mass destruction proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

SEC. 1853. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 1 member shall be appointed by the leader of the Senate of the Democratic Party (majority or minority leader, as the case may be), with the concurrence of the leader of the House of Representatives of the Democratic party (majority or minority leader as the case may be), who shall serve as chairman of the Commission;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic party;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Republican party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic party; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican party.

(b) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with significant depth of experience in the nonproliferation or arms control fields.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1854. RESPONSIBILITIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;

(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled "A Report Card on the Department of Energy's Nonproliferation Programs with Russia" of January 2001 (also known as the "Baker-Cutler Report") and implementation of such recommendations.

SEC. 1855. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) STAFF OF COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The chairman of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPHASIS ON SECURITY CLEARANCES.—Emphasis shall be made to hire employees and retain contractors and detailees with active security clearances.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 1856. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1857.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1857. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report *containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.*

SEC. 1858. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1857.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

SEC. 1859. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for the purposes of the activities of the Commission under this title.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

TITLE XIX—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

SEC. 1901. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding after section 316, as added by section 1101 of this Act, the following:

"SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

"(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) DIRECTOR.—The Office shall be headed by a Director, who—

"(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) RESPONSIBILITIES.—

"(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.

"(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

"(c) MATCHING FUNDING.—

"(1) IN GENERAL.—

"(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.

"(B) GRANT MATCHING AND REPAYMENT.—

"(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

"(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

"(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

"(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

"(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.

"(3) LOANS OF EQUIPMENT.—The Director may make or accept loans of equipment for research and development and comparative testing purposes.

"(d) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

"(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing—

"(1) a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding; and

"(2) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

"(f) ANIMAL AND ZOONOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.

"(g) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:

"(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

"(2) Section 112b(c) of title 1, United States Code.

"(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

"(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

"(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of

the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 316, as added by section 1101 of this Act, the following:

"Sec. 317. Promoting antiterrorism through international cooperation program.".

SEC. 1902. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XX—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

SEC. 2001. SHORT TITLE.

This title may be cited as the "9/11 Commission International Implementation Act of 2007".

SEC. 2002. DEFINITION.

In this title, except as otherwise provided, the term "appropriate congressional committees"—

(1) means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) includes, for purposes of subtitle D, the Committees on Armed Services of the House of Representatives and of the Senate.

Subtitle A—Quality Educational Opportunities in Predominantly Muslim Countries.

SEC. 2011. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism".

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] . . . directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education".

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 2012 of this Act, with the goal of building and supporting public primary and secondary schools in predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

SEC. 2012. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:

"SEC. 7114. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.

"(a) PURPOSE.—The purpose of this section is to strengthen the public educational systems in predominantly Muslim countries by—

"(1) authorizing the establishment of an International Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

"(2) providing resources for the Fund and to the President to help strengthen the public educational systems in those countries.

"(b) ESTABLISHMENT OF FUND.—

"(1) AUTHORITY.—The President is authorized to establish an International Muslim Youth Opportunity Fund and to carry out programs consistent with paragraph (4) under existing authorities, including the Mutual Educational and Cultural Exchange Act of 1961 (commonly referred to as the 'Fulbright-Hays Act').

"(2) LOCATION.—The Fund may be established—

"(A) as a separate fund in the Treasury; or

"(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

"(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.

"(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in predominantly Muslim countries.

"(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—

"(i) The establishment in predominantly Muslim countries of a program of reform to create a modern education curriculum in the public educational systems in such countries.

"(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

"(iii) Teaching English to adults and children.

"(iv) The enhancement in predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

"(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—

"(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

"(ii) The establishment of exchange programs for teachers and administrators in predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

"(iii) The establishment of exchange programs for primary and secondary students in predominantly Muslim countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

"(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

"(i) The establishment in predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

"(ii) The establishment in predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

"(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

"(i) The establishment of programs in predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

"(ii) The establishment of programs in predominantly Muslim countries that target older Muslim youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

"(E) OTHER TYPES OF ASSISTANCE.—

"(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

"(ii) The construction and equipping of modern community and university libraries.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

"(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

"(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

"(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter until January 30, 2010, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for predominantly Muslim children and youths, including the progress made toward establishing the International Muslim Youth Opportunity Fund.

"(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 2013. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

SEC. 2014. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452 note) authorized the establishment of a pilot program to provide grants to American-sponsored schools in predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading by striking "PILOT"; and

(B) in subsection (c)—

(i) in the subsection heading, by striking "PILOT"; and

(ii) by striking "pilot";

(C) in subsection (d), by striking "pilot" each place it appears;

(D) in subsection (f) by striking "pilot";

(E) in subsection (g), in the first sentence—

(i) by inserting "and April 15, 2008," after "April 15, 2006,"; and

(ii) by striking "pilot"; and

(F) in subsection (h)—

(i) by striking "2005 and 2006" and inserting "2007 and 2008"; and

(ii) by striking "pilot".

(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

"7113. Program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.".

Subtitle B—Democracy and Development in the Broader Middle East Region

SEC. 2021. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the broader Middle East region, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. Notwithstanding any other provision of law, the Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants, using such funds as an endowment, and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees of the designation of an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the broader Middle East region or working with local partners based in the broader Middle East region to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the broader Middle East region to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the broader Middle East region and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the broader Middle East region and to promote broad economic, social, and political reform for the people of the broader Middle East region.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and may retain for such purposes any interest earned without returning such interest to the Treasury of the United States. The Foundation may retain and use such funds as an endowment to carry out the purposes specified in subsection (a).

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) BROADER MIDDLE EAST REGION DEFINED.—In this section, the term "broader Middle East region" means Afghanistan, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle C—Reaffirming United States Moral Leadership

SEC. 2031. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, "Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations; and

(2) public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

“(a) EMERGENCY AUTHORITY.—

“(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

“(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.

“(3) SURGE CAPACITY DEFINED.—In this subsection, the term ‘surge capacity’ means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

“(4) DURATION.—The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

“(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the ‘United States International Broadcasting Surge Capacity Fund’.

“(c) REPORT.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.”.

SEC. 2032. OVERSIGHT OF INTERNATIONAL BROADCASTING.

(a) TRANSCRIPTION OF PERSIAN AND ARABIC LANGUAGE BROADCASTS.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farda, Radio Sawa, the Persian Service of the Voice of America, and Alhurra.

(b) RANDOM SAMPLING; PUBLIC AVAILABILITY.—The transcription required under subsection (a) shall consist of a random sampling of such programming. The transcripts shall be available to Congress and the public on the Internet site of the Board.

(c) REPORT.—Not later than May 1, 2008, the Chairman of the Broadcasting Board of Governors shall submit to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate a report on the feasibility and utility of continuing the pilot project required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the “International Broadcasting Operations” account of the Broadcasting Board of Governors $2,000,000 for fiscal year 2008 to carry out the pilot project required under subsection (a).

SEC. 2033. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN PREDOMINANTLY MUSLIM COUNTRIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in predominantly Muslim countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.

SEC. 2034. UNITED STATES POLICY TOWARD DETAINEES.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the “9/11 Commission”) declared that the United States “should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country’s criminal laws” and recommended that the United States engage its allies “to develop a common coalition approach toward the detention and humane treatment of captured terrorists”.

(2) A number of investigations remain ongoing by countries that are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(3) The Secretary of State has launched an initiative to try to address the differences between the United States and many of its allies regarding the treatment of detainees.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, acting through the Legal Adviser of the Department of State, should continue to build on the Secretary’s efforts to engage United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations.

(c) REPORTING TO CONGRESS.—

(1) BRIEFINGS.—The Secretary of State shall keep the appropriate congressional committees fully and currently informed of the progress of any discussions between the United States and its allies regarding the development of the common coalition approach described in subsection (b).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the appropriate congressional committees a report on any progress towards developing the common coalition approach described in subsection (b).

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 2041. AFGHANISTAN.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Following the ouster of the Taliban regime in 2001, the Government of Afghanistan, with assistance from the United States and the international community, has achieved some notable successes, including—

(A) adopting a constitution;

(B) holding presidential, parliamentary, and provincial council elections;

(C) improving the protection of human rights, including women’s rights; and

(D) expanding educational opportunities.

(3) The following factors pose a serious and immediate threat to the stability of Afghanistan:

(A) Taliban and anti-government forces, al Qaeda, and criminal networks.

(B) Drug trafficking and corruption.

(C) Weak institutions of administration, security, and justice, including pervasive lack of the rule of law.

(D) Poverty, unemployment, and lack of provision of basic services.

(4) The United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan.

(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the people and Government of Afghanistan as they continue to commit to the path toward a government representing and protecting the rights of all Afghans, and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and al Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan, countries in the region or otherwise influenced by the trade and transit of narcotics, as well as North Atlantic Treaty Organization (NATO) partners of the United States,

and in consultation with Congress, to assess the success of the current Afghan counter-narcotics strategy and to explore additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins, and the provision of comprehensive assistance to farmers who rely on opium for their livelihood, including through the promotion of alternative crops and livelihoods.

(3) The United States shall continue to work with and provide assistance to the Government of Afghanistan to strengthen local and national government institutions and the rule of law, including the training of judges and prosecutors, and to train and equip the Afghan National Security Forces.

(4) The United States shall continue to call on NATO members participating in operations in Afghanistan to meet their commitments to provide forces and equipment, and to lift restrictions on how such forces can be deployed.

(5) The United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan by taking the following actions:

(A) Facilitating greater communication, including through official mechanisms such as the Tripartite Commission and the Joint Intelligence Operations Center, and by promoting other forms of exchange between the parliaments and civil society of the two countries.

(B) Urging the Government of Afghanistan to enter into a political dialogue with Pakistan with respect to all issues relating to the border between the two countries, with the aim of establishing a mutually-recognized and monitored border, open to human and economic exchange, and with both countries fully responsible for border security.

(c) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

(d) EMERGENCY INCREASE IN EFFECTIVE POLICE TRAINING AND POLICING OPERATIONS.—

(1) CONGRESSIONAL FINDING.—Congress finds that police training programs in Afghanistan have achieved far less return on substantial investment to date and require a substantive review and justification of the means and purposes of such assistance, consequent to any provision of additional resources.

(2) ASSISTANCE AUTHORIZED.—The President shall make increased efforts, on an urgent basis, to—

(A) dramatically improve the capability and effectiveness of United States and international police trainers, mentors, and police personnel for police training programs in Afghanistan, as well as develop a pretraining screening program;

(B) increase the numbers of such trainers, mentors, and personnel only if such increase is determined to improve the performance and capabilities of the Afghanistan civil security forces; and

(C) assist the Government of Afghanistan, in conjunction with the Afghanistan civil security forces and their leadership, in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on United States efforts to fulfill the requirements of this subsection. The report required by this paragraph may be transmitted concurrently with any similar report required by the Afghanistan Freedom Support Act of 2002.

SEC. 2042. PAKISTAN.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) A democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against the Taliban, al Qaeda, and other terrorist groups, and is a responsible steward of its nuclear weapons and technology, is vital to the national security of the United States.

(2) Since September 11, 2001, the Government of Pakistan has been a critical ally and an important partner in removing the Taliban regime in Afghanistan and combating al Qaeda.

(3) Pakistan has made great sacrifices in the shared struggle against al Qaeda-affiliated terrorist groups, engaging in military operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism that have killed hundreds of Pakistani civilians.

(4) Publicly-stated goals of the Government of Pakistan and the national interests of the United States are in close agreement in many areas, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) enabling effective government institutions, including public education;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

(H) effectively dealing with violent extremism.

(5) The opportunity exists for shared effort in helping to achieve correlative goals with the Government of Pakistan, particularly—

(A) increased United States assistance to Pakistan, as appropriate, to achieve progress in meeting the goals of subparagraphs (A) through (C) of paragraph (4);

(B) increased commitment on the part of the Government of Pakistan to achieve the goals of paragraph (4)(D), particularly given continued concerns, based on the conduct of previous elections, regarding whether parliamentary elections scheduled for 2007 will be free, fair, and inclusive of all political parties and carried out in full accordance with internationally-recognized democratic norms; and

(C) increased commitment on the part of the Government of Pakistan to take actions described in paragraph (4)(E), particularly given—

(i) the continued operation of the Taliban's Quetta shura, as noted by then-North Atlantic Treaty Organization Supreme Allied Commander General James Jones in testimony before the Senate Foreign Relations Committee on September 21, 2006; and

(ii) the continued operation of al Qaeda affiliates Lashkar-e Taiba and Jaish-e Muhammad, sometimes under different names, as demonstrated by the lack of meaningful action taken against Hafiz Muhammad Saeed, Maulana Masood Azhar, and other known leaders and members of such terrorist organizations; and

(D) increased commitment on the part of the Government of the United States in regard to working with all elements of Pakistan society in helping to achieve the correlative goals described in subparagraphs (A) through (H) of paragraph (4).

(b) STATEMENTS OF POLICY.—The following shall be the policy of the United States:

(1) To maintain and deepen its friendship and long-term strategic relationship with Pakistan.

(2) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for terrorist groups, including those associated with al Qaeda or the Taliban.

(3) To support robust funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in working toward the goals described in subsection (a)(4), as the Government of Pakistan demonstrates a clear commitment to building a moderate, democratic state.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection.

(5) To facilitate a just resolution of the dispute over the territory of Kashmir, to the extent that such facilitation is invited and welcomed by the Governments of Pakistan and India and by the people of Kashmir.

(6) To facilitate greater communication and cooperation between the Governments of Afghanistan and Pakistan for the improvement of bilateral relations and cooperation in combating terrorism in both countries.

(7) To work with the Government of Pakistan to dismantle existing proliferation networks and prevent the proliferation of nuclear technology.

(c) STRATEGY RELATING TO PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that describes the long-term strategy of the United States to engage with the Government of Pakistan to achieve the goals described in subparagraphs (A) through (H) of subsection (a)(4) and to carry out the policies described in subsection (b).

(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(d) LIMITATION ON UNITED STATES SECURITY ASSISTANCE TO PAKISTAN.—

(1) LIMITATION.—For fiscal year 2008, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until the President transmits to the appropriate congressional committees a report that contains a determination of the President that the Government of Pakistan—

(A) is committed to eliminating from Pakistani territory any organization such as the Taliban, al Qaeda, or any successor, engaged in military, insurgent, or terrorist activities in Afghanistan;

(B) is undertaking a comprehensive military, legal, economic, and political campaign to achieving the goal described in subparagraph (A); and

(C) is currently making demonstrated, significant, and sustained progress toward eliminating support or safe haven for terrorists.

(2) MEMORANDUM OF JUSTIFICATION.—The President shall include in the report required by paragraph (1) a memorandum of justification setting forth the basis for the President's determination under paragraph (1).

(3) FORM.—The report required by paragraph (1) and the memorandum of justification required by paragraph (2) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(e) NUCLEAR PROLIFERATION.—

(1) CONGRESSIONAL FINDING.—Congress finds that the maintenance by any country of a procurement or supply network for the illicit proliferation of nuclear and missile technologies would be inconsistent with that country being considered an ally of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President such sums as may be necessary to provide assistance described in subsection (d)(1) for Pakistan for fiscal year 2008 in accordance with the requirements of subsection (d)(1).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(3) DECLARATION OF POLICY.—Congress declares that the amount of funds appropriated pursuant to the authorization of appropriations under paragraph (1) and for subsequent fiscal years shall be determined by the extent to which the Government of Pakistan displays demonstrable progress in—

(A) preventing al Qaeda and other terrorist organizations from operating in the territory of Pakistan, including eliminating terrorist training camps or facilities, arresting members and leaders of terrorist organizations, and countering recruitment efforts;

(B) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(C) implementing democratic reforms, including allowing free, fair, and inclusive elections at all levels of government in accordance with internationally-recognized democratic norms, and respecting the independence of the press and judiciary.

(4) BIANNUAL REPORTS TO CONGRESS.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a biannual report describing in detail the extent to which the Government of Pakistan has displayed demonstrable progress in meeting the goals described in subparagraphs (A) through (C) of paragraph (3).

(B) SCHEDULE FOR SUBMISSION.—The report required by subparagraph (A) shall be submitted not later than April 15 and October 15 of each year until October 15, 2009.

(C) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex, if neccessary.

(g) EXTENSION OF WAIVERS.—

(1) AMENDMENTS.—The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

"(b) FISCAL YEARS 2007 AND 2008—"; and

(ii) in paragraph (1), by striking "any provision" and all that follows through "that prohibits" and inserting "any provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits";

(B) in section 3(2), by striking "Such provision" and all that follows through "as are" and inserting "Such provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal years 2002 through 2008 (or any other appropriations Act) as are"; and

(C) in section 6, by striking "the provisions" and all that follows and inserting "the provisions of this Act shall terminate on October 1, 2008.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) SENSE OF CONGRESS.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by demonstrable progress in achieving the goals described in subparagraphs (A) through (C) of subsection (f)(3).

SEC. 2043. SAUDI ARABIA.

(a) CONGRESSIONAL FINDINGS.—Congress finds that:

(1) The National Commission on Terrorist Attacks Upon the United States concluded that the Kingdom of Saudi Arabia has "been a problematic ally in combating Islamic extremism. At the level of high policy, Saudi Arabia's leaders cooperated with American diplomatic initiatives aimed at the Taliban or Pakistan before 9/11. At the same time, Saudi Arabia's society was a place where al Qaeda raised money directly from individuals and through charities. It was the society that produced 15 of the 19 hijackers.".

(2) Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, a lack of political outlets for its citizens, and restrictions on religious pluralism, that poses a threat to the security of the United States, the international community, and Saudi Arabia itself.

(3) The National Commission on Terrorist Attacks Upon the United States concluded that the "problems in the U.S.-Saudi relationship must be confronted, openly". It recommended that the two countries build a relationship that includes a "shared commitment to political and economic reform . . . and a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred".

(4) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that country or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(5) The United States and Saudi Arabia established a Strategic Dialogue in 2005, which provides a framework for the two countries to discuss a range of bilateral issues at high levels, including counterterrorism policy and political and economic reforms.

(6) It is in the national security interest of the United States to support the Government of Saudi Arabia in undertaking a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political and religious rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, and promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms, including greater religious freedom, throughout the country.

(c) PROGRESS IN COUNTERTERRORISM AND OTHER COOPERATION.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that—

(A) describes the long-term strategy of the United States—

(i) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms, including greater religious freedom, that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(ii) to work with the Government of Saudi Arabia to combat terrorism, including through effective measures to prevent and prohibit the financing of terrorists by Saudi institutions and citizens; and

(B) provides an assessment of the progress made by Saudi Arabia since 2001 on the matters described in subparagraph (A), including—

(i) whether Saudi Arabia has become a party to the International Convention for the Suppression of the Financing of Terrorism; and

(ii) the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

TITLE XXI—ADVANCING DEMOCRATIC VALUES

SEC. 2101. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 2102. FINDINGS.

Congress finds the following:

(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.

(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.

(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.

(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.

(5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.

(6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.

SEC. 2103. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(2) to affirm fundamental freedoms and internationally recognized human rights in foreign countries, as reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(3) to protect and promote such fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;

(4) to commit to the long-term challenge of promoting universal democracy by promoting democratic institutions, including institutions that support the rule of law (such as an independent judiciary), an independent and professional media, strong legislatures, a thriving civil society, transparent and professional independent governmental auditing agencies, civilian control of the military, and institutions that promote the rights of minorities and women;

(5) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage, including by—

(A) providing appropriate support to individuals, nongovernmental organizations, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries; and

(B) providing political, economic, and other support to foreign countries and individuals, nongovernmental organizations, and movements that are willingly undertaking a transition to democracy; and

(6) to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 2104. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(4) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(5) DEPARTMENT.—The term "Department" means the Department of State.

(6) NONDEMOCRATIC COUNTRY OR DEMOCRATIC TRANSITION COUNTRY.—The term "nondemocratic country" or "democratic transition country" shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether the country exhibits the following characteristics:

(A) All citizens of such country have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country.

(B) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.

(C) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.

(D) All citizens in such country have a right to, and are not restricted in practice from, fully exercising such fundamental freedoms as the freedom of expression, conscience, and peaceful assembly and association, and such country has a free, independent, and pluralistic media.

(E) The current government of such country did not come to power in a manner contrary to the rule of law.

(F) Such country possesses an independent judiciary and the government of such country generally respects the rule of law.

(G) Such country does not violate other core principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, United Nations Commission on Human Rights Resolution 1499/57 (entitled "Promotion of the Right to Democracy"), and the United Nations General Assembly Resolution 55/96 (entitled "Promoting and consolidating democracy").

(H) As applicable, whether the country has scored favorably on the political, civil liberties, corruption, and rule of law indicators used to determine eligibility for financial assistance disbursed from the Millennium Challenge Account.

(7) SECRETARY.—The term "Secretary" means the Secretary of State.

Subtitle A—Activities to Enhance the Promotion of Democracy

SEC. 2111. DEMOCRACY PROMOTION AT THE DEPARTMENT OF STATE.

(a) DEMOCRACY LIAISON OFFICERS.—

(1) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions. Democracy Liaison Officers shall serve under the supervision of the Assistant Secretary. Democracy Liaison Officers may be assigned to the following posts:

(A) United States missions to, or liaisons with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States, and any other appropriate regional organization, the Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(B) Regional public diplomacy centers of the Department of State.

(C) United States combatant commands.

(D) Other posts as designated by the Secretary.

(2) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(A) provide expertise on effective approaches to promote and build democracy;

(B) assist in formulating and implementing strategies for transitions to democracy; and

(C) carry out such other responsibilities as the Secretary or the Assistant Secretary may assign.

(3) NEW POSITIONS.—To the fullest extent practicable, taking into consideration amounts appropriated to carry out this subsection and personnel available for assignment to the positions described in paragraph (1), the Democracy Liaison Officer positions established under subsection (a) shall be new positions that are in addition to existing positions with responsibility for other human rights and democracy related issues and programs, including positions with responsibility for labor issues.

(4) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this subsection may be construed as altering any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

(b) OFFICE RELATED TO DEMOCRATIC MOVEMENTS AND TRANSITIONS.—

(1) ESTABLISHMENT.—There shall be identified within the Bureau of Democracy, Human Rights, and Labor of the Department at least one office that shall be responsible for working with democratic movements and facilitating the transition to full democracy of nondemocratic countries and democratic transition countries.

(2) RESPONSIBILITIES.—The Assistant Secretary shall, including by acting through the office or offices identified pursuant to paragraph (1)—

(A) provide support for Democratic Liaison Officers established under subsection (a);

(B) develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements that are committed to the peaceful promotion of democracy and fundamental rights and freedoms, including fostering relationships with the United States Government and the governments of other democratic countries; and

(C) assist officers and employees of regional bureaus of the Department to develop strategies and programs to promote peaceful change in nondemocratic countries and democratic transition countries.

(3) LIAISON.—Within the Bureau of Democracy, Human Rights, and Labor, the Assistant Secretary shall identify officers or employees who have expertise in and shall be responsible for working with nongovernmental organizations, individuals, and movements that develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements in foreign countries that are committed to the peaceful promotion of democracy and fundamental rights and freedoms.

(c) ACTIONS BY CHIEFS OF MISSION.—Each chief of mission in each nondemocratic country or democratic transition country should—

(1) develop, as part of annual program planning, a strategy to promote democratic principles, practices, and values in each such foreign country and to provide support, as appropriate, to nongovernmental organizations, individuals, and movements in each such country that are committed to democratic principles, practices, and values, such as by—

(A) consulting and coordinating with and providing support to such nongovernmental organizations, individuals, and movements regarding the promotion of democracy;

(B) issuing public condemnations of violations of internationally recognized human rights, including violations of religious freedom, and visiting local landmarks and other local sites associated with nonviolent protest in support of democracy and freedom from oppression; and

(C) holding periodic meetings with such nongovernmental organizations, individuals, and movements to discuss democracy and political, social, and economic freedoms;

(2) hold ongoing discussions with the leaders of each such nondemocratic country or democratic transition country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms and respect for human rights, including freedom of religion or belief, in such country; and

(3) conduct meetings with civil society, interviews with media that can directly reach citizens of each such country, and discussions with students and young people of each such country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms in each such country.

(d) RECRUITMENT.—The Secretary should seek to increase the proportion of members of the Foreign Service who serve in the Bureau of Democracy, Human Rights, and Labor.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 2112. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary shall establish a Democracy Fellowship Program to enable officers of the Department to gain an additional perspective on democracy promotion in foreign countries by working on democracy issues in appropriate congressional offices or congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and international or nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices, congressional committees, international organizations, and nongovernmental organizations.

SEC. 2113. INVESTIGATIONS OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

(a) IN GENERAL.—The President, with the assistance of the Secretary, the Under Secretary of State for Democracy and Global Affairs, and the Ambassador-at-Large for War Crimes Issues, shall collect information regarding incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law.

(b) ACCOUNTABILITY.—The President shall consider what actions can be taken to ensure that any government of a country or the leaders or senior officials of such government who are responsible for crimes against humanity, genocide, slavery, or other violations of international humanitarian law identified under subsection (a) are brought to account for such crimes in an appropriately constituted tribunal.

Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy

SEC. 2121. STRATEGIES, PRIORITIES, AND ANNUAL REPORT.

(a) EXPANSION OF COUNTRY-SPECIFIC STRATEGIES TO PROMOTE DEMOCRACY.—

(1) COMMENDATION.—Congress commends the Secretary for the ongoing work by the Department to develop country-specific strategies for promoting democracy.

(2) EXPANSION.—The Secretary shall expand the development of such strategies to all nondemocratic countries and democratic transition countries.

(3) BRIEFINGS.—The Secretary shall keep the appropriate congressional committees fully and currently informed as such strategies are developed.

(b) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the first sentence, by inserting "entitled the Annual Report on Advancing Freedom and Democracy" before the period at the end.

(c) ENHANCED REPORT.—The Annual Report on Advancing Freedom and Democracy shall include, as appropriate—

(1) United States priorities for the promotion of democracy and the protection of human rights for each nondemocratic country and democratic transition country, developed in consultation with relevant parties in such countries; and

(2) specific actions and activities of chiefs of missions and other United States officials to promote democracy and protect human rights in each such country.

(d) SCHEDULE OF SUBMISSION.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the second sentence, by striking "30 days" and inserting "90 days".

SEC. 2122. TRANSLATION OF HUMAN RIGHTS REPORTS.

(a) IN GENERAL.—The Secretary shall continue to expand the timely translation of the applicable parts of the Country Reports on Human Rights Practices required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Annual Report on International Religious Freedom required under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), the Trafficking in Persons Report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), and any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) into the principal languages of as many countries as possible, with particular emphasis on nondemocratic countries, democratic transition countries, and countries in which extrajudicial killings, torture, or other serious violations of human rights have occurred.

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2008, and annually thereafter through 2010, the Secretary shall submit to the appropriate congressional committees a report describing any translations of the reports specified in subsection (a) for the preceding year, including which of such reports have been translated into which principal languages and the countries in which such translations have been distributed by posting on a relevant website or elsewhere.

(2) FORM.—The report required under paragraph (1) may be included in any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 2131. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance, including reviewing and making recommendations on—

(1) how to improve the capacity of the Department to promote democracy and human rights; and

(2) how to improve foreign assistance programs related to the promotion of democracy.

SEC. 2132. SENSE OF CONGRESS REGARDING THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that in order to facilitate access by individuals, nongovernmental organizations, and movements in foreign countries to documents, streaming video and audio, and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy, the Secretary should take additional steps to enhance the Internet site for global democracy and human rights of the Department, which should include, where practicable, the following:

(1) Narratives and histories, published by the United States Government, of significant democratic movements in foreign countries, particularly regarding successful nonviolent campaigns to promote democracy in non-democratic countries and democratic transition countries.

(2) Narratives, published by the United States Government, relating to the importance of the establishment of and respect for internationally recognized human rights, democratic principles, practices, and values, and other fundamental freedoms.

(3) Major human rights reports by the United States Government, including translations of such materials, as appropriate.

(4) Any other documents, references, or links to appropriate external Internet websites (such as websites of international or nongovernmental organizations), including references or links to training materials, narratives, and histories regarding successful democratic movements.

Subtitle D—Training in Democracy and Human Rights; Incentives

SEC. 2141. TRAINING IN DEMOCRACY PROMOTION AND THE PROTECTION OF HUMAN RIGHTS.

(a) IN GENERAL.—The Secretary shall continue to enhance training for members of the Foreign Service and civil service responsible for the promotion of democracy and the protection of human rights. Such training shall include appropriate instruction and training materials regarding:

(1) International documents and United States policy regarding the promotion of democracy and respect for human rights.

(2) United States policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries and democratic transition countries.

(3) For any member, chief of mission, or deputy chief of mission who is to be assigned to a nondemocratic country or democratic transition country, ways to promote democracy in such country and to assist individuals, nongovernmental organizations, and movements in such country that support democratic principles, practices, and values.

(4) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, and the protection of individuals who have fled their countries due to violations of such rights.

(b) CONSULTATION.—The Secretary, acting through the Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department, shall consult, as appropriate, with nongovernmental organizations involved in the protection and promotion

of such rights and the United States Commission on International Religious Freedom with respect to the training required by this subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a description of the current and planned training provided to Foreign Service officers in human rights and democracy promotion, including such training provided to chiefs of mission serving or preparing to serve in nondemocratic countries or democratic transition countries.

SEC. 2142. SENSE OF CONGRESS REGARDING ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary should further strengthen the capacity of the Department to carry out results-based democracy promotion efforts through the establishment of an annual award to be known as the "Outstanding Achievements in Advancing Democracy Award", or the "ADVANCE Democracy Award", that would be awarded to officers or employees of the Department; and

(2) the Secretary should establish procedures for selecting recipients of such award, including any financial terms associated with such award.

SEC. 2143. PERSONNEL POLICIES AT THE DEPARTMENT OF STATE.

In addition to the awards and other incentives already implemented, the Secretary should increase incentives for members of the Foreign Service and other employees of the Department who take assignments relating to the promotion of democracy and the protection of human rights, including the following:

(1) Providing performance pay under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) to such members and employees who carry out their assignment in an outstanding manner.

(2) Considering such an assignment as a basis for promotion into the Senior Foreign Service.

(3) Providing Foreign Service Awards under section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) to such members and employees who provide distinguished or meritorious service in the promotion of democracy or the protection of human rights.

Subtitle E—Cooperation With Democratic Countries

SEC. 2151. COOPERATION WITH DEMOCRATIC COUNTRIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should cooperate with other democratic countries to—

(1) promote and protect democratic principles, practices, and values;

(2) promote and protect shared political, social, and economic freedoms, including the freedoms of association, of expression, of the press, of religion, and to own private property;

(3) promote and protect respect for the rule of law;

(4) develop, adopt, and pursue strategies to advance common interests in international organizations and multilateral institutions to which members of cooperating democratic countries belong; and

(5) provide political, economic, and other necessary support to countries that are undergoing a transition to democracy.

(b) COMMUNITY OF DEMOCRACIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Community of Democracies should develop a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with appropriate staff to carry out such work, and should establish a headquarters; and

(B) nondemocratic countries should not participate in any association or group of democratic countries aimed at working together to promote democracy.

(2) DETAIL OF PERSONNEL.—The Secretary is authorized to detail on a nonreimbursable basis any employee of the Department to any permanent secretariat of the Community of Democracies or to the government of any country that is a member of the Convening Group of the Community of Democracies.

(c) ESTABLISHMENT OF AN OFFICE FOR MULTILATERAL DEMOCRACY PROMOTION.—The Secretary should establish an office of multilateral democracy promotion with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(d) INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, the United States, other European countries with experiences in democratic transitions, and private individuals.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2008, 2009, and 2010 to the Secretary for a grant to the International Center for Democratic Transition. Amounts appropriated under this paragraph are authorized to remain available until expended.

Subtitle F—Funding for Promotion of Democracy

SEC. 2161. THE UNITED NATIONS DEMOCRACY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in foreign countries in their efforts to help consolidate democracy and bring about transformational change.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,000,000 for each of fiscal years 2008 and 2009 to the Secretary for a United States contribution to the United Nations Democracy Fund.

SEC. 2162. UNITED STATES DEMOCRACY ASSISTANCE PROGRAMS.

(a) SENSE OF CONGRESS REGARDING USE OF INSTRUMENTS OF DEMOCRACY PROMOTION.—It is the sense of Congress that—

(1) United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department; and

(2) the purpose of the Department's Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, practices, and values, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

(b) SENSE OF CONGRESS REGARDING MECHANISMS FOR DELIVERING ASSISTANCE.—

(1) FINDINGS.—Congress finds the following:

(A) Democracy assistance has many different forms, including assistance to promote the rule of law, build the capacity of civil society, political parties, and legislatures, improve the independence of the media and the judiciary, enhance independent auditing functions, and advance security sector reform.

(B) There is a need for greater clarity on the coordination and delivery mechanisms for United States democracy assistance.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary and the Administrator of the United States Agency for International Development should develop guidelines, in consultation with the appropriate congressional committees, building on the existing framework for grants, cooperative agreements, contracts, and other acquisition mechanisms to guide United States missions in foreign countries in coordinating United States democracy assistance and selecting the appropriate combination of such mechanisms for such assistance.

TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS

SEC. 2201. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109-171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) may take such administrative action as is necessary to establish and implement—

"(A) a grant program to assist public safety agencies in the planning and coordination associated with, the acquisition of, deployment of, or training for the use of interoperable communications equipment, software and systems that—

"(i) utilize reallocated public safety spectrum for radio communication;

"(ii) enable interoperability with communications systems that can utilize reallocated public safety spectrum for radio communication; or

"(iii) otherwise improve or advance the interoperability of public safety communications systems that utilize other public safety spectrum bands; and

"(B) are used to establish and implement a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster;

"(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which at least $75,000,000, in the aggregate, shall be used for purposes described in paragraph (1)(B); and

"(3) shall permit any funds allocated for use under paragraph (1)(B) to be used for purposes identified under paragraph (1)(A), if the public safety agency demonstrates that it has already implemented such a strategic technology reserve or demonstrates higher priority public safety communications needs.";

(2) by redesignating subsections (b), (c), and (d) as subsections (h), (i), and (j), respectively, and inserting after subsection (a) the following:

"(b) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a)(1)(A), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including a detailed explanation of how assistance received under the program would be used to improve communications interoperability and ensure interoperability with other public safety agencies in an emergency or a major disaster.

"(c) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVES.—

"(1) IN GENERAL.—In evaluating permitted uses under subsection (a)(1)(B), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum

extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

"(2) REQUIREMENTS AND CHARACTERISTICS.—Funds provided to meet uses described in paragraph (1) shall be used in support of reserves that—

"(A) are capable of re-establishing communications when existing critical infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite- enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

"(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

"(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

"(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

"(4) ALLOCATION OF FUNDS.—In evaluating permitted uses under section (a)(1)(B), the Assistant Secretary shall take into account barriers to immediate deployment, including time and distance, that may slow the rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems) in the event of an emergency in any State.

"(d) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security, shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

"(e) INSPECTOR GENERAL REPORT AND AUDITS.—

"(1) REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(2) AUDITS.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct financial audits of entities receiving grants from the program implemented under subsection (a)(1), and shall ensure that, over the course of 4 years, such audits cover recipients in a representative sample of not fewer than 25 States or territories. The results of any such audits shall be made publicly available via web site, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions."; and

(3) by striking paragraph (3) of subsection (j), as so redesignated.

(b) FCC VULNERABILITY ASSESSMENT AND REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall conduct a vulnerability assessment of the Nation's critical communications and information systems infrastructure and shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced communications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall consult with the National Communications System and shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—

(A) IN GENERAL.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(B) CLASSIFIED INDEX.—The report on critical infrastructure under this subsection may contain a classified annex.

(C) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress or any other department or agency under this section by the Federal Communications Commission, including the assignment of a level of classification of such information, shall be binding on Congress and any other department or agency.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL AND PUBLIC HEALTH CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical and public health care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical and public health care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical and public health care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical and public health care facilities;

(C) assess options to improve integration of communications systems used by emergency medical and public health care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) AUTHORIZATION OF EMERGENCY MEDICAL AND PUBLIC HEALTH COMMUNICATIONS PILOT PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical and public health care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) MAXIMUM AMOUNT.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) COST SHARING.—The Assistant Secretary may not provide more than 20 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) MAXIMUM PERIOD OF GRANTS.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) DEPLOYMENT AND DISTRIBUTION.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 2202. CLARIFICATION OF CONGRESSIONAL INTENT.

The Federal departments and agencies (including independent agencies) identified under the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall carry out their respective duties and responsibilities in a manner that does not impede the implementation of requirements specified under this title and title III of this Act and title VI of Public Law 109–295. Notwithstanding the obligations under section 1806 of Public Law 109–295, the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall not preclude or obstruct any such department or agency from exercising its other authorities related to emergency communications matters.

SEC. 2203. CROSS BORDER INTEROPERABILITY REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal

Communications Commission, in consultation with the Department of Homeland Security's Office of Emergency Communications, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the "Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding" (WT Docket No. 02-55; ET Docket No. 00-258; ET Docket No. 95-18, RM-9498; RM-10024; FCC 04-168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SEC. 2204. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the 6-month period beginning on the date of enactment of this Act.

SEC. 2205. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

In addition to the committees specifically enumerated to receive reports under this title, any report transmitted under the provisions of this title shall also be transmitted to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))).

TITLE XXIII—EMERGENCY COMMUNICATIONS MODERNIZATION

SEC. 2301. SHORT TITLE.

This title may be cited as the "Improving Emergency Communications Act of 2007".

SEC. 2302. FUNDING FOR PROGRAM.

Section 3011 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 47 U.S.C. 309 note) is amended—

(1) by striking "The" and inserting:

"(a) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of the 911 Modernization Act, such sums as necessary, but not to exceed $43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.".

SEC. 2303. NTIA COORDINATION OF E-911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: "Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to allow a portion of the funds to be used to give priority to grants that are requested by public safety answering points that were not capable of receiving 911 calls as of the date of enactment of that Act, for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants shall be subject to all other requirements of this section.".

TITLE XXIV—MISCELLANEOUS PROVISIONS

SEC. 2401. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) REVIEW REQUIRED.—Title VII of the Homeland Security Act of 2002 is amended by adding at the end the following:

"SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

"(a) REQUIREMENT.—

"(1) QUADRENNIAL REVIEWS REQUIRED.—In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a 'quadrennial homeland security review').

"(2) SCOPE OF REVIEWS.—Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.

"(3) CONSULTATION.—The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

"(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, and the Director of National Intelligence;

"(B) key officials of the Department; and

"(C) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

"(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 874.

"(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—

"(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

"(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation;

"(3) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

"(4) identify the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

"(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2); and

"(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.

"(c) REPORTING.—

"(1) IN GENERAL.—Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

"(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

"(A) the results of the quadrennial homeland security review;

"(B) a description of the threats to the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

"(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

"(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

"(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred *to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;*

"(F) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

"(G) a discussion of the status of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats to national homeland security;

"(H) an explanation of any underlying assumptions used in conducting the review; and

"(I) any other matter the Secretary considers appropriate.

"(3) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

(b) PREPARATION FOR QUADRENNIAL HOMELAND SECURITY REVIEW.—

(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002, as added by subsection (a), in fiscal year 2009, including—

(A) determining the tasks to be performed;

(B) estimating the human, financial, and other resources required to perform each task;

(C) establishing the schedule for the execution of all project tasks;

(D) ensuring that these resources will be available as needed; and

(E) all other preparations considered necessary by the Secretary.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.

(c) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

"Sec. 707. Quadrennial Homeland Security Review.".

SEC. 2402. SENSE OF THE CONGRESS REGARDING THE PREVENTION OF RADICALIZATION LEADING TO IDEOLOGICALLY-BASED VIOLENCE.

(a) FINDINGS.—Congress finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists that plans, prepares for, and engages in acts of ideologically-based violence worldwide.

(2) The threat of radicalization that leads to ideologically-based violence transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism caused by ideologically-based groups.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the fight against terrorism.

(5) United States law enforcement agencies have identified radicalization that leads to ideologically-based violence as an emerging threat and have in recent years identified cases of extremists operating inside the United States, known as "homegrown" extremists, with the intent to provide support for, or directly commit, terrorist attacks.

(6) Alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization that could lead to ideologically-based violence.

(7) Many other factors have been identified as contributing to the spread of radicalization and resulting acts of ideologically-based violence. Among these is the appeal of left-wing and right-wing hate groups, and other hate groups, including groups operating in prisons. Other such factors must be examined and countered as well in order to protect the homeland from violent extremists of every kind.

(8) Radicalization leading to ideologically-based violence cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization that leads to ideologically-based violence by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds, and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending religious, ethnic, and minority communities;

(4) addressing prisoner radicalization and post-sentence reintegration, in concert with the Attorney General and State and local corrections officials;

(5) pursuing broader avenues of dialogue with minority communities, including the American Muslim community, to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate such leaders about the threat of radicalization that leads to ideologically-based violence and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to minority communities, including the American Muslim community, and develop partnerships among and between all religious faiths and ethnic groups.

SEC. 2403. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 511(d) of this Act.

(3) Subsection (a)(3)(D) of section 2022 of the Homeland Security Act of 2002, as added by section 101 of this Act.

(4) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(5) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(6) Section 804(c) of this Act.

(7) Section 901(b) of this Act.

(8) Section 1002(a) of this Act.

(9) Title III of this Act.

SEC. 2404. DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into one or more agreements with a private sector entity to conduct such demonstrations of security management systems.

(b) SECURITY MANAGEMENT SYSTEM DEFINED.—In this section, the term 'security management system' means a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

SEC. 2405. UNDER SECRETARY FOR MANAGEMENT OF DEPARTMENT OF HOMELAND SECURITY.

(a) RESPONSIBILITIES.—Section 701(a) of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) by inserting "The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(2) by striking paragraph (7) and inserting the following:

"(7) Strategic management planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(3) by striking paragraph (9), and inserting the following:

"(9) The management integration and transformation process, as well as the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including—

"(A) the development of a management integration strategy for the Department, and

"(B) before December 1 of any year in which a Presidential election is held, the development of a transition and succession plan, to be made available to the incoming Secretary and Under Secretary for Management, to guide the transition of management functions to a new Administration.".

(b) APPOINTMENT AND EVALUATION.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by subsection (a), is further amended by adding at the end the following:

"(c) APPOINTMENT AND EVALUATION.—The Under Secretary for Management shall—

"(1) be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(3) be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Under Secretary for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (2).".

(c) DEADLINE FOR APPOINTMENT; INCUMBENT.—

(1) DEADLINE FOR APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsections (a) and (b), to serve as the Under Secretary of Homeland Security for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary of Homeland Security for Management on the date of enactment of this Act together with a statement that informs the Congress that the individual meets the qualifications of such section as so amended.

(2) INCUMBENT.—The incumbent serving as Under Secretary of Homeland Security for Management on November 4, 2008, is authorized to continue serving in that position until a successor is confirmed, to ensure continuity in the management functions of the Department.

(d) SENSE OF CONGRESS WITH RESPECT TO SERVICE OF INCUMBENTS.—It is the sense of the Congress that the person serving as Under Secretary of Homeland Security for Management on the date on which a Presidential election is held should be encouraged by the newly-elected President to remain in office in a new Administration until such time as a successor is confirmed by Congress.

(e) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Under Secretary of Homeland Security for Management.".

And the Senate agree to the same.

BENNIE G. THOMPSON,
LORETTA SANCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
Managers on the Part of the House,

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

JOINT EXPLANATORY STATEMENT

TITLE I—HOMELAND SECURITY GRANTS

Section 101. Homeland Security Grant Program

Section 101 of the Conference Report amends the Homeland Security Act to add a new Title XX, comprised of two subtitles and including the following sections:

Subtitle A—Grants to States and High-Risk Urban Areas

Section 2001. Definitions

Section 2001 of the House bill defines several terms that are used in the title relevant to homeland security grants, including "Covered grant," "Directly Eligible Tribe," "Elevations in the Threat Alert Level," "First Responder," "Indian Tribe," "Region," "Terrorism Preparedness," and "Capabilities."

Section 2001 of the Senate bill is a comparable provision, which defines "Administrator," "Combined Statistical Area," "Directly Eligible Tribe," "Eligible Metropolitan Area," "Indian Tribe," "Metropolitan Statistical Area," "National Special Security Event," "Population," "Population Density," "Target Capabilities," and "Tribal Government."

The Conference substitute adopts the Senate provision, as modified. The provision defines the terms "Administrator," "Appropriate Committees of Congress," "Critical Infrastructure Sectors," "Directly Eligible Tribe," "Eligible Metropolitan Area," "High-Risk Urban Area," "Indian Tribe," "Metropolitan Statistical Area," "National Special Security Event," "Population," "Population Density," "Qualified Intelligence Analyst," "Target Capabilities," and "Tribal Government."

Section 2002. Homeland Security Grant Programs

Section 2002 of the House bill sets forth the first responder grant programs at the Department that are covered by the provisions in the title. These programs are the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes the Assistance to Firefighters Grant programs, the Emergency Management Performance Grant program, and the Urban Search and Rescue program.

Section 2002 of the Senate bill authorizes the Secretary of Homeland Security (the Secretary), acting through the Administrator of the Federal Emergency Management Agency (FEMA), to award grants to State, local, and tribal governments. It clarifies that other grant programs, such as the Assistance to Firefighters Grant programs, the Metropolitan Medical Response System, critical infrastructure grant programs, including transportation security grants programs, the port security grant program, and grants administered by agencies other than the Department of Homeland Security (the Department or DHS), are not covered under the title.

The Conference substitute adopts the Senate provision, as modified. It specifically authorizes the Secretary, acting through the Administrator of FEMA (the Administrator), to make grants under the State Homeland Security Grant Program and the Urban Area Security Initiative. It specifically provides that none of the provisions in subtitle A affect, or may be construed to affect, programs authorized under the Federal Fire Prevention and Control Act; grants authorized under the Stafford Act; Emergency Management Performance Grants under the amendments made by Title II of the Implementing the Recommendations of the 9/11 Commission Act of 2007; grants to protect critical infrastructure, including port security grants authorized under 46 U.S.C. 70107 and grants authorized under titles XIV, XV, and XVI of the Implementing the Recommendations of the 9/11 Commission Act of 2007; Metropolitan Medical Response System grants authorized under section 635 of the Post-Katrina Emergency Management Reform Act; the Interoperable Emergency Communications Grant Program authorized under title XVIII of the Homeland Security Act; and grants not administered by the Department.

Section 1014 of the USA Patriot Act (42 U.S.C. 3714), which authorized grants to States to "enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts," has, up until now, served as the authority for grant programs such as the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 1014 further provided that each State receive a minimum of 0.75 percent of such authorized grants. The Conference substitute clarifies that the grants authorized under sections 2003 and 2004 of the Homeland Security Act are to supersede all grant programs authorized by section 1014 of the USA PATRIOT Act and that such grants shall be governed by the terms of this title and not any other provision of law, including with respect to the minimum guaranteed to each State under section 2004 and the fact that, where there is such a minimum, it is to be allocated as a "true minimum," in the manner explained below.

The Conferees remain concerned about the implementation of the provisions in the Post-Katrina Emergency Management Reform Act (PL 109-295), which placed the authority to conduct training and exercises and administer grants within FEMA, thus restoring the nexus between emergency preparedness and response. The Conferees continue to believe that the Administrator, in consultation with other relevant Departmental components with issue-area expertise, should have responsibility for administering all grant programs administered by the Department, which will ensure the coordination among those programs and consistency in the guidance issued to grant recipients.

Section 2003. Urban Area Security Initiative

Section 2003 of the House bill provides that areas determined by the Secretary to be high-threat urban areas may apply for Urban Area Security Initiative grants.

Section 2003 of the Senate bill specifically establishes the Urban Area Security Initiative grant program, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. It allows eligible metropolitan areas, defined primarily as self-defined areas within the 100 largest metropolitan statistical areas, to apply for the grants. This section requires that the grants be allocated based on the threat, vulnerability, and consequences of a terrorist attack, as well as the effectiveness of each urban area's proposed spending plan in increasing the area's preparedness for terrorism and reducing risk. The section further describes the allowable uses of the grant funding by urban areas.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute provides for a two-stage process for designating high-risk urban areas eligible to apply for Urban Area Security Initiative grants. First, the Department is to conduct an initial assessment of the risks, threats, and vulnerabilities from acts of terrorism faced by eligible metropolitan areas, defined as the 100 most populous metropolitan statistical areas in the United States. During this initial assessment, these areas may submit relevant information to the Department for consideration. Second, once this initial assessment process is complete, the Department will designate which jurisdictions may apply for Urban Area Security Initiative grants based solely on the assessment of risk from acts of terrorism.

Section 2004. State Homeland Security Grant Program

Section 2003 of the House bill provides that States, regions, and directly eligible tribes shall be eligible to apply for grant funds under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 2004 of the House Bill sets forth minimum amounts each State shall receive (0.25 percent), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45 percent). Under the House bill territories and directly eligible tribes would receive not less than 0.08 percent of the funds.

Section 2004 of the Senate bill establishes the State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism. The section requires that the grants be allocated to States based on the threat, vulnerability, and consequences of terrorism faced by a State, and lists factors to be considered in determining a State's risk. The section further provides that, in allocating funds, no State shall receive less than 0.45 percent of the overall appropriation for this program and that each State distribute a minimum of 80 percent of funding received under this program to local and tribal governments within that State, consistent with the State's homeland security plan. Territories would receive not less than 0.08 percent of the funds. The section also describes the allowable uses for grant funding provided to States under this section.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires that each State receive, from the funds appropriated for the State Homeland Security Grant Program, not less than 0.375 percent of the total funds appropriated for grants under sections 2003 and 2004 in Fiscal Year 2008. This minimum decreases to 0.35 percent over five years. Each territory is to receive not less than 0.08 percent of the funds and tribes are to receive, collectively, not less than 0.1 percent of the funds.

In all cases, the minimum is a "true minimum," in which funding allocations are initially determined entirely on the basis of terrorism risk and the anticipated effectiveness of the proposed use of the grant. Any recipient that does not reach the minimum based on this risk allocation will receive additional funding from the amount appropriated for the State Homeland Security Grant Program to ensure the respective minimum is met. This distribution method is consistent with the Department's practice for FY 2007 for the formula grants in the Homeland Security Grant Program, and maximizes the share of funds distributed on the basis of risk. The Urban Area Security Initiative will continue to be allocated exclusively on the basis of the risk from acts of terrorism and the anticipated effectiveness of the proposed use of the grant.

Section 2005. Grants to directly eligible tribes

Section 2003 of the House bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program, requires the designation of a specific individual to serve as the tribal liaison for each tribe, and allows an opportunity for each State to comment to the Secretary on the consistency of a tribe's application with the State's homeland security plan.

Section 2004 of the Senate bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program.

The Conference substitute adopts the House provision, as modified. The Conference substitute further clarifies that, regardless of whether a tribe receives funds directly from the Department, the tribe remains eligible to receive a pass-through of section 2004 funds for other purposes from any State within which it is located, and that States retain a responsibility for allocating funds received under section 2004 to assist tribal communities, including tribes that are not directly eligible tribes, achieve target capabilities not achieved through direct grants.

Section 2006. Terrorism prevention

There is no comparable House provision.

Section 2005 of the Senate bill requires that the Department of Homeland Security designate a minimum of 25 percent of the funding to States and urban areas through the State Homeland Security Grant Program and Urban Area Security Initiative for law enforcement terrorism prevention activities. It provides a list of allowable uses for the funding. The section also establishes the Office for the Prevention of Terrorism within the Department to, among other things, coordinate policy and operations between Federal, State, local, and tribal governments related to the prevention of terrorism.

The Conference substitute adopts the Senate provision, as modified.

The Conferees note the importance of law enforcement terrorism prevention activities and requires the Administrator to ensure that not less than 25 percent of the combined funds from the State Homeland Security Grant Program and Urban Area Security Initiative are dedicated to these vital activities. This will ensure that law enforcement terrorism prevention activities are appropriately coordinated with other State and high-risk urban area efforts to prevent, prepare for, protect against, and respond to acts of terrorism using grant funds.

The Conference substitute also includes a provision creating an Assistant Secretary in the DHS Policy Directorate to head an Office for State and Local Law Enforcement. This new Assistant Secretary will lead the coordination of Department-wide policies relating to State and local law enforcement's role in preventing acts of terrorism and will also serve as a liaison between law enforcement agencies across the country and the Department. The Conferees believe this office gives the State and local law enforcement community a much needed voice and high-level point of contact in the Department and integrates prevention and other law enforcement activities across the Department, while avoiding the creation of further stovepipes.

The Conference substitute creates the Assistant Secretary in the Department's Policy Directorate because of that Directorate's central role in coordinating policies across the Department. By such placement, however, the Conferees do not intend to preclude the Secretary from seeking advice directly from the Assistant Secretary, or from having the Assistant Secretary report directly to the Secretary, if the Secretary determines that arrangement would be most helpful and/or most beneficial to the Department.

In addition, the Conference substitute includes language in this section to reflect the general purpose of the Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program in House Sections 701 and 702. Many local and tribal law enforcement and other emergency response providers that would like to participate in State, local, or regional fusion centers lack the resources—in terms of funding and staff—to do so. These providers are not usually in the headlines; instead, they typically serve under represented suburban and rural jurisdictions where terrorists may live, work, and plan attacks—even if they themselves are not likely targets of those attacks.

The Conferees believe that such agencies and departments, based on an appropriate showing of risk, should qualify for grant funding so they can send representatives to State, local, or regional fusion centers. Such funding should be available for (1) backfilling positions for law enforcement officers, intelligence analysts, and other emergency response staff detailed to fusion centers; and (2) appropriate training in the intelligence cycle, privacy and civil liberties, and other relevant matters, as determined by the Secretary.

The Conference substitute also provides for the Assistant Secretary for State and Local Law Enforcement and the Administrator to jointly conduct a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters, and to report on the results of that study to the appropriate Committees of Congress. By requiring the study, the Conferees do not intend to authorize the creation, use or deployment of such teams, but instead intends that the Assistant Secretary and the Administrator report to Congress on the results of the study and, in the event they determine that such deployment teams are feasible and likely to be effective, that they seek further Congressional authorization before implementing any such program. The Conferees further intend that any such deployment teams, if implemented, would, like other specialized response teams, such as Urban Search and Rescue Teams, be subject to the direction of the Administrator and coordinated with the other activities of FEMA.

Section 2007. Prioritization

Section 2004 of the House bill requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure from acts of terrorism.

There is no comparable Senate provision. Instead the Senate bill individually lists the factors that the Administrator shall consider when allocating grants under sections 2003 and 2004.

The Conference substitute adopts the House provision, as modified. The Conference substitute requires that in allocating funds among States and high-risk urban areas the Administrator consider for each State and high-risk urban area, its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of several enumerated factors; and the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area. While the Conference substitute does not specify the particular weight to be given to any of the listed criteria, it nonetheless requires that each of the characteristics listed in subparagraphs 2007(a)(1)(A) through (J) be considered as part of the assessment of threat, vulnerability, and consequences from acts of terrorism faced by the State or high-risk urban area. The Conference substitute also provides that the Administrator may consider additional factors beyond those listed, as specified in writing, in assessing a State or high-risk urban area's risk.

Section 2008. Use of funds

Section 2005 of the House bill lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass funds through to local governments within 45 days of receipt of grant funds.

There is no comparable Senate provision. Instead, the Senate bill authorizes eligible uses of funds for each grant program individually and provides for limitations on the use of grant funds under Section 2007 of the Senate bill.

The Conference substitute adopts the House provision, with modifications. The Conference substitute authorizes grant funds under sections 2003 and 2004 to be used for a number of uses including planning, training, exercises, protecting critical infrastructure, purchasing equipment, and paying personnel costs associated with both straight time and overtime and backfill, in addition to any allowable use in the FY2007 grant guidance for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program. The Conference substitute authorizes grant recipients to use up to 50 percent of their grant funds for overtime and straight personnel costs because prevention and protection activities are personnel intensive. Nonetheless, the needs of communities vary considerably, and the Conferees anticipate that many, if not most, recipients will not need to devote the maximum allowable funding to personnel costs. The Conferees encourage grant recipients to also emphasize planning, training, and exercising in their spending plans.

It is important to note that the Conferees are concerned about audits and news reports illustrating some inappropriate uses of grant funds since the programs' inception. The Conferees, therefore, emphasize language in the Conference substitute that prohibits grant recipients from using their funding for social and recreational purposes.

Finally, the Conferees note the provision permitting grant recipients to use their funding for multiple purposes. To be clear, the Conferees do not intend for grant recipients to use their funding solely to prepare for natural disasters. The programs authorized in this title are for counter-terrorism purposes. Nevertheless, the Conferees recognize that many of the planning, training, exercising, and equipment needs of jurisdictions are similar, if not identical, for natural disasters, acts of terrorism, and other man-made disasters, and that, although some preparations for terrorist threats require unique plans and capabilities, many will be part of overall all-hazards preparedness. Therefore, although the use of grant funds under these programs must further a jurisdiction's counter-terrorism activities and programs, the Conferees expect and encourage such jurisdictions to engage in activities, such as evacuation exercises, that will contribute to preparedness for both terrorist and non-terrorist events and not to hesitate to use, for example, equipment purchased for counter-terrorism purposes to respond to a non-terrorist incident.

Subtitle B—Grants Administration

Section 2021. Administration and coordination

There is no comparable House provision.

Section 2007 of the Senate bill requires the Administrator to ensure that the recipients of grants administered by the Department coordinate their activities regionally, including across State boundaries where appropriate, and that State and urban recipients establish a planning committee including relevant stakeholders to assist in the preparation and revision of area homeland security plans. This section also requires that the Department coordinate with other relevant Federal agencies to develop a proposal to coordinate the reporting and other requirements for homeland security assistance programs across the Federal government to avoid duplication and undue burdens on State, local, and tribal governments.

The Conference substitute adopts the Senate provision, as modified.

The Conference substitute includes a provision requiring States and high-risk urban areas receiving grants under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a planning committee if they have not already done so. The Conferees are aware that many multi-jurisdictional councils of governments, regional planning commissions and organizations, development districts, and consortiums have responsibility for implementing emergency response plans and coordinating cross-jurisdictional response capabilities, and urges the Department to support the continued use of such entities.

Because natural disasters, acts of terrorism and other man-made disasters do not respect political boundaries, and because such events have the potential to overwhelm the capabilities of a single jurisdiction, the Conferees believe that it is important that there be regional coordination in preparing for these events, and the Conference substitute requires that the Administrator ensure that grant recipients appropriately coordinate with neighboring State, local and tribal governments. The Conference does not intend, however, that this provide a license to the Administrator to impose burdensome requirements on local subgrantees or other small communities, and encourages the Administrator to ensure regional coordination primarily by working with States, high-risk urban areas, and other direct recipients of grants.

Section 2022. Accountability

Section 2005 of the House bill requires recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Law Enforcement Terrorism Prevention Program to submit an annual report to the Secretary concerning the use and allocation of those grant funds, and provides incentives for submission of quarterly reports. It also requires that the Secretary submit an annual report to Congress concerning the use of funds by grant recipients and describing progress made in enhancing capabilities as a result of the expenditure of grant funds.

Section 2008 of the Senate bill requires the Administrator to submit annual reports to Congress evaluating the extent to which grants have contributed to the progress of State, local, and tribal governments in achieving target capabilities and providing an explanation of the Department's risk methodology. In addition, Section 2009 of the Senate bill requires the Inspector General of the Department (the Inspector General) to audit all recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Emergency Management Performance Grant program. The audits are to be conducted within two years of enactment of the bill or receipt of such a grant, and be made publicly available on the website of the Inspector General. The Inspector General is also required to audit each entity that received a preparedness grant from the Department prior to enactment of this legislation.

The Conference substitute adopts the Senate provision, as modified. Among other things, the Conference substitute requires that at least every two years, the Administrator conduct a programmatic and financial review of each State and high-risk urban area receiving a grant administered by the Department to examine whether grant funds are being used properly and effectively. It requires further that the Inspector General follow up these agency reviews by conducting independent audits of a sample of States and high-risk urban areas each year. The Inspector General is to conduct an audit of all States at least once over the next seven years, report to Congress on any findings, and post the results of the audits on the Internet, taking steps to protect classified and other sensitive information. The Conference substitute authorizes additional funding to help ensure that the Administrator and the Office of the Inspector General are able to carry out these oversight and auditing functions. In addition, the Conference substitute requires the submission of quarterly and annual reports by grant recipients.

While the Conference acknowledges the importance of transparency and therefore requires the public online posting of audits in this section, the Conference substitute exempts any audit information from being released publicly that contains "sensitive" information. The Conference emphasizes that the sensitive information referred to in this provision is information that, while it may not be classified, would be detrimental to national security if made public, such as information designated as Sensitive Security Information. The Conference emphasizes therefore that the term "sensitive information," and the associated exemption from public disclosure, does not apply to information which a grantee or the Department may simply find embarrassing, questionable, unlawful, or otherwise suggestive of poor management or judgment. That an audit contains sensitive information should not be cause to withhold the entire audit from public release, but rather the Conference expects that such information would merely be redacted from posted audits.

Section 102. Other Amendments to the Homeland Security Act of 2002

Section 2004(a)(1) of the House bill includes a provision requiring the Secretary to coordinate with the National Advisory Council and other components of the Department when evaluating and prioritizing grant applications.

Section 2007 of the Senate bill requires that the Administrator regularly consult and work with the National Advisory Council, an advisory panel of State, local, tribal, private and nonprofit officials established under Section 508 of the Homeland Security Act, on the administration and assessment of the Department's grant programs, in order to ensure regular and continuing input from State, local and tribal governments and emergency response providers and better integration of these parties into the grants process.

The Conference substitute adopts the Senate provision, as modified.

Section 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006

Section 2005(h)(5)(E) of the House bill requires that each recipient of a covered grant include in its annual report to the Secretary, information on the extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

Section 2008(a)(1) of the Senate bill requires that, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act, the Administrator report to Congress on the extent to which grants administered by the Department have contributed to State, local and tribal governments achieving target capabilities and have led to the reduction of risk.

The Conference substitute adopts the Senate provision, as modified. Section 103 of the substitute amends section 652 of the Post-Katrina Emergency Management Reform Act to require that the Administrator conduct an evaluation of the efficacy of Department grants in helping States, localities, and tribes achieve target capabilities and in reducing risk and to require States to report on the extent to which their target capabilities remain unmet and assess the resources needed to meet preparedness priorities.

Section 104. Technical and conforming amendments

Section 104 makes technical and conforming amendments to the Homeland Security Act of 2002, consistent with those made in section 204 of the Senate bill and paragraphs (a)(1)–(4) of Section 101 of the House bill.

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

There is no comparable House provision.

Title IV of the Senate bill reauthorizes the Emergency Management Performance Grants (EMPG) Program. In the Senate bill, the program provides grants to States to assist State, local and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards. The section codifies the existing allocation formula for EMPG grants in which each State receives 0.75 percent of the total appropriation for this program, with the remainder of the appropriated funding distributed to States in proportion to their population. The Senate bill also specifies allowable uses for EMPG grants, and continues the existing cost-sharing requirement, whereby the Federal share of an activity's cost may not exceed 50 percent.

The Conference substitute adopts the Senate provision, with modifications. Section 201 of this title directs the Administrator to continue implementation of an Emergency Management Performance Grants program, the nation's principal grant program to assist State, local, and tribal governments in preparing for all hazards. The Conference substitute continues this program, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and authorizes appropriations for the program through FY 2012. Section 202 of this title amends section 614 of the Stafford Act, concerning the Federal share for construction of Emergency Operations Centers (EOCs). Section 202 allows the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing State or local EOCs. While equipping, upgrading, and constructing EOCs are eligible activities under the EMPG program, these also remain eligible activities under other provisions of Title VI of the Stafford Act, and section 202 applies the maximum 75 percent Federal cost share to the EMPG program and to any other program authorized under Title VI of the Stafford Act that provides grants for construction of EOCs.

TITLE III—INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS

Section 301. Interoperable Emergency Communications Grant Program

Section 201 of the House bill amends Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security (the Department or DHS). This provision directs the Secretary of Homeland Security (the Secretary), acting through the Office of Grants and Training, in coordination with the Director of Emergency Communications, to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among State, regional, national, and, in some instances, international border communities. The provision provides that the ICER grant program would be established the first fiscal year after the Department met the following requirements: the completion of and delivery to Congress of the National Emergency Communications Plan; the completion of the baseline interoperability assessment, and the determination by the Secretary that substantial progress has been made with regard to emergency communications equipment and technology standards. Further, the provision states that the ICER grants may be used for planning, design and engineering, training and exercises, technical assistance, and other emergency communications activities deemed integral to emergency interoperable communications by the Secretary.

Section 301 of the Senate bill amends Title XVIII of the Homeland Security Act of 2002 by creating a grant program administered by the Federal Emergency Management Agency (FEMA) dedicated to improving operable and interoperable emergency communications at local, regional, State, Federal and, where appropriate, international levels. In applying for the grants, States would have to demonstrate that the grants would be used in a manner consistent with their Statewide interoperability plans and the National Emergency Communications Plan. The States would be required to pass at least 80 percent of the total amount of the grants they receive, or the functional equivalent, to local and tribal governments. Section 301 requires that each State receive not less than 0.75 percent of the total funds appropriated for the grant program in any given year. Further, Section 301 authorizes $3.3 billion for the grant program for the first five years: $400 million in Fiscal Year 2008; $500 million in Fiscal Year 2009; $600 million in Fiscal Year 2010; $800 million in Fiscal Year 2011; and $1 billion in Fiscal Year 2012.

The Conference substitute adopts the Senate provision by amending Title XVIII of the Homeland Security Act to require that the Secretary establish the Interoperable Communications Grant Program to make the grants to States. The Conference Report clarifies the Senate's all-hazards approach for the use of the grants by stating that the grants should be used to carry out initiatives to improve "interoperable emergency communications, including the collective response to natural disasters, acts of terrorism, and other man-made disasters."

The Conference substitute clarifies that the Office of Emergency Communications is responsible for ensuring that the grants awarded under this section are consistent with the policies established by the Office of Emergency Communications in accord with its statutory authority and that the activities funded by the grants must be consistent with the Statewide interoperable communications plans and comply with the National Emergency Communication Plan, when completed. The Conference substitute further makes clear that FEMA will administer the grant program pursuant to its responsibilities and authorities under law. It is the intent of the Conferees that FEMA administer the grant program in a manner that is consistent with the policies established by the Office of Emergency Communications. FEMA shall provide applicants a reasonable opportunity to correct defects in the application, if any, before making final awards.

The Conference substitute modifies the House and Senate provisions to clarify that the grants administered under this section shall be used for activities determined by the Secretary of the Department to be integral to interoperable communications. Because of a concern about the potential for fraud, waste, and abuse, the Conferees expect the Department to institute aggressive oversight and accountability measures to ensure that grantees under this section use the funds in a manner that advances the standards outlined in the SAFECOM interoperability continuum, including but not limited to governance, standard operating procedures, technology, training and exercises, and usage. Moreover, the Conference substitute states that recipients of grant funds under this program are prohibited from using grants for recreational or social purposes. Nor may grantees use these funds to supplant State or local funds, or to meet cost-sharing contributions. The Conference substitute gives the Secretary clear authority to take "such actions as necessary" to ensure that the grant funds are being used for their intended purpose.

Grants awarded pursuant to the Interoperable Emergency Communications Grant Program may be used for operable communications—the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters—if the Director of Emergency Communications reports to the Secretary of the Department of Homeland Security that a national baseline level of interoperability has been achieved, or if the Director of Emergency Communications finds that an applicant's specific request for grant funds for operability is critical and necessary to achieve interoperability.

The Conference substitute requires that before a State may receive a grant under this section, the Director of the Office of Emergency Communications shall approve the State's statewide interoperable communications plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. § 194(f)). The Conferees intend it to be the responsibility of the Director of Emergency Communications to ensure that the State-wide interoperability plans are designed to advance interoperability at all levels of government, consider applicable local and regional plans, and comply with the National Emergency Communications Plan, when complete. The Conference substitute provides that each State that receives a grant under this section shall certify that the grant is used for the intended purposes of the grant program.

The Conferees agreed to remove the Senate provision related to a review board to assist in reviewing the grant applications since the Department has entrusted that responsibility to peer review groups made of emergency communication experts.

The Conference substitute reflects the agreed-upon authorization of $1.6 billion for the grant program under this section which shall be allocated over five fiscal years beginning in Fiscal Year 2008, after the completion of the National Emergency Communications Plan and its submission to Congress. The Conference substitute authorizes such sums as necessary for each fiscal year following the initial five year period. The Conferees agree that to ensure that grants are spent on effective measures to improve interoperability, the Secretary may not award a grant under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, to the extent that such standards exist, unless the State demonstrates a compelling reason. The Conference substitute adopts the Senate provision, with modifications, that States receiving a grant under this section shall pass through 80 percent of the grant funds, or the functional equivalent, to local and tribal governments. The Conference substitute prohibits States from imposing unreasonable or unduly burdensome requirements on tribal governments as a condition of providing grant funds or resources.

The Conference substitute outlines the funding formula for the distribution of grant dollars to ensure that each State receives a minimum of funds for each fiscal year as follows: 0.50 percent for Fiscal Year 2008; 0.50 percent for Fiscal Year 2009; 0.45 percent for Fiscal Year 2010; 0.40 percent for Fiscal Year 2011; and 0.35 percent for Fiscal Year 2012 and each subsequent fiscal year. The territories of the United States are to receive no less than 0.08 percent of the total amount appropriated for grants under this title for each fiscal year.

The Conference substitute modifies the Senate's provision regarding the annual reporting requirement of States that receive grants. Reports to the Office of Emergency Communications shall be made publicly available, subject to redactions necessary to protect classified or other sensitive information. The Conference substitute requires that the Office of Emergency Communications submit to Congress an annual report detailing how the grants under this section facilitate the implementation of the Statewide interoperability plans and advance interoperability at all levels of government.

Section 302. Border interoperability demonstration project

There is no comparable House provision.

Section 302 of the Senate bill establishes an international border demonstration project involving at least six pilot projects aimed at improving interoperability along the U.S.-Canada and U.S.-Mexico borders.

The Conference substitute adopts the Senate provision, with modifications. The Senate provision establishes in the Department the International Border Community Interoperable Communications Demonstration Project. The Conference has agreed that the demonstration project will be carried out by the Office of Emergency Communications at the Department in coordination with the Federal Communications Commission and the Department of Commerce. The Conference directs that the demonstration project may only proceed after the Federal Communications Commission and the Department of Commerce have agreed upon the availability of the necessary spectrum resulting from the 800 megahertz rebanding process in the affected border areas.

The Conference substitute directs the Office of Emergency Communications to foster local and tribal, State and Federal interoperable communications in those communities selected for demonstration projects. The Office of Emergency Communications is also directed to identify solutions to facilitate interoperable communications across the national borders, provide technical assistance, and ensure the emergency responders can communicate in the event of natural disasters, acts of terrorism, and other man-made disasters. The Conference agrees that the Director of the Office of Emergency Communications shall receive a report from each State receiving funds under this section within 90 days of receiving the funds. The Conference substitute specifies that the Director may not fund a demonstration project for more than three years.

TITLE IV—INCIDENT COMMAND SYSTEM

Section 401. Definitions

There is no comparable House provision.

Section 1002 of the Senate bill includes several definitions relevant to credentialing and typing.

The Conference substitute adopts the Senate provision with minor modifications.

Section 402. National exercise program design

Section 301 of the House bill strengthens the design of the national exercise program to require the program to enhance the use and understanding of the Incident Command System (ICS).

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 403. National exercise program model exercises

Section 302 of the House bill strengthens the national exercise program to enhance the use and understanding of ICS by requiring that the national exercise program include model exercises for use by State, local and tribal governments.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with minor modifications.

Section 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.

Section 1001 of the Senate bill and section 303 of the House bill both contain language making it a responsibility of the Federal Emergency Management Agency (FEMA) regional directors to work with State and local governments to pre-identify sites where multi-jurisdictional incident command can be established. Additionally, section 1001 of the Senate bill creates a responsibility for FEMA regional directors to coordinate with the private sector to ensure private sector preparedness.

The Conference substitute adopts these provisions.

Section 405. Federal response capability inventory

There is no comparable House provision.

Section 1002 of the Senate bill establishes a database of all Federal personnel and resources credentialed and typed that are likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

The Conference substitute adopts the Senate provision with modifications integrating it into the Federal Response Capability Inventory established by the Post-Katrina Emergency Management Reform Act of 2006.

Section 406. Reporting requirements

There is no comparable House provision.

Section 1002 of the Senate bill requires an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the number and qualifications of Federal personnel trained and ready to respond to a natural disaster, act of terrorism or other man-made disaster. This section also requires the Administrator to evaluate whether the list of credentialed FEMA personnel complies with the strategic human capital plan established by the Post-Katrina Emergency Management Reform Act of 2006.

The Conference substitute adopts the Senate provision with modifications which integrate the provisions into the reporting requirements of the Post-Katrina Emergency Management Reform Act of 2006.

Section 407. Federal preparedness

There is no comparable House provision.

A critical component of any incident command system is the use of common terminology for disaster response resources to ensure the correct resources are deployed to and used in an incident. Credentialing and typing involves using a common naming system to classify the capabilities or attributes of personnel and equipment, and is a fundamental part of the ICS. In order to fully implement ICS, section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters.

The Conference substitute adopts the Senate provision with modifications, amending the Post-Katrina Emergency Management Act to clarify that the typing and credentialing provisions will be used to enhance our national preparedness system. The Conference agrees that the typing and credentialing provisions are an essential part of enhancing our national preparedness system and that once completed, such data must be regularly updated so that an inventory of available resources is available to the Administrator of FEMA to aid in preparing for and responding to disasters.

Section 408. Credentialing and typing

There is no comparable House provision.

Section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters. Once the standards have been developed, the language requires DHS and other Federal agencies with responsibilities under the National Response Plan to type, credential, and inventory personnel and resources likely to be used in disaster response, to allow FEMA to be able to effectively coordinate the deployment and use of Federal resources in disaster response. The Senate bill also directs FEMA to distribute standards to Federal agencies with responsibilities under the National Response Plan, and State and local governments.

The Conference substitute adopts the Senate provisions with some modifications, requiring Federal agencies to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a disaster. The Conference substitute also requires the Administrator of FEMA to distribute standards and detailed written guidance to Federal, State, local, and tribal governments that may be used by such governments to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and other resources likely needed to respond to disasters.

Section 409. Model standards and guidelines for critical infrastructure workers

There is no comparable House provision.

Section 1002 of the Senate bill requires FEMA, working with Federal, State, local, and tribal governments, and the private-sector to establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to disasters.

The Conference substitute adopts the Senate language with minor modifications. The Conference notes that responsibility and authority for access of critical infrastructure workers to disaster sites generally resides with State and local governments, except in limited circumstances, and that this section does not alter those responsibilities and authorities.

Section 410. Authorization of appropriations

There is no comparable House provision.

Section 1002 of the Senate bill authorizes the appropriation of such sums as necessary to carry out the section.

The Conference substitute adopts the Senate language with minor modifications.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Section 501. Homeland security information sharing

Section 723 of the House bill includes several provisions to improve homeland security information sharing. Among other things, it directs the Secretary of Homeland Security (the Secretary), acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture for the Department of Homeland Security's (the Department or DHS) Office of Intelligence and Analysis; requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of that architecture; and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with modifications. It deletes the reference to an implementation plan for the comprehensive information technology network architecture and instead includes new text to reflect the purpose of that architecture: to connect the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing within the Department. The Conference substitute likewise deletes references to the Markle Foundation. The Conference nevertheless concurs that the architecture in question should, to the extent possible, incorporate the approaches, features, and functions of the information sharing network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

The Conference substitute also directs the Secretary to designate "Information Sharing and Knowledge Management Officers" within each intelligence component to coordinate information sharing efforts and assist the Secretary with the development of feedback mechanisms to State, local, tribal, and private sector entities. The Conference concurs that the Department's outreach to State, local, and tribal intelligence and law enforcement officials has been haphazard and often accompanied by less than timely results. While it can point to many successful examples of coordination and collaboration with State, local, tribal, and private sector officials, the Office of Intelligence and Analysis must increase its involvement with them and appropriately incorporate their non-Federal information into the Department's intelligence products. In addition, it is essential that the Department provide feedback to these non-Federal partners—both to encourage their contributions going forward and to provide helpful guidance for future contributions. The information sharing and knowledge management officers under this section should play a key role in helping to address these gaps.

Section 502. Intelligence component defined

Section 723 of the House bill defines "intelligence component of the Department" as "any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information" except: (1) "a directorate, agency, or element of the Department that is required to be maintained as a distinct entity" under the Homeland Security Act of 2002 (6 U.S.C. 101); and (2) "any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department."

Although Section 111 of the Senate bill includes a similar definition for "intelligence component of the Department," it does not include either of the two exceptions enumerated by the House provision.

The Conference substitute adopts the House provision, with modifications. In order to capture all of the intelligence information being gathered, received, analyzed, produced, or disseminated that might qualify an element or entity of the Department as an "intelligence component," the Conference has chosen to refer to that universe of information as "intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence . . ." This phrase appears numerous times throughout the Conference substitute.

The Conference is aware that the Conference substitute defines "terrorism information" to include "weapons of mass destruction information" in section 504 of the Conference substitute. The Conference, nevertheless, has included both terms when describing "intelligence information within the scope of the information sharing environment" for illustrative purposes. This phrase should not be interpreted to give the term "weapons of mass destruction information" any meaning other than the definition for it provided in section 504 of the Conference substitute.

The Conference substitute establishes the position of Under Secretary for Intelligence and Analysis to replace the Assistant Secretary for Information Analysis, commonly known as the Department's Chief Intelligence Officer. The Under Secretary shall also serve as the Department's Chief Intelligence Officer. Through the Secretary, the Under Secretary shall be given new responsibilities, in addition to those of the Assistant Secretary for Information Analysis, in order to drive a common intelligence mission at the Department that involves the full participation of the Department's intelligence components.

The Conference substitute carves out the United States Secret Service from the definition of "intelligence component of the Department" entirely. Subsection (b) nevertheless would require that the Secret Service share all homeland security information, terrorism information, weapons of mass destruction information, national intelligence, or suspect information obtained in criminal investigations with the Under Secretary for Intelligence and Analysis. In addition, the United States Secret Service will cooperate with the Under Secretary concerning information sharing and information technology activities outlined in sections 204 and 205 of the Homeland Security Act of 2002. The Conference also expects that the Secret Service will provide training and guidance to its employees, officials, and senior executives in a manner that is comparable to the training provided to intelligence component personnel under section 208 of the Homeland Security Act of 2002.

The Conference intends that the United States Secret Service should participate to the fullest extent in the integration and management of the intelligence enterprise of the Department. Given unique operational equities of the United States Secret Service, however, the Conference does not believe that it is appropriate to specifically identify the United States Secret Service as an "intelligence component" of the Department. The provision also clarifies that nothing in this Act interferes with the position of the United States Secret Service as a "distinct entity" within the Department.

Subsection (b) carves out the Coast Guard from the definition of "intelligence component of the Department" when it is engaged in certain activities or acting under or pursuant to particular authorities. The Conference concurs that nothing in this section shall provide the Under Secretary for Intelligence and Analysis with operational or other tasking authority over the Coast Guard. The Conference nevertheless believes that the Coast Guard should collaborate and participate in the intelligence enterprise of the Department of Homeland Security.

Section 503. Role of intelligence components, training, and information sharing

Section 742 of the House bill delineates several key responsibilities for the head of each intelligence component of the Department regarding support for, and coordination and cooperation with, the Under Secretary for Intelligence and Analysis in the areas of acquisition, analysis, and dissemination of homeland security information; performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation; recruitment and selection of intelligence officials of intelligence components detailed to the Office of Intelligence and Analysis; reorganization and restructuring of intelligence components; and program and policy compliance.

Section 114 of the Senate bill, in turn, establishes information sharing incentives for employees and officers across the Federal Government by providing the President and agency heads with the discretion to consider, when making cash awards for outstanding performance, an employee's or officer's success in sharing information within the scope of the information sharing environment (ISE) described in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485). It also requires agency and department heads to adopt best practices to educate and motivate employees and officers to participate fully in that environment—through, among other things, promotions, other nonmonetary awards, and recognition for a job well done.

The Conference substitute combines the House and Senate provisions, with modifications.

The Conference concurs that creating these additional responsibilities for the heads of the intelligence components will institute a clearer relationship between the Under Secretary for Intelligence and Analysis and the intelligence components of the Department. Successful implementation of this section should result in a strengthened departmental intelligence capability allowing information and intelligence to be seamlessly fused into intelligence products that are truly National. It would integrate information obtained at America's land and maritime borders; from State and local governments; and including intelligence on ports, mass transit facilities, chemical plants, and other critical infrastructure. While the Department has taken many solid steps in this direction since the completion of the Second Stage Review in July 2005, the Conference believes that the Secretary must redouble efforts to better integrate the intelligence components of the Department internally.

The Conference notes that one of the greatest challenges to establishing the ISE is conveying its importance to employees and officers across the Federal Government who are being asked to do something new and—in many cases—foreign to them. Incentives will motivate many such employees and officers to educate themselves about the guidelines, instructions, policies, procedures, and standards that are applicable to the ISE and how their particular agency or department is incorporating them into its culture. The Conference observes, however, that nothing in this section should be construed to prohibit an agency or department head, in consultation with the program manager of the ISE under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) ("ISE Program Manager"), from prescribing appropriate penalties for failing to participate fully in the ISE.

Section 504. Information sharing

There is no comparable House provision.

Section 112 of the Senate bill amends section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 by broadening the definition of "terrorism information" to include both homeland security information and weapons of mass destruction information and by defining "weapons of mass destruction information." Senate Section 112 likewise eliminates the temporary terms of both the ISE Program Manager and the Information Sharing Council, set to expire in April 2007, and makes them permanent. Additionally, it enhances the ISE Program Manager's government-wide authority not only by clarifying the Program Manager's existing authority over the information sharing activities of Federal agencies but also by establishing new authorities to (1) issue government-wide information sharing standards; (2) identify and resolve information sharing disputes; and (3) identify to the Director of National Intelligence appropriate personnel from agencies represented on the Information Sharing Council for detail assignments to the Program Manager to support staffing needs. Senate Section 112 also authorizes up to 40 FTEs and $30,000,000 in each of the next two fiscal years to support the Program Manager. Finally, it requires the government to report on the feasibility of eliminating Originator Control markings, adopting an authorized use standard for information sharing, and using anonymized data to promote information sharing.

The Conference substitute adopts the Senate provision, with modifications. Among other things, it excludes "homeland security information", as defined in Section 892(f) of the Homeland Security Act of 2002, from the definition of "terrorism information". The specialized missions of the Department create for it a unique role within the larger Intelligence Community that requires, among other things, specific information for preventing, interdicting, and disrupting terrorist activity and securing the homeland in the aftermath of a terrorist attack. Accordingly, the Conferees concur that "homeland security information" is sufficiently distinct from the more broadly defined "terrorism information" to merit keeping the definitions separate.

Section 511. Department of Homeland Security State, Local, and Regional Fusion Center initiative

Section 732 of the House bill directs the Secretary to establish a DHS State, Local, and Regional Fusion Center Initiative to coordinate the Department's intelligence efforts with State, local, and regional fusion centers; assist fusion centers with carrying out their homeland security duties; facilitate information sharing efforts between fusion centers and the Department; encourage nationwide and integrated information sharing among fusion centers themselves; and incorporate robust privacy and civil liberties safeguards and training into fusion center operations.

Section 121 of the Senate bill contains comparable language.

The Conference concurs that the DHS State, Local, and Regional Fusion Center Initiative is key to Federal information sharing efforts and must succeed in order for the Department to remain relevant in the blossoming State and local intelligence community. State, local, and regional fusion centers are being successfully established across the country by State and local law enforcement and intelligence agencies. The Conference agrees that the Department's Office of Intelligence and Analysis, which has a primary responsibility for sharing information with State, local, and regional officials, needs to play a stronger, more constructive role in assisting these centers and are pleased to see that the Department has begun doing so. However, the Department must act quickly, thoroughly, and cooperatively in order to provide the maximum amount of support for these centers.

The Conference applauds the State, local, and regional efforts to make fusion centers a reality and the dedication of those who staff those centers. The Conference notes, however, that although fusion centers are led, operated, and otherwise run by States and localities, there is a need for a common baseline of operations at fusion centers in order to attain not only their full potential but also the full potential of the various initiatives undertaken in the Conference agreement. The Conference expects that the grant process established in the Conference substitute, the qualifying criteria for fusion centers wishing to participate in the DHS State, Local, and Regional Fusion Center Initiative, and the guidelines for fusion centers included in the Conference substitute will all help create a common baseline of operations for fusion centers that will ensure their success into the future.

The Conference substitute adopts Section 121 of the Senate bill, with modifications, to reflect the key functionalities and priorities of the Border Intelligence Fusion Center Program established in Section 712 of the House bill. That Program was designed to provide the Department with a more robust "border intelligence" capability—a capability essential to improving the Department's ability to interdict terrorists, weapons of mass destruction, and related contraband at America's land and maritime borders. The Conference concurs that the Department can make better use of its resources, and obtain better situational awareness of terrorist threats at or involving those borders, by partnering more effectively with State, local, and tribal law enforcement officers in relevant jurisdictions. With better information sharing, those officers can act as "force multipliers" that may very well help prevent the next terrorist attack from abroad.

The Conference believes that by deploying officers and intelligence analysts from United States Customs and Border Protection (CBP), United States Immigration and Customs Enforcement (ICE), and the Coast

Guard to fusion centers participating in the Program, the Department can increase its capacity to create accurate, actionable, and timely border intelligence products aimed at this threat. In order to maximize their effectiveness, CBP, ICE, and Coast Guard officers and analysts creating border intelligence products should not only include the input of police and sheriffs' officers as part of their process, but also should ensure that those products actually respond to the needs of officers in the field as expressed by those officers. The Conference accordingly believes that the Department personnel assigned to fusion centers under this section should communicate with State, local, and tribal law enforcement officers not only at fusion centers but also in their actual communities where they are headquartered.

While the Conference believes that the Department's effort at State, local, and regional fusion centers is a critical one that should be encouraged, they note that it is not the only such effort. The Federal Bureau of Investigation (FBI), for example, has had long-standing relationships with State, local, and tribal law enforcement and other emergency response providers through Joint Terrorism Task Forces (JTTFs) across the country and has established Field Intelligence Groups (FIGs) that are, in many case, colocated with the fusion centers. Those relationships have continued through the JTTFs, FIGs, and an established and growing FBI presence at many fusion centers. Nothing in this section should be construed to subordinate the role of the FBI to the Department's own efforts with the JTTFs and at fusion centers. On the contrary, it is the Conferees hope that the Department, the FBI, and other Federal agencies will coordinate as equal players at State, local, and regional fusion centers in order to form a united Federal partnership with their State and local counterparts on the front lines of the nation's homeland security efforts.

Further, the Conference recognizes that the Coast Guard is establishing Interagency Operations Command Centers (IOCC's) pursuant to the SAFE Port Act and authorized under Section 70107A of title 46, United States Code. IOCC's are being developed as model Federal centers to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism in the maritime domain. Nothing in this section should be construed to subordinate the role of the Coast Guard's efforts with the IOCC's.

Finally, the Conference recognizes, consistent with the Fusion Center Guidelines produced jointly by the Department of Justice and DHS, the important role of the public safety component in the fusion process. Emergency response providers are able to provide valuable information to the overall intelligence picture; likewise, the fusion process may provide advance information that enables essential preparation measures to enable a more effective response. Therefore, while the Conference stresses that State and local governments must ultimately determine the mission, composition, operating procedures, and communication channels of fusion centers and the fusion process, they emphasize the inherent value in including emergency response providers within the governance structure making these determinations. Nothing in this section is intended to mandate that representatives of the emergency response provider community should be physically located in all fusion centers or that their mission should shift emphasis from the missions of the intelligence and law enforcement communities. Rather, the Conference intends that fusion center governing boards and the fusion process should be structured so as to enable the consideration of nontraditional information from emergency response providers in a collaborative environment.

Section 512. Homeland Security Information Sharing Fellows Program

Section 733 of the House bill directs the Secretary, through the Under Secretary for Intelligence and Analysis, to establish a fellowship program for State, local, and tribal officials to rotate into the Office of Intelligence and Analysis in order to identify for Department intelligence analysts the kinds of homeland security information that are of interest to State, local, and tribal law enforcement and other emergency response providers; assist Department intelligence analysts in writing intelligence reports in a shareable format that provides end users with accurate, actionable, and timely information without disclosing sensitive sources and methods; serve as a point of contact for State, local, and tribal law enforcement officers and other emergency response providers in the field who want to share information with the Department; and assist in the dissemination of homeland security information to appropriate end users.

Section 122 of the Senate bill contains nearly identical language.

The Conference substitute adopts the Senate's provision, as modified. The Conference concurs that implementation of this section will help break down the cultural barriers to information sharing by teaming State, local, and tribal homeland security and law enforcement officers with the Department intelligence analysts tasked with creating intelligence products for them. The Conference notes that this section will complement the DHS State, Local, and Regional Fusion Center Initiative by providing State, local, and tribal officials with better insight and input into the Department's information sharing operations and allowing them to play a greater role in the Department's information sharing effort.

Section 513. Rural Policing Institute

There is no comparable House provision.

Section 123 of the Senate bill creates a "Rural Policing Institute" that is to be administered by the Federal Law Enforcement Training Center. The Institute would provide training for local and tribal law enforcement officers located in rural areas—defined as those areas not located within metropolitan statistical areas, as defined by the Office of Management and Budget—and would be tailored to law enforcement requirements that are unique to those areas. Section 123 would require the inclusion of several law enforcement topics in the curriculum, including methamphetamine addiction and distribution, domestic violence, and law enforcement response to school shootings. It likewise requires an assessment of these and other requirements and the development of a curriculum to address those requirements. Section 123 authorizes $10 million for Fiscal Year 2008 for the administration of the program and $5 million for each of Fiscal Years 2009 through 2013.

The Conference substitute adopts the Senate provision, with modifications. It broadens the Institute's focus to encompass not only law enforcement agencies but also other emergency response providers located in rural areas. Moreover, it deletes the references to training related to specific criminal offenses, and replaces them with training programs with a greater focus on homeland security in the areas of intelligence-led policing and protections for privacy, civil right, and civil liberties.

Section 521. Interagency Threat Assessment and Coordination Group

There is no comparable House provision.

Section 131 of the Senate bill directs the Information Sharing Environment (ISE) Program Manager to oversee and coordinate the creation of an Interagency Threat Assessment and Coordination Group (ITACG) that has as its primary mission the production of Federally coordinated products derived from information within the scope of the ISE for distribution to State, local, and tribal government officials and the private sector. Section 131 of the Senate bill locates the ITACG at the National Counterterrorism Center (NCTC) and directs the Secretary to assign a senior level officer to manage and direct the administration of the ITACG; to determine how specific products should be distributed to end users; and to establish standards for the admission of law enforcement and intelligence officials from State, local, or tribal governments into the ITACG. Section 131 of the Senate bill further prescribes the membership of the ITACG—including State, local, and tribal law enforcement and intelligence officials—and directs the ISE Program Manager to establish criteria for the selection of those officials and for the proper handling and safeguarding of information related to terrorism.

The Conference substitute adopts the Senate provision, with modifications. The Conference notes that the ITACG has roots in, among other places, the ISE Implementation Plan (the Plan) prepared by the ISE Program Manager in November 2006 to ensure the timely and effective production, integration, vetting, sanitization, and communication of terrorism information to the Federal Government's State, local, and tribal partners. The Plan explained that a "primary purpose of the ITACG will be to ensure that classified and unclassified intelligence produced by Federal organizations within the intelligence, law enforcement, and homeland security communities is fused, validated, deconflicted, and approved for dissemination in a concise and, where possible, unclassified format" to State, local, and tribal officials. The ISE Program Manager envisioned having the ITACG based at the NCTC and managed on a day-to-day basis by a senior Department official. The ISE Program Manager likewise envisioned that the Department and the Department of Justice would share the decision-making authority regarding how to disseminate various types of information to State, local, and tribal officials and the private sector.

The Conference substitute bifurcates the ITACG into two distinct entities. The first entity, an ITACG Advisory Council chaired by the Secretary or the Secretary's designee, shall set policy and develop processes for the integration, analysis, and dissemination of Federally-coordinated information within the scope of the ISE, including homeland security information, terrorism information, and weapons of mass destruction information. The second entity, an ITACG Detail created by the Secretary and managed by a senior Department intelligence official, shall be comprised of State, local, and tribal homeland security and law enforcement officers detailed to work in the NCTC with NCTC and other Federal intelligence analysts. Participants in the ITACG Detail shall integrate, analyze, and assist the dissemination of the aforementioned information to appropriate State, local, tribal, and private sector end users.

The Conference strongly believes that the ITACG presents the Department with a unique opportunity to realize its mission as the primary source of accurate, actionable, and timely homeland security information for its State, local, tribal and private sector partners that Congress had originally envisioned in the Homeland Security Act of 2002 (6 U.S.C. 101). The Department should seize the moment. The ITACG will provide the Department and the wider Intelligence Community with an unmatched ability to identify information that is of interest and utility to those partners; produce reports which can be disseminated to them in an unclassified format or at the lowest possible classification level; and assist in the targeted dissemination of particular intelligence products to appropriate end users. By building upon the Department's customer service approach to information sharing, Department leadership of the ITACG will help the Department and other Federal agencies co-located at the NCTC to leverage their existing ties with their State, local, tribal, and private sector counterparts and ultimately invigorate the two-way flow of information with them that the 9/11 Commission identified as critical to making the homeland more secure.

While the Secretary will play the primary role in establishing and maintaining the ITACG Detail and shall detail a senior intelligence official from the Department to manage its day-to-day activities, the Department is reminded that it is a guest in the NCTC. As direct reports to the Director of the NCTC, the senior intelligence official from the Department and the ITACG detailees themselves must comply with all policies, procedures, and rules applicable to other staff working in the NCTC—including any mandatory polygraph examination for NCTC staff. Neither the ITACG Advisory Council nor the ITACG Detail are in any way intended to impede, replicate, or supplant the analytic and/or production efforts of the NCTC, nor are they intended to duplicate, impede, or otherwise interfere with existing and established counterterrorism roles and responsibilities.

With regard to the preparation, review, and dissemination of products from the ITACG Detail, it is the Conference's intent that those products be subject to the same policies, procedures, and rules applicable to NCTC products. Pursuant to 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), it is the Conference's further intent that the Director should act as a gatekeeper when providing products prepared by the ITACG Detail to the Department, the Department of Justice, and other appropriate agencies for dissemination to State, local, tribal, and private sector end users. Nothing in this section should be construed to mean that the Director may distribute products prepared by the ITACG Detail directly to those end users.

Finally, the Conference agrees that the privacy and civil liberties impact assessment required under this section shall specifically address how the ITACG will incorporate the Guidelines to Implement Information Privacy Rights and other Legal Protections in the Development and Use of the Information Sharing Environment released by the President on November 22, 2006 (Presidential Guidelines) to protect privacy rights and civil liberties.

Section 531. Office of Intelligence and Analysis and Office of Infrastructure Protection

The Homeland Security Act of 2002 (6 U.S.C. 101) created an Under Secretary for Information Analysis, assisted by an Assistant Secretary for Information and Analysis and an Assistant Secretary for Infrastructure Protection, and specified the Under Secretary's primary responsibilities. These include: (1) receiving and analyzing law enforcement information, intelligence, and other lawfully obtained information in order to understand the nature and scope of the terrorist threat to the United States homeland; (2) integrating relevant information to produce and disseminate infrastructure vulnerabilities assessments; (3) analyzing that information to identify and prioritize the types of protective measures to be taken; (4) making recommendations for information sharing and developing a national plan that would outline recommendations to improve the security of key resources; (5) administering the Homeland Security Advisory System; (6) exercising primary responsibility for public threat advisory and providing specific warning information to State and local governments and the private sector, as well as advice about appropriate protective actions and countermeasures; (7) making recommendations for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to homeland security within the Federal government and between the Federal government and State and local governments.

Following the completion of the Department's Second Stage Review in July of 2005, the Secretary renamed the Office of Information Analysis the "Office of Intelligence and Analysis" and gave it responsibilities in addition to those outlined in the Homeland Security Act. In addition to its statutory duties, one of the major responsibilities for the new Office of Intelligence and Analysis is to serve as the Chief Intelligence Office of the Department—taking responsibility for leading the intelligence components of the Department.

Sections 741 and 743 of the House bill reflect these changes by statutorily reorganizing the Directorate for Information Analysis and Infrastructure Protection by doing away with the Directorate and the Under Secretary for Information Analysis and Infrastructure Protection position and officially establishing in its place a separate Office of Intelligence and Analysis, elevating the Assistant Secretary for Information and Analysis to an Under Secretary for Intelligence and Analysis as its head; and a separate Office of Infrastructure Protection, headed by the Assistant Secretary for Infrastructure Protection. Sections 741 and 743 of the House bill likewise divide the responsibilities of the former Under Secretary for Information Analysis and Infrastructure Protection outlined in Section 201(d) of the Homeland Security Act between the new Under Secretary for Intelligence and Analysis and new Assistant Secretary for Infrastructure Protection. Section 741 in the House bill also adds several new responsibilities for the Under Secretary for Intelligence and Analysis.

There is no comparable Senate provision.

The Conference substitute adopts the House provisions, with substantial modifications. While the Conference agrees with the Department's consolidation of the duties of the Office of Intelligence and Analysis, they also believe that the powers of the Department's Chief Intelligence Officer can only be effectively wielded by an Under Secretary. Therefore, this section amends the Homeland Security Act of 2002 (6 U.S.C. 101) to restructure the Department to reflect the changes wrought by the Second Stage Review by elevating the Assistant Secretary for Information Analysis to Under Secretary for Intelligence and Analysis and by officially establishing an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

The Conference substitute retains those authorities from Section 201(d) of the Homeland Security Act in the Secretary for delegation to the appropriate officials. Those authorities include a new authority in the Conference agreement, to be carried out most likely by the Under Secretary for Intelligence and Analysis: the provision of guidance to the heads of intelligence components on developing budgets, and the presentation of recommendations for a consolidated intelligence budget to the Secretary.

Finally, the Conference substitute establishes an additional Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Section 601. Availability to public of certain intelligence funding information

There is no comparable House provision.

Section 1201 of the Senate bill requires the President to disclose to the public the aggregate amount of funds requested for the National Intelligence Program for each fiscal year. It also would require Congress to disclose to the public the aggregate amount authorized to be appropriated and the aggregate amount appropriated for the National Intelligence Program. The 9/11 Commission recommended in 2004 that the aggregate amount of funding for national intelligence be declassified, and in 2004 the Senate-passed version of the Intelligence Reform and Terrorism Prevention Act included a similar provision.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute requires the Director of National Intelligence to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program, beginning with Fiscal Year 2007. Beginning with Fiscal Year 2009, it allows the President to waive or postpone this disclosure by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee of the House of Representatives an unclassified statement that the disclosure would damage national security, and a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

Section 602. Public Interest Declassification Board

There is no comparable House provision.

Section 1203 of the Senate bill authorizes the Public Interest Declassification Board, upon receiving a Congressional request, to conduct a review and make recommendations regardless of whether the review is requested by the President. It further provides that any recommendations submitted by the Board to the President shall also be submitted to the Chairman and Ranking Minority Member of the requesting Committee and extends the authorization of the Board for four years until the end of 2012.

As described in its report on activities in the 109th Congress (S. Rep. No. 110–57, at p. 26), in September 2006, the Senate Select Committee on Intelligence released two reports on prewar intelligence regarding Iraq.

In the introduction to one, the Committee expressed disagreement with the Intelligence Community's decision to classify portions of the report. Members of the Committee wrote to the then recently constituted Public Interest Declassification Board to request that it review the material and make recommendations about its classification. The Board responded that it might not be able to do so without White House authorization. In December 2006, the Board wrote to Congress to request that the statute establishing the Board be clarified to enable it to begin, without White House approval, a declassification review requested by Congress.

The Conference substitute adopts the Senate provision with minor technical and conforming changes to the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) to substitute the "Director of National Intelligence" for the "Director of Central Intelligence."

Section 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform

There is no comparable House provision.

Section 1204 of the Senate bill makes findings related to the 9/11 Commission's recommendation on Congressional oversight of intelligence. It expresses the Sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and Congressional intelligence oversight reform, review and consider other suggestions, options, or recommendations for improving intelligence oversight, and not later than December 21, 2007, submit to the Senate a joint report or individual reports that include the recommendations of the Committees, if any, for carrying out such reforms.

The Conference substitute adopts the Senate provision.

Section 604. Availability of funds for the Public Interest Declassification Board

There is no comparable House provision.

Section 1205 of the Senate bill allows the National Archives and Records Administration to obligate monies to carry out the activities of the Public Interest Declassification Board from the Continuing Appropriations Resolution of 2007, as amended.

The Conference substitute adopts the Senate provision.

Section 605. Availability of the executive summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001

There is no comparable House provision.

Section 1206 of the Senate bill provides that not later than 30 days after the enactment of this Act, the CIA Director shall prepare and make available to the public a version of the Executive Summary of a report by the CIA Inspector General that is declassified to the maximum extent possible consistent with national security.

The underlying document is the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry Into Intelligence Community Activities Before and After September 11, 2001.

The CIA Director is to submit to Congress a classified annex that explains why any redacted material in the Executive Summary was withheld from the public. The Senate Select Committee on Intelligence includes a similar provision in its Intelligence Authorization Act for Fiscal Year 2008. The Committee's efforts to obtain this measure of public accountability are detailed in its report on the Committee's activities in the 109th Congress, S. Rep. No. 110–57, at pp. 24–26 (2007).

The Conference substitute adopts the Senate provision.

TITLE VII—TERRORIST TRAVEL

Section 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information

Section 611 of the House bill requires the Department of Homeland Security (the Department or DHS), in conjunction with the Director of National Intelligence and the heads of other relevant Federal agencies, to submit a report to Congress outlining the actions the U.S. government has taken to collaborate with international partners to increase border security, enhance document security, and exchange information about terrorists.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 711. Modernization of the Visa Waiver Program

There is no comparable House provision.

Section 501 of the Senate bill enhances the security requirements in the Visa Waiver Program and provides for the program's limited expansion. This section authorizes the development and implementation of an electronic travel authorization system under which each Visa Waiver Program traveler would electronically provide information, in advance of travel, necessary to determine whether the individual is eligible to travel to the United States. The Section also requires the Secretary of Homeland Security (the Secretary) to establish an exit system that records the departure of every alien who entered under the Visa Waiver Program and departed the United States by air. In addition to existing program requirements, all Visa Waiver Program countries are required to enter into agreements with the United States to report information about the theft or loss of passports, accept repatriation of its citizens, and share information about whether a national of that country traveling to the United States represents a threat to U.S. security.

Section 501 permits the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, for admission into the Visa Waiver Program. Alternatively, the Secretary can waive the existing 3 percent nonimmigrant visa refusal rate if a country's nationals do not exceed a rate, set by the Secretary, of overstaying their authorized admission in the United States. This waiver authority is only granted to countries meeting additional security criteria, including cooperating in counterterrorism initiatives, and only when the Secretary determines that security or law enforcement interests of the United States will not be compromised. Before exercising a waiver, the Secretary must also certify to Congress that an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit by air.

The Conference adopts the Senate provision, with modifications.

The Conference recognizes that the Visa Waiver Program, which Congress established in 1986, has benefitted commerce and tourism between the United States and participating Visa Waiver Program countries. The Conference believes that a modernization of the program is long overdue and that a careful and controlled expansion to countries who have not quite met existing program entrance requirements but who have been partners with the U.S. in fighting terrorism is appropriate in order to promote greater international security cooperation. In the wake of the terrorist attacks of September 11, 2001 and subsequent foiled terror plots, the imperative for reform is greater than ever.

The Conference agrees on the need for significant security enhancements to the entire Visa Waiver Program as set forth in the Senate bill and to the implementation of the electronic travel authorization system prior to permitting the Secretary to admit new countries under his new waiver authority. The Conference mandates that the Secretary develop such an electronic travel authorization system to collect biographical and such other information from each prospective Visa Waiver Program traveler necessary to determine whether the alien is eligible to travel under the program and whether a law enforcement or security risk exists in permitting the alien to travel to the United States. The Conference believes the Secretary should check the information collected in the electronic travel authorization system against all appropriate databases, including lost and stolen passport databases such as that maintained by Interpol. The Conference believes that checking travelers from Visa Waiver Program countries against all appropriate watch lists and databases will greatly enhance the overall security of the Visa Waiver Program.

In addition, the Conference agrees to permit the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, and to allow the Secretary to establish an overstay rate in lieu of the 3 percent nonimmigrant visa refusal rate for admission into the Visa Waiver Program. The Conference believes this overstay rate should reflect a reasonable expectation that the country can continue to participate in the VWP under existing statutory criteria.

The Conference further agrees to provide the Secretary this waiver authority upon certification by the Secretary to Congress that there is an air exit system in place to verify the departure of not less than 97 percent of foreign nationals who exit by air, which may or may not be fully biometric. The Conference also agrees that the ultimate goal is to achieve a fully biometric air exit system, as described in subsection (I) of the bill. Therefore, if such a biometric system is not implemented by June 30, 2009, the Secretary's waiver authority that was based upon his certification of 97 percent accuracy of any non-biometric exit system shall be suspended until a biometric exit system is fully operational. Establishment of this biometric system will implement a 9/11 Commission recommendation and will enhance our border security and immigration enforcement by ensuring our ability to track the arrivals and departures of foreign nationals.

Section 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center

Section 601 of the House bill directs the Secretary, acting through the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement (ICE), to:

provide administrative support and funding to the Human Smuggling and Trafficking Center (the Center); ensure the Center is staffed with not fewer than 30 full-time equivalent personnel; and seek reimbursement from the Attorney General and the Secretary of State for costs associated with the participation of their respective departments in the operation of the Center. The section also directs the Office of Intelligence and Analysis (renamed under section 741), in coordination with the Center, to submit to law enforcement and relevant agencies periodic reports regarding terrorist threats related to such smuggling, trafficking, and travel.

Section 502 of the Senate bill is a comparable section but amends Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) to direct the Secretary to nominate a U.S. government official to serve as the Director of the Human Smuggling and Trafficking Center, in accordance with the Center's Memorandum of Understanding entitled "Human Smuggling and Trafficking Center Charter." This section also clarifies the role of the Center as the focal point for interagency efforts to integrate and disseminate intelligence and information related to terrorist travel. The section requires that the Center be staffed with at least 40 full time employees and directs the Secretary to work with various DHS agencies and other Federal Departments to provide detailees with appropriate areas of expertise. The section also authorizes $20 million to allow the Center to carry out its existing responsibilities, fund the administrative costs and management of the Center, increase staffing levels and reimburse other Federal Departments for personnel.

The Conference substitute adopts the Senate provision, with modifications. The Conference agrees that the Center should be staffed with intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel, in addition to individuals with other expertise including consular affairs, counterterrorism, and criminal law enforcement from throughout the government.

The Conference also agrees that the Secretary and the heads of other relevant agencies should provide incentives for service at the Center, particularly for personnel who serve terms of at least two years. Staff detailed to the Center, except for those subject to the provisions of the Foreign Service Act of 1980, shall be considered for promotion at rates equivalent to or better than similarly situated personnel not so assigned.

The Conference agrees to adopt section 601(f) from the House provision, but delete the requirement that the Office of Intelligence and Analysis submit reports to "Federal" law enforcement agencies and "other relevant agencies," as this would be a function performed by the Center. The Conference clarifies that subsection (d) in no way impedes the authority of the Secretary of State to participate in the selection of the Director of the Center, a role that is described in the Center's memorandum of understanding entitled "Human Smuggling and Trafficking Center Charter," as amended as of October 1, 2006. That Memorandum of Understanding establishes that the Director will be confirmed by the Department, the Department of Justice, and the State Department. Finally, the Conferees agree to fund 40 full-time equivalent staff and to authorize $20 million for the Center for Fiscal Year 2008.

Section 722. Enhancements to the Terrorist Travel Program

There is no comparable House provision.

The Department never created the terrorist travel program mandated by section 7215 of Public Law 108–458. Section 503 of the Senate bill requires the Secretary to establish the program within 90 days of enactment and to report to Congress within 180 days on the implementation of the program. The section requires that the Assistant Secretary for Policy at the Department, or another official that reports directly to the Secretary, be designated as head of the terrorist travel program and outlines specific duties to be carried out by the head of the program. Those duties include: developing strategies and policies for the Department to combat terrorist travel; reviewing the effectiveness of existing programs to combat terrorist travel across DHS; making budget recommendations that will improve DHS's ability to combat terrorist travel; and ensuring effective coordination among DHS agencies with missions related to intercepting and apprehending terrorists. This section also designates the head of the program as the point of contact for DHS with the National Counterterrorism Center and requires that the Secretary submit a report to Congress on the implementation of the section.

The Conference substitute adopts the Senate provision.

Section 723. Enhanced driver's license

There is no comparable House provision.

Section 504 of the Senate bill would require the Secretary to enter into a memorandum of agreement with at least one State to pilot the use of enhanced driver's licenses that would be valid for a U.S. citizen's admission into the United States from Canada and require a report to Congress on the pilot.

The Conference substitute adopts the Senate provision, as modified to permit a pilot of U.S. citizens entering the country from either Canada or Mexico.

Section 724. Western Hemisphere Travel Initiative

There is no comparable House provision.

Section 505 of the Senate bill would require the Secretary to complete a cost-benefit analysis of the Western Hemisphere Travel Initiative (WHTI) and a study of ways to reduce the fees associated with passport cards prior to publishing a final rule for WHTI.

The Conference substitute adopts the Senate provision, as modified to specify that the Secretary of State shall develop proposals for reducing passport card fees, including through mobile application teams who could accept applications for the passport card in communities particularly affected by WHTI. The Conference believes that the cost/benefit analysis should include the cost to the State Department and resources required to meet the increased volume of passports requests.

Section 725. Model ports-of-entry

There is no comparable House provision.

Section 506 of the Senate bill would require the Secretary to establish a model ports of entry program aimed at improving security and streamlining the current arrival process for incoming travelers at the 20 busiest international airports in the United States. It requires the Department to hire at least 200 additional Customs and Border Protection officers to address staff shortages at these airports, and it would also require measures that would ensure a more efficient international arrival process.

The Conference substitute adopts the Senate provision, as modified.

Section 731. Report regarding border security.

There is no comparable House provision.

Section 1604 of the Senate bill directs the Secretary to report to Congress regarding ongoing DHS initiatives to improve security along the U.S. northern border. The section also requires the Comptroller General to report to Congress with a review and comments on that report and recommendations regarding any necessary additional actions to protect that border.

The Conference substitute adopts the Senate provision, as modified.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

Section 801.Modification of Authorities Relating to privacy and civil liberties oversight board

Sections 802, 803, 804, 805, and 806(a) of the House bill amend Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by modifying the structure and operations of the Privacy and Civil Liberties Oversight Board (the Board). This section removes the Board from the Executive Office of the President and makes the Board an independent agency. It also requires each of the Board's five members to be confirmed by the U.S. Senate. The House language also provides the Board with subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The Board is required to submit not less than two reports each year to the appropriate Committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions.

Section 601 of the Senate bill is a comparable provision; however, it strengthens the Board's authority without removing it from the Executive Office of the President. Additionally, the Senate provision also grants subpoena power to the Board; however, it differs from the House provision in that the subpoena must be issued by the Attorney General who shall either issue the subpoena as requested or provide the Board with an explanation if the subpoena request is modified or denied. If the request is modified or denied, Congress shall be notified of this action within thirty days.

The Conference substitute adopts the House provision regarding the removal of the Board from the Executive Office of the President and adopts the Senate provision regarding the Board's subpoena power. All other comparable provisions were integrated.

Section 802. Department Privacy Officer

Section 812 of the House bill adopts the language contained in the Privacy Officer with Enhanced Rights Act of 2007, as introduced. In particular, this section expands the Department of Homeland Security's (the Department or DHS) Chief Privacy Officer's (CPO) access to any and all material available to the Department that fall under the CPO's purview. The CPO is also given authority to administer oaths and issue subpoenas to facilitate investigations and reporting requirements. The CPO's term of office would last for a period of 5 years and the individual appointed would be required to submit reports to Congress, without any prior comment by the Secretary, Deputy Secretary or any other officer of the Department, regarding the performance and responsibilities of the Privacy Office.

Section 603 of the Senate bill is a comparable provision, except that it does not include the 5-year term of office as mandated by the House provision, and it directs that the CPO's subpoena authority be exercised with the approval of the Secretary of Homeland Security (the Secretary).

The Conference substitute adopts the House language with changes, including the removal of the five year term of office and specifying that the subpoena authority be exercised through the Secretary. It also clarifies the relationship between the CPO and the Office of the Inspector General.

Section 803. Privacy and Civil Liberties Officers

Section 602 of the Senate bill establishes a network of Privacy and Civil Liberties officers in Executive Branch Agencies, in some cases strengthening the powers of existing officers. It provides that the Departments of Justice, Defense, State, Treasury, Health and Human Services, and Homeland Security, the Director of National Intelligence and the Central Intelligence Agency, and other agencies designated by the Privacy and Civil Liberties Oversight Board, are required to designate at least one senior official to serve as an internal privacy and civil liberties officer, to function as a source of advice and oversight on privacy and civil liberties matters to the agency. Departments and agencies may designate an existing privacy or civil liberties officer for this role, and the legislation specifies that where a Department or agency has a statutory privacy or civil liberties officer, that officer shall perform the relevant functions required by this section. These officers are directed to make regular reports to their respective department or agency heads, Congress, the Privacy and Civil Liberties Oversight Board, and the public.

Section 806(b) of the House bill is a comparable provision.

The Conference substitute adopts the Senate provision.

Section 804. Federal Agency Data Mining Reporting Act of 2007

There is no comparable House provision.

Section 604 of the Senate bill requires all Federal agencies to report to Congress within 180 days and every year thereafter on data mining programs developed or used to find a pattern or anomaly indicating terrorist or other criminal activity on the part of individuals, and how these programs implicate the civil liberties and privacy of all Americans. If necessary, specific information in the various reports could be classified.

The Conference substitute adopts the Senate language.

TITLE IX—PRIVATE SECTOR PREPAREDNESS

Section 901. Private Sector Preparedness.

Section 1101 of the House bill requires the Secretary of Homeland Security (the Secretary) to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters. The language also requires the Secretary to support the development and promulgation of preparedness standards, including the National Fire Protection Association 1600 Standard.

Section 803 of the Senate bill establishes a voluntary certification program to assess whether a private sector entity meets voluntary preparedness standards. In consultation with private sector organizations listed in the section, the Secretary would support the development of voluntary preparedness standards and develop guidelines for the accreditation and certification program. The accreditation and certification process would be implemented and managed by one or more qualified nongovernmental entities selected by the Secretary. Under the program, companies wishing to be certified would have their applications reviewed by third parties accredited by the entity or entities managing the program, which would determine if certification was warranted.

The Conference substitute adopts the Senate provision, as well as aspects of section 1101 of the House bill, with modifications. The Conference substitute permits the development of guidance and recommendations, and identification of best practices, to assist or foster private sector preparedness. If such guidance and recommendations are developed, the Administrator of Federal Emergency Management Agency (FEMA) and the Assistant Secretary for Infrastructure Protection will work to develop the guidance and recommendations, and the Administrator of FEMA will issue them. The Conference substitute requires the establishment of a voluntary certification program which will be developed by a designated officer within DHS, to be selected by the Secretary from among the Administrator of FEMA, the Assistant Secretary of Infrastructure Protection, and the Under Secretary for Science and Technology, in consultation with appropriate private sector parties designated in the legislation.

As recommended by the 9/11 Commission, through this section, the Department of Homeland Security will be promoting private-sector preparedness of which the 9/11 Commission said: "Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world."

Section 902. Responsibilities of the Private Sector Office of the Department

There is no comparable House provision.

Section 802 of the Senate bill amends section 102(f) of the Homeland Security Act to add promoting to the private sector the adoption of voluntary national preparedness standards to the responsibilities of the Special Assistant to the Secretary. It also establishes a new responsibility for the private sector advisory councils: advising the Secretary on private sector preparedness issues.

The Conference substitute adopts the Senate provision with minor modifications.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Section 1001. National Asset Database

Section 902 of the House bill requires the Secretary of the Department of Homeland Security (the Department or DHS) to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National At-Risk Database. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the States and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or omitting assets from the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs and to provide an annual report to Congress on the contents of the Databases.

Section 1101 of the Senate bill requires the Secretary to establish a risk-based prioritized list of critical infrastructure and key resources that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts. The list must be reviewed and updated at least annually. The provision also requires an annual report summarizing the construction and contents of the list. The report may include a classified annex.

The Conference substitute adopts the House provision with certain modifications. The Conferees determined that there is a uniform manner by which to compile the country's vital assets and to prioritize those assets, as called for in Homeland Security Presidential Directive-7. This process will enable a more effective cooperation with State and local governments and provide a means by which the appropriate Congressional Committees may annually review the prioritized list as well as receive a report about the database and list.

The Conference substitute modifies the House provision to require the Secretary to maintain a prioritized critical infrastructure list, as called for in the Senate bill, instead of the National At-Risk Database. Furthermore, the Conference substitute authorizes the Secretary to form an optional consortium to advise on the Database, but did not make the formation of such a consortium mandatory.

Section 1002. Risk assessments and report

Section 901 of the House bill requires the Secretary to prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year, unless a vulnerability assessment is required under another provision of law. The Secretary must provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision requires the Secretary to provide the appropriate Congressional Committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities and provide explanations and comments on greatest risks to critical infrastructure for each sector and any recommendations for mitigating these risks.

Section 1102 of the Senate bill requires the Secretary, for each fiscal year, to prepare a risk assessment of the critical infrastructure and key resources of the United States. It requires that the risk assessment be organized by sector and that it contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment. It enables the Secretary to rely upon other assessments prepared by another Federal agency that the Department determines are prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection. It also requires the Secretary to submit an annual report to the relevant Congressional Committees that contains a summary and review of the risk assessments prepared by the Secretary for that year. The report will be organized by sector and will include the Secretary's recommendations for mitigating risks identified by the assessments.

The Conference substitute adopts a compromise provision by eliminating the requirement for the Secretary to conduct risk assessments under this section because those same assessments are required to be conducted under the Homeland Security Act. The Conference substitute requires the Secretary to provide a report on the comprehensive risk assessments on critical infrastructure that the Department is already required to conduct under the Homeland Security Act.

Further, the Conference desires that, if appropriate, the report or reports be furnished in a public form with a classified annex. Furthermore, the Conference intends that the classification of information required to be provided to Congress or shared between the Department and any other sector-specific department or agency pursuant to this new paragraph, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and any other Federal Department or Agency. With regard to these assessments, the Homeland Security Act requires the Secretary to conduct the assessments with respect to the nation's critical infrastructure and key resources. The Conference intends for the Secretary to exercise his responsibilities under the Homeland Security Act and make a timely report to Congress. Through this section, the Conference does not intend to make any changes to the Secretary's authority under section 201 of the Homeland Security Act. The section requires the Secretary to submit a set of reports to the Senate Committee on Homeland Security and Governmental Affairs and the House of Representatives Committee on Homeland Security as well as other appropriate Congressional Committees containing a summary and review of the assessments prepared by the Secretary, as already required by the Homeland Security Act.

Section 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan

There is no comparable House provision.

Section 1101 of the Senate bill requires the Secretary to include levees in the Department's list of critical infrastructure sectors.

The Conference substitute adopts the Senate provision, while modifying it so that it is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resource sectors identified in the National Infrastructure Protection Plan.

TITLE XI—BIOLOGICAL AND NUCLEAR DETECTION

Section 1101. National Biosurveillance Integration Center

There is no comparable House provision. However, the House passed, on a bipartisan basis, a very similar provision as part of H.R. 1684, "the Department of Homeland Security Authorization Act for Fiscal Year 2008."

Section 701 of the Senate bill provides for the authorization of a National Biosurveillance Integration Center (NBIC) within the Department of Homeland Security (the Department or DHS). The primary mission of the NBIC is to enhance the situational awareness of the Federal Government of intentional and naturally occurring biological incidents of national concern, and to rapidly alert Federal, State and local entities of such incidents.

The Conference substitute adopts the Senate provision, with technical modifications.

In order to best achieve its mission, the Conference directs that NBIC Member Agencies to send all information that could indicate a biological incident of national concern, including protected health information from member agencies which are Public Health Authorities as defined by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, to the NBIC.

Section 1102. Biosurveillance efforts

There is no comparable House provision.

Section 702 of the Senate bill requires the Comptroller General of the United States to report to Congress on Federal, State, and local biosurveillance efforts, any duplication of such efforts, and recommendations on integration of systems and effective use of resources and professional expertise.

The Conference substitute adopts the Senate provision, with technical modifications.

Section 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction

There is no comparable House provision.

Section 703 of the Senate bill requires the Secretaries of Homeland Security, State, Defense, Energy, the Attorney General and the Director of National Intelligence to jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by completing a joint annual interagency review of matters relating to the global nuclear detection architecture, which shall be submitted to the President and the appropriate Congressional Committees.

The Conference substitute adopts the Senate provision, with technical modifications.

Section 1104. Integration of detection equipment and technologies

There is no comparable House provision.

Section 1607 of the Senate bill requires the Secretary of Homeland Security to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and requires the Secretary to develop a departmental technology assessment process and report the process to Congress within 6 months of enactment.

The Conference substitute adopts the Senate provision, as engrossed by the Senate.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Section 1201. Definitions

The Conference substitute includes a provision which defines the terms "Department" and "Secretary" for the purposes of this title.

Section 1202. Transportation security strategic planning

Section 1002 of the House bill requires the Department of Homeland Security (the Department or DHS) to include additional information in subsequent submissions of the National Strategy for Transportation Security. It requires DHS to tie the risk-based priorities identified in the Strategy to the risk assessments conducted by DHS; to coordinate the development of the Strategy with Federal, State, regional, local and tribal authorities and transportation system employees; and to tie the budget and research and development to the priorities in the Strategy. It also requires DHS to build into the Strategy a more intermodal perspective for transportation security.

Section 901 of the Senate bill is a comparable provision.

The Conference substitute adopts modified language from both bills. The Conference would like to clarify that the information required by the periodic progress reports, on the turnover among senior staff of the Department (and any component agencies) working on transportation security issues, includes program managers responsible for transportation security programs, at the GS–13 level or its equivalent, as well as their immediate supervisors and other superiors, up to and including Assistant Secretaries or Under Secretaries.

Section 1203. Transportation security information sharing

Section 1001 of the House bill improves transportation security information between the public and private sectors by requiring the establishment of a Transportation Security Information Sharing Plan. It also requires the Department to provide a semiannual report to Congress identifying the persons who receive transportation security information.

Section 902 of the Senate bill is a comparable provision, which also requires the plan be developed in consultation with the program manager of the Information Sharing Environment established under the Intelligence Reform and Terrorism Prevention Act of 2004. This section further requires that DHS establish a point or points of contact within the Department for distributing transportation security information to public and private stakeholders.

The Conference substitute adopts the Senate provision, as modified.

Section 1204. National Domestic Preparedness Consortium

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security (the Secretary) to develop guidance for a rail worker security training program. Section 1505 of the Senate bill requires the Secretary to issue regulations for a public transportation worker training program. Section 202 of the Senate bill authorizes the Secretary to establish a State Homeland Security Grant Program and an Urban Area Security Initiative grant program which allows States and localities to apply for grants from DHS for the purpose of training first responders.

The Conference substitute authorizes the establishment of the National Domestic Preparedness Consortium, which has been responsible for identifying, developing, testing and delivering training to State, local, and tribal emergency response providers. The Conference substitute further authorizes an expansion of the Consortium to include the National Disaster Preparedness Training Center and the Transportation Technology Center, Incorporated, to assist with providing security training to emergency responders and transportation workers.

In addition, the Conference substitute authorizes specific funding levels for the individual members of the Consortium that are intended to provide a baseline to determine future funding needs. However, the Conference does not believe that these authorized amounts should serve as artificial barriers to increased funding levels should greater increases be necessary and possible. The Conference recognizes the importance of the ongoing training at the National Domestic Preparedness Consortium, expects that the two new members will be able to provide unique training opportunities, and that by authorizing and expanding the Consortium the Department will be able to train even more of our Nation's emergency responders and transportation workers.

Section 1205. National Transportation Security Center of Excellence

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary to carry out a research and development program for the purpose of improving freight rail and intercity passenger rail security. Section 1507 of the Senate bill requires the Secretary to award grants or contracts for research and development of technologies and methods to improve security for public transportation systems. Section 1467 of the Senate bill extends the authorization for the Secretary to carry out research and development for aviation security, until 2009.

The Conference substitute authorizes the establishment of a National Transportation

Security Center of Excellence to conduct research and development and education activities, and develop or provide training to transportation employees or professionals.

Section 1206. Civil immunity for reporting suspicious activity

There is no comparable House provision.

There is no comparable Senate provision.

The Conference recognizes that the general public often provides critical assistance to law enforcement in its efforts to disrupt terrorist activity against the homeland. The Conference substitute adopts this section to address the potential chilling effect of lawsuits filed against members of the public who reported what they reasonably considered to be suspicious activity to appropriate personnel.

The Conference substitute adopts language granting civil immunity to those who, in good faith and based on objectively reasonable suspicion, report "covered activity" to an "authorized official." The term "covered activity" is defined as suspicious activity indicating that a person is preparing to or may be violating the law in a way that threatens a passenger transportation system, passenger safety, or passenger security or that involves an act of terrorism. The suspicious activity must involve or be directed against a passenger transportation system. An authorized official is defined as any employee or agent of a passenger transportation system or other persons with responsibilities relating to the security of such systems. It also includes anyone working for or on behalf of the Departments of Homeland Security, Transportation or Justice who have responsibilities relating to the security of passenger transportation systems as well as any Federal, State, or local law enforcement officer. Persons who make false reports or who make a report with reckless disregard for the truth are not entitled to civil immunity under this section.

The Conference substitute also grants qualified civil immunity to any authorized official who takes reasonable action to respond to a report of covered activity. An authorized official not entitled to assert the defense of qualified immunity is nevertheless immune from civil liability under Federal, State or local law. The Conference intends to provide civil immunity to anyone within the chain of reporting who reasonably responds in good faith to the covered activity. However, the Conference does not intend to amend, limit, or reduce existing qualified immunity or other defenses pursuant to Federal, State, or local law that may otherwise be available to authorized officials as defined by this section. To address this concern the Conference substitute includes a savings clause that states that nothing in the section shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available. The savings clause also reiterates that this section is not intended to affect any such defense, privilege or immunity.

The Conference substitute also allows any person or authorized official who is found to be immune from civil liability under this section to recover reasonable costs and attorneys fees should they be named as a defendant in a civil suit. It defines a "passenger transportation system" as public transportation, over-the-road bus transportation, including school bus transportation, intercity rail transportation, passenger vessels, including passenger and automobile ferries, and air transportation. Finally, the Conference substitute states that this section takes effect as of October 1, 2006 and shall apply to all activities and claims arising on or after that date.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

Section 1301. Definitions

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute defines several terms used within this title.

Section 1302. Enforcement authority

There is no comparable House provision.

Section 1432 of the Senate bill expands the Transportation Security Administration's (TSA) existing administrative civil penalty authority to authorize civil penalties and enforcement of regulations and orders of the Secretary of Homeland Security (the Secretary) relating to non-aviation security. Under this section, the Secretary must give written notice of the finding of a violation and the penalty, and the penalized person has the opportunity to request a hearing on the matter. This section also provides that, in a civil action to collect such a penalty, the issues of liability and the amount of the penalty may not be reexamined; it places exclusive jurisdiction for these actions in the Federal district courts in certain instances; and it establishes ceilings for the penalty amounts the Secretary may administratively impose.

The Conference substitute adopts the Senate provision with minor changes, including a provision that requires the Secretary to make publicly available summaries of enforcement actions taken and a report on the Department's enforcement process. The Conference substitute limits this administrative enforcement authority as it relates to fines and civil penalties against public transportation agencies and violations of administrative and procedural requirements related to the transportation security grant programs of this Act through section 1304 of the Conference substitute.

Section 1303. Visible Intermodal Prevention and Response Teams

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) practice of deploying security teams, known as Visible Intermodal Prevention and Response teams (VIPR), to augment the security of any mode of transportation. This provision authorizes the Secretary to determine, consistent with ongoing security threats, when a VIPR team should be deployed and for what duration, in coordination with local law enforcement. The provision also allows the Secretary to use any asset of the Department, including Federal Air Marshals, Surface Transportation Security Inspectors, canine detection teams, and advanced screening technology as part of VIPR teams. Under this section, the Secretary would be required to consult with local law enforcement and security officials and transportation entities directly affected by VIPR deployments, prior to and during deployments of VIPR teams to ensure coordination and operation protocols. This section authorizes such sums as necessary annually from FY 2008–2011 to cover costs associated with the VIPR program.

Section 1304. Surface Transportation Security Inspectors

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) Surface Transportation Security Inspectors (STSIs) program and includes language addressing the mission and authorities of the inspectors, requiring coordination and consultation with the Department of Transportation (DOT) and affected entities, and providing limitations regarding the issuance of fines and civil penalties against public transportation agencies and for violations of administrative and procedural requirements of the Act. Additionally, the Conference substitute requires the Secretary to increase the number of STSIs employed by TSA, up to a level of 200 STSIs in FY 2010 and FY 2011, and requires the DHS Inspector General to issue a report to the appropriate Congressional Committees regarding the performance and effectiveness of STSIs, the need for additional inspectors, and other recommendations. The provision also authorizes the following amounts for the STSI program: $11.4 million for FY 2007, $17.1 million for FY 2008, $19.95 million for FY 2009 and $22.8 million for FY 2010 and 2011, respectively.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

Section 1305. Surface transportation security technology information sharing

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that would require the Secretary, in consultation with the Secretary of Transportation, to establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities and State, local, and tribal governments that provide security assistance to such entities. The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

The provisions allow the Secretary to include in such information whether the technology is designated as a qualified antiterrorism technology under the SAFETY Act, as appropriate, and requires the Secretary to ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

Section 1306. TSA personnel limitations

There is no comparable House provision.

Section 1451 of the Senate bill provides that any statutory limitation on the number of Transportation Security Administration employees shall not apply to employees carrying out this title.

The Conference substitute adopts the Senate provision as it applies to this title and titles XII, XIV, and XV of the Conference substitute.

Section 1307. National Explosives Detection Canine Team Training Program

There is no comparable House provision.

Section 1476 of the Senate bill directs the Secretary to enhance the National Explosive Detection Canine Team Program and maximize canine training capacity so that up to 200 additional dogs can be certified each year, starting at the end of calendar year 2008. The Secretary would be given flexibility across transportation modes to use as needed and deemed necessary. The provision encourages the Secretary to review potential benefits of establishing new canine training partnerships throughout the United States.

The Conference substitute adopts the Senate provision as modified. The modified provision requires the Secretary to increase the number of explosives detection canine teams certified by the TSA for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010 and encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

To increase the number of explosives detection canine teams, the Secretary shall use a combination of methods including the use and expansion of TSA's National Explosives Detection Canine Team Training Center; partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector; and procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, provided they are trained in a manner consistent with the standards and requirements developed pursuant to this section or other criteria developed by the Secretary.

The Secretary is also required to establish criteria that include canine training curricula, performance standards, and other requirements approved by TSA as necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained. In developing and implementing such curricula, performance standards, and other requirements, the Secretary would be required to coordinate with key stakeholders to develop best practice guidelines for such a standardized program; ensure that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

The Conference substitute also requires the Secretary to use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network. The Secretary may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate. The Secretary is also required to make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary and shall encourage, but not require, transportation facilities or systems to deploy TSA-certified explosives detection canine teams.

The Conference substitute requires the Secretary, acting through the TSA Administrator, to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price using available procurement methods and increased domestic breeding, if appropriate. Additionally, the Comptroller General is required to report to the appropriate Congressional Committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program. Finally, the Conference substitute authorizes such sums as may be necessary to carry out this section for Fiscal Years 2007 through 2011.

The Conferees note that the definition of "explosives detection canine team" as a "canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary" is intended to ensure that individual canine teams that are trained to detect any of these specific materials listed are eligible under this section. The Conferees recognize that explosives detection canines are not trained to additionally detect chemical, nuclear or biological weapons and that, at present, such teams cannot detect radiological materials. Further, the Conferees recognize that canines are trained to detect specific threats and cannot, at this time, effectively be crossed-trained to identify multiple threats. In requiring the TSA to develop canine training curriculum and performance standards under this section, the Conferees expect TSA to do so for those threats within the definition that are currently applicable to canine team detection. However, the Conferees trust that TSA will explore opportunities to train and/or acquire canines that are able to detect new and emerging threats, such as chemical, radiological, nuclear and biological weapons. To that end, the Conferees expect that prior to developing and distributing canine training curriculum and performance standards under this section, TSA will fully vet any ongoing training, whether domestic or international, that has a proven method to successfully detect those additional threats that may not currently be applicable to TSA-trained canines.

Section 1308. Maritime and surface transportation security user fee study

There is no comparable House provision.

Section 1452 of the Senate bill requires the Secretary to study the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected to fund maritime and surface transportation security improvements. In developing the study, the Secretary would be directed to consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons. The study would include an assessment of current security-related fees in the United States, Canada, and Mexico; an analysis of the impact of fees on transportation carriers and shippers; and an evaluation of current private and public sector expenditures on maritime and surface transportation security. Within 1 year after the date of enactment, the Secretary would be required to transmit a report to Congress on the results of the study.

The Conference substitute adopts the Senate provision with minor modifications.

Section 1309. Transportation Worker Identification Credential (TWIC)

There is no comparable House provision.

Sections 1454 and 1455 of the Senate bill codify the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons.

The Conference substitute adopts the Senate provision, with minor modifications, codifying the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons. Nothing in this section is intended to change the waiver and appeal rights afforded to workers in 70105 of title 46. In fact, the Conferees expect that as the Secretary moves to implement the TWIC program, workers will have their waiver and appeal cases decided expeditiously and that a sufficient number of administrative law judges will be available to adjudicate these cases.

Section 1310. Roles of the Department of Homeland Security and the Department of Transportation

There is no comparable House provision.

Sections 1421, 1425, 1435, 1441, 1442, 1444, 1448, 1449, 1445, 1503 and 1506 of the Senate bill require the Secretary of Homeland Security to consult, coordinate, or work with the Secretary of Transportation in the implementation of the requirements of the sections. Section 1443 of the Senate bill further requires the Department of Homeland Security and the Department of Transportation to execute and develop an annex to the Memorandum of Understanding between the Departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters.

The Conference substitute includes a provision which affirms and clarifies the current delineation of the roles and responsibilities of Department of Homeland Security and the Department of Transportation related to carrying out the provisions of this Act related to transportation security.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

Section 1401. Short title

There is no comparable House provision.

Section 1501 of the Senate bill cited the short title as "The Public Transportation Terrorism Prevention Act of 2007."

The Conference Substitute adopts a compromise provision, providing that this title may be cited as "The National Transit Systems Security Act of 2007."

Section 1402. Definitions

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a definition section in an effort to clarify terms used in Title XIV of the bill.

Section 1403. Findings

There is no comparable House provision.

Senate Section 1502 finds that public transit is a top target of terrorism worldwide, that the Federal Government has invested significant sums in creating and maintaining the nation's transit infrastructure, that transit is heavily used and that the current Federal investment in security has been insufficient and greater investment is warranted.

The Conference substitute adopts the Senate findings as modified.

Section 1404. National strategy for public transportation security

There is no comparable House provision.

The Senate bill does not require an additional strategy for transit beyond the modal requirements in Title XII.

The Conference substitute adopts the Senate provision with modifications. The purpose of the strategy is to minimize security threats and maximize the abilities of public transportation systems to mitigate damage that may result from terrorist attacks. The Secretary of Homeland Security (the Secretary) is required to use established and ongoing public transportation security assessments and consult with all relevant stakeholders that are specified in the legislation in developing a national strategy.

Section 1405. Security assessments and plans

There is no comparable House provision.

Section 1503 of the Senate bill requires the Federal Transit Administration of the Department of Transportation to submit all public transportation security assessments and other relevant information to the Secretary 30 days after the date of enactment. The Secretary is also required to use the security assessments received as the basis for allocating grant funds, unless the Secretary notified the Senate Committee on Banking, Housing, and Urban Affairs that the Secretary determined an adjustment is necessary to respond to an urgent threat or other significant factors.

The Senate provision requires the Secretary to conduct both annual updates to the existing assessments and new security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack. In addition, the Secretary is required to establish a process for developing security guidelines for public transportation security and to design a security improvement strategy that minimizes terrorist threats to public transportation systems, and maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks. It also requires the Secretary to conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of bus-only and rural transit systems.

The Conference substitute adopts the requirements included in the Senate bill with modification. It requires the Federal Transit Administration and the Department of Transportation to transfer all existing security assessments as well as any other relevant information to the Department of Homeland Security (the Department or DHS). It also requires the Secretary to review and augment the assessments and to conduct additional assessments as necessary to ensure that, at a minimum, all high-risk public transportation agencies will have a completed security assessment. The Conference substitute further specifies that each completed assessment should include, at a minimum, an identification of critical assets, infrastructure and systems and their vulnerabilities and an identification of any other security weaknesses, including weaknesses in emergency response planning and employee training. The Conference substitute adopts the Senate's provisions addressing bus-only and rural transit systems with a clarification that these assessments are meant to be representative of the needs of these systems and shall be made available for use by similarly situated systems.

The Conference substitute adopts provisions related to mandatory security plans. All high-risk systems will be required to have a security plan provided they receive grant funding. However, the Conference agreed to provide the Secretary a waiver of that provision in order that he may require a security plan for a high-risk system that has not received grant funding, provided that upon issuance of that waiver, the Secretary, not less than three days after making that determination, provides Congress and the public transportation system written notice detailing the need for the security plan, the reason grant funding has not been made available and the reason the agency has been designated high-risk. The Secretary is required to provide guidance on developing, preparing and implementing these plans. Developing security plans is an eligible expense for funds received under this Title. The security plans must be consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security. The Secretary is authorized to establish a program to develop security plans for systems that are not designated at high-risk, provided that no such system may be required to develop a plan. Security plans are required to be updated annually, as appropriate.

The Conference substitute also includes language on nondisclosure of information, encouraging coordination among different modes of transportation to the extent they share facilities, and allowing public transportation agencies to petition the Secretary to recognize existing protocols, procedures and standards as meeting all or part of the requirements for security assessments or plans.

Section 1406. Public transportation security assistance

There is no comparable House provision.

Section 1504 of the Senate bill created two separate grant programs, one for capital expenses and another for operating expenses. The Senate bill required coordination with State homeland security plans and appropriate consideration of multi-State transportation systems, along with Congressional notification prior to grant awards and the requirement that transit agencies return any misspent grant funds.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute establishes a single grant program that awards grants directly to eligible public transportation agencies for security improvements. A public transportation agency is eligible if the Secretary has performed a security assessment or the agency has developed a security plan. Grant funds provided under this program may only be awarded for permissible uses described in this section that address items in a security assessment or further the agency's security plan.

The Conference agrees that the grants should be awarded pursuant to an agreement between the Departments of Homeland Security and Transportation. These two Departments are required to make their determination on the basis of what is the most efficient and effective method to deliver these grants directly to the transit agencies. The Conference expects that the delivery system chosen will reflect the system that meets these criteria. We note that there have been some concerns with the efficiency, efficacy and timeliness of the disbursal of these grants and believe that it is critical that the Secretaries reach a decision that will provide for these grants to be distributed as efficiently, effectively and quickly as possible. The Conference substitute in Section 1406(e) declares that all requirements of Section 5307 of Title 49 shall be applied to the recipients of these grant funds. Whichever Department distributes and awards the grants will have to be responsible for ensuring that those requirements are met.

The Conference substitute also includes a list of eligible capital expenses and separately, a list of eligible operating expenses for the distribution of grant funds, and retains Senate language addressing coordination with State homeland security plans, multi-state transportation systems, Congressional notification and the requirement that transit systems return any misspent grant funds.

The Conference substitute includes authorization levels for each year, although the overall amount of $3.5 billion was similar to the Senate bill. In addition, the Conference substitute includes a structure that caps the amount of funds that can be used for operational expenses each year of the authorization, declining from 50 percent in Fiscal Year 2008 to 10 percent in 2011. The Conference expects that training costs will be the predominant use of operating funds in the first two years of the program which led to the decreasing limitation on operating funds over the life of the bill. The Conference substitute provides the Secretary with a waiver of the limitation on operating expenses, provided such waiver is used only in the interest of national security. Use of the waiver requires Congressional notification, prior to any such action. The Conference substitute also requires any funds distributed under Public Law 110–28 to be allocated based on risk and distributed solely to address security issues that have already been identified in security assessments.

Section 1407. Security exercises

There is no comparable House provision.

The Senate bill did not include a separate exercise provision, although security exercises were an eligible expense under the program, as shown in Section 1504(b).

The Conference substitute adopts more specific language and requirements for the Secretary to establish a program for conducting security exercises. The program shall cover public transportation agencies, Federal, State and local governments, including emergency response providers and law enforcement as well as any other organizations that the Secretary determines are appropriate to include.

Section 1408. Public transportation security training program

There is no comparable House provision.

Section 1505 of the Senate bill contains a transit security training program detailing how the Secretary, in consultation with appropriate officials, is required to develop and issue detailed regulations for a public transportation worker security training program. Public transportation agencies who receive security funding must develop a comprehensive worker training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. No later than one year after the plan has been established and reviewed, the public transportation agency must complete the training of all workers. The Secretary is required to report to Congress on the training program and update it as necessary.

The Conference substitute adopts the security training program with modification. The Conference substitute requires all public transportation systems that receive security grants under this Title to train all frontline public transportation employees and other workers, as appropriate. The training requirement is for both initial and ongoing training for any agency that receives a security grant. The Conference substitute requires the Secretary to issue regulations, including interim final regulations, to implement the training requirement. In developing these regulations the Secretary must consult with appropriate law enforcement, fire service security, terrorism experts, representatives of public transportation systems and nonprofit employee labor organizations representing public transportation workers or emergency response personnel. Public transportation agencies that receive security funding must develop a comprehensive employee training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. Not later than one year after each public transportation agency's training program has been established and reviewed, the public transportation agency must complete the training of all workers covered under the program. The Conference substitute also includes a study to be conducted by the Comptroller General on the implementation of the training program, requiring a survey of transit agencies and employees.

Section 1409. Public transportation research and development.

There is no comparable House provision.

Section 1507 of the Senate bill includes a transportation research and development section to establish, through the Homeland Security Advanced Research Projects Agency, and in consultation with the Federal Transit Administration, a program to distribute grants or contracts to public and private entities to conduct appropriate research into technologies or methods of deterring and mitigating the effects of terrorist attacks. The Secretary must report to the Congress on the use of these funds and if the Secretary determines that grant funds were misspent, the grantee shall return grant funds to the Treasury of the United States.

The Conference substitute adopts the Senate provision with a modification to establish a research and development program related to public transportation. The program will be established through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and will consult with the Federal Transit Administration. Grants and/or contracts will be awarded to public or private entities to conduct research or demonstrate technologies and methods to reduce and deter terrorist threats or to mitigate damage resulting from an attack. The Conference substitute also adopts language regarding privacy and civil rights and the Senate language on reporting and misspent grant funds and requires coordination with the priorities included in the National Strategy for Public Transportation Security. The Conference substitute authorizes $25,000,000 per year for this program.

Section 1410. Intelligence sharing

There is no comparable House provision.

The Senate bill, Section 1506, required the Secretary to provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (ISAC). All transit agencies would be encouraged to participate in the ISAC and those that the Secretary deemed to be at significant risk would be required to participate. The imposition of fees was prohibited.

The Conference substitute adopts the Senate proposal with modification. It includes a report to be conducted by the Comptroller General to examine the value and efficacy of the ISAC along with any other public transportation information sharing programs ongoing at the Department of Homeland Security, including the Homeland Security Information Network (HSIN) system. The Conference substitute also authorizes specific dollar amounts for the ISAC for Fiscal Years 2008–2010 and such sums as necessary for 2011 provided the Comptroller's report has been submitted to Congress.

Section 1411. Threat assessments

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary to complete a name-based security background check of public transportation front-line employees against the consolidated terrorist watch list and an immigration status check, within one year after the date of enactment, similar to the threat assessment conducted by the U.S. Coast Guard with regard to facility employees and longshoremen.

Section 1412. Reporting requirements

There is no comparable House provision.

Section 1508 of the Senate bill includes a reporting section that required the Secretary to submit a semi-annual report to the Committee on Banking, Housing and Urban Affairs, the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations, on the implementation of the capital and operational grant programs, the use of funds and the State of public transportation security in the United States. It further requires the Secretary to submit an annual report regarding the amount and use of grant funds to the Governor of each State with a public transportation agency that has received a grant.

The Conference substitute broadens the reporting requirements included in the Senate bill to ensure that Congress receives substantive, useful information regarding public transportation security from the Department of Homeland Security. To that end, the Conference substitute includes an annual report to Congress, due on March 31st of each year, that includes: a description of the implementation of the provisions of Title XIV; the amount of funds appropriated to carry out the title that have not been spent; the National Strategy for Public Transportation Security; an estimate of the costs to fully implement the National Strategy for Public Transportation Security, to be broken out for each Fiscal Year from 2008 through 2018; and the state of public transportation security in the United States. The Conference substitute maintains the Senate's requirement of an annual report to the Governors.

Section 1413. Whistleblower protection

There is no comparable House provision.

The Senate bill modifies existing whistleblower protections for rail employees.

The Conference substitute adopts protections for public transportation employee whistleblowers, modeled on the protections available to railroad employees under 49 U.S.C. 20109 as amended by this Act and aviation employees under 49 U.S.C. 42121.

Section 1414. Security background checks of covered individuals for public transportation

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision to ensure that if the Secretary of Homeland Security requires or recommends security background checks of public transportation employees, adversely affected employees will have an adequate redress process.

Section 1415. Limitation on fines and civil penalties.

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute prohibits the Secretary and the surface transportation security inspectors (STSI) from issuing fines and civil penalties on public transportation agencies except in certain circumstances.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

TITLE XV—SURFACE TRANSPORTATION SECURITY

SUBTITLE A—GENERAL PROVISIONS

Section 1501. Definitions

Section 1001 of the House bill contains several definitions related to transportation security.

Section 1411 of the Senate bill defines the term "high hazard materials."

The Conference substitute adopts definitions for terms applicable to the title, including a new definition of "security-sensitive materials," which must be defined by the Secretary of Homeland

Security (the Secretary) through a rule making. The Conference believes that completing the definition of "security-sensitive materials:" should be a high priority for the Department of Homeland Security (the Department or DHS), since the definition of this term is a pre-requisite for the implementation of several other provisions within this title.

Section 1502. Oversight and Grant Procedures

There is no comparable House provision.

Section 1426 of the Senate bill authorizes the Secretary of Homeland Security to enter into contracts to audit and review grants awarded under the bill. The Secretary is required to prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures. In awarding grants, the Secretary may issue letters of intent (LOI) to recipients of grants awarded under this bill, as the Secretary may do now for aviation security funding through the Transportation Security Administration (TSA).

The Conference substitute adopts the Senate provision as modified. It requires the Secretary to establish procedures, including those for monitoring and auditing to ensure that grants are expended properly and for application and qualification for grants. The provision also provides that for grants awarded to Amtrak under this title, the Secretary shall coordinate with the Secretary of the Department of Transportation (DOT) in establishing necessary grant procedures. Additionally, the provision permits either Department to enter into contracts for additional audits and reviews of such grants to Amtrak.

The Conference substitute also permits the Secretary of Homeland Security to issue LOI's to grant recipients. The Conference acknowledges that an LOI is not a commitment of future funds by an agency. The Conference substitute requires that grant recipients return any misspent funds and that the Secretary take all necessary action to return such funds. It also requires the Secretary to notify appropriate Congressional Committees of its intent to award a grant. Finally, the Conference substitute requires that the Secretary ensure, to extent practicable, that grant recipients use disadvantaged business concerns as contractors or subcontractors.

Section 1503. Authorization of Appropriations

There is no comparable House provision.

Section 1437 of the Senate bill authorizes appropriations for the Secretary of Homeland Security for Fiscal Years (FY's) 2008–2010 and for the Secretary of Transportation for FY's 2008-2011 to carry out the activities required by the Act.

The Conference substitute adopts the Senate provision as modified to reflect the authorization levels contained within the sections of this title.

Section 1504. Public Awareness

There is no comparable House provision.

Section 1434 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, within 90 days after the date of enactment of this Act, to develop a national plan for improved public outreach and awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Not later than 9 months after the date of enactment of this Act, the Secretary would be directed to implement this plan.

The Conference substitute adopts the Senate provision with minor modifications, including adding over-the road bus security matters to the provision.

SUBTITLE B—RAILROAD SECURITY

Section 1511. Railroad Transportation Security Risk Assessment and National Strategy

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force comprised of the Transportation Security Administration (TSA) and others to complete a risk assessment of freight and passenger rail transportation. It also requires the development of recommendations for improving rail security based on the required risk assessment and the establishment of plans to address such recommendations. This section requires the Secretary to report to the appropriate Congressional Committees on the assessment, recommendation, plans and costs to implement such recommendations. In addition, the Secretary is required to include in the recommendations a plan for the Federal government to provide security support at high threat levels of alert; a plan for coordinating existing and planned rail security initiatives undertaken by public and private entities; and a contingency plan developed in conjunction with intercity and commuter passenger railroads to ensure the continued movement of freight and passengers in the event of a terrorist attack. The provision authorizes $5 million for Fiscal Year 2008 to carry out this section.

The Conference substitute adopts the Senate provision, as modified. The modified provision requires the Secretary to establish a task force to complete a nationwide railroad security risk assessment, including freight, intercity passenger and commuter railroads. The Secretary may make use of the Government Coordinating Council in the establishing of the task force. Based upon this assessment, the Secretary is required to develop a modal plan for railroad security, entitled the "National Strategy for Railroad Transportation Security," which will serve as the general Federal strategy for improving railroad security.

In completing the assessment and the strategy required by this section, the Conference does not intend for TSA and the Department of Homeland Security to unnecessarily re-do existing assessment and modal plan work, of sufficient quality and relevance, already completed by the agency or other Federal, private or public stakeholders. However, the Conference expects any existing assessments and existing modal plans used to be synthesized into a comprehensive and coherent total assessment and strategy, not simply compiled into a single document. The Conference substitute authorizes $5 million for FY 2008 to carry out this section.

The Conference notes its frustration with TSA's inability to complete a comprehensive risk assessment and national strategy for the railroad sector. The Conference believes fulfillment of this section to be an absolute priority, so that the results of the assessment may be used to guide the ongoing rail security efforts and the new programs called for in this Conference substitute.

Section 1512. Railroad Carrier Assessments and Plans

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force to complete a risk assessment of freight and passenger rail transportation, develop recommendations for improving rail security based on the risk assessment, and establish plans to address such recommendations.

The Conference substitute adopts a provision addressing railroad carrier risk assessments based upon elements of Senate Section 1421. The provision would require that railroad carriers assigned to a high-risk tier by the Secretary complete a vulnerability assessment and develop security plans to be approved by the Secretary. In addition, the Secretary would be authorized to establish a program to provide guidance and assistance for undertaking assessments and security plans and a process by which such voluntary assessments and plans may be approved by the Secretary for railroad carriers not assigned to a high-risk tier.

Section 1513. Railroad Security Assistance

There is no comparable House provision.

Section 1424 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA and other entities, to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used to transport hazardous materials, institutions of higher education, State and local governments, and Amtrak, for full or partial reimbursement of costs incurred to prevent or respond to acts of terrorism, sabotage, or other risks. The Secretary would be required to adopt necessary procedures to ensure that grants made under this section are expended in accordance with the purposes of the Act. The Secretary awards and distributes all grants under this provision, except for grants to Amtrak which the Secretary can award, but the Secretary of Transportation would distribute using the well-established DOT grant process which is used to distribute Federal operating and capital grants Amtrak. This section authorizes $100 million for the Department of Homeland Security for each of Fiscal Years 2008 through 2010 to carry out this section. Grants to Amtrak are limited to $45 million over the authorization period and certain grants related to hazardous materials rail security are limited to $80 million in total over the authorization period.

The Conference substitute adopts a modified version of the Senate provision. The provision establishes a railroad security grant program for railroads that have completed a vulnerability assessment and security plan under Section 1513 of the Conference substitute for a permissible use identified within the section. However, the Secretary has the discretion during the first three years after the date of enactment of the Act, or up until one year after the regulations are issued under section 1513, to award grants based on vulnerability assessments and security plans developed by railroad carriers that do not meet the requirements of Section 1513 if the Secretary finds such assessments and plans sufficient. Additionally, grants can be awarded under this provision to fully or partially fund the assessments and plans required under Section 1513. The Conference includes these provisions to ensure that eligible entities would be authorized to receive grants funds under this section as soon as possible upon enactment of the Conference substitute and so that eligible entities could use grant funds to develop the assessments and plans required under Section 1513 in a timely fashion.

The Conference substitute assigns the responsibility of awarding and distributing grants to the Secretary, except for grants to Amtrak which the Secretary can award, but which the Secretary of Transportation would distribute using the well-established Department of Transportation grant process to Amtrak. The Secretary of Homeland Security is also required to report to the appropriate Congressional Committees on the feasibility and appropriateness of requiring non-Federal match for grants awarded under this provision.

The Conference believes the authorization of this grant program is particularly important because little of the existing DHS rail and transit security grant funds have been available to intercity passenger rail security and no grant funds have been made available for freight railroad security.

Section 1514. System-Wide Amtrak Security Upgrades

There is no comparable House provision.

Section 1422 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA, to make grants to Amtrak for the purposes of upgrading the security of assets, systems and infrastructure; securing tunnels, trains, and stations; hiring additional police officers; expanding emergency preparedness efforts; and for employee security training. The provision also requires that the Secretary of Transportation disburse the grants to Amtrak for projects contained in its system-wide security plan that it is required to develop. The provision authorizes funds to be appropriated for grants under this section for Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. The authorization amounts are increased and extended one Fiscal Year to reflect current and anticipated Amtrak security expenditures.

Section 1515. Fire and Life Safety Improvements.

There is no comparable House provision.

Section 1423 of the Senate bill authorizes the Secretary of Transportation to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor. This section authorizes $100 million in funding for the Department of Transportation for each of Fiscal Years 2008 through 2011 to make fire and life-safety improvements to the New York/New Jersey tunnels; $10 million for each of Fiscal Years 2008 through 2011 for improvements of the Baltimore & Potomac and Union tunnels in Baltimore, Maryland; and $8 million for each of Fiscal Years 2008 through 2011 for improvements of the Washington, D.C., Union Station tunnels. The Secretary of Transportation is required to approve plans submitted by Amtrak before distributing grants. In addition, the Secretary of Transportation is authorized to consider the feasibility of seeking a financial contribution from other rail carriers towards the cost of the project. This section also authorizes $3 million in FY 2008 for preliminary design of a new railroad tunnel in Baltimore, Maryland.

The Conference substitute adopts the Senate provision, but with reduced authorization levels to reflect the completion of portions of phase 1 of Amtrak's tunnel fire and life safety projects since the consideration of S.4 by the Senate, and other changes.

Section 1516. Railroad Carrier Exercises

Section 101 of the House bill provides grants to fund exercises to strengthen preparedness against risks of terrorism. Sections 301 and 302 of the House bill strengthen the design of the national exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the national exercise program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that requires the Secretary to create a security exercises program to test and evaluate the ability of railroads to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism. The provision also requires that the exercises conducted be tailored to the needs of particular facilities, including accommodations for individuals with disabilities; live, in the case of the most at-risk facilities to a terrorist attack; and coordinated with appropriate officials. The Conference substitute also requires that the Secretary, together with the Secretary of Transportation, ensure that the program consolidates existing railroad security exercises that are administered by the Departments, unless this requirement is waived by the Secretary of Homeland Security.

The Conference intends for there to be one primary rail security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any Department of Transportation railroad safety or railroad hazardous materials exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

Section 1517. Railroad Security Training Program

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, not later than 1 year after the date of enactment of this Act, to work with law enforcement officials, as well as terrorism and railroad security experts, to develop and issue detailed guidance for a railroad worker security training program to prepare front-line workers for potential security threat conditions. This section also would require railroad carriers to adopt a worker security training program in accordance with the guidance and submit it to the Secretary of Homeland Security for approval. Within one year after the Secretary completes a review of a railroad carriers' training programs, the railroad carrier would be required to complete the training of all front-line employees consistent with the approved program.

The Conference substitute adopts the Senate provision with modified language that requires the Secretary, in consultation with appropriate parties, to issue regulations for a railroad training program to prepare front-line employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. Not later than 90 days after the Secretary issues regulations, each railroad carrier would be required to submit for review and approval a security training program. Each freight and passenger railroad is required to complete training of all employees not later than one year after the Secretary approves its training program. The Secretary is required to review implementation of the training program.

Section 1518. Railroad Security Research and Development

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary of Homeland Security to, in conjunction with the Department of Homeland Security's Undersecretary for Science and Technology and the Administrator for TSA, and in consultation with the Secretary of Transportation, carry out a research and development program for the purpose of improving freight and intercity passenger rail security. In carrying out this section, the Secretary of Homeland Security would be required to coordinate with other research and development initiatives at the Department of Transportation. The Secretary also may award research and development grants to certain entities described in this section. This section authorizes $33 million for the DHS for each of Fiscal Years 2008 through 2011 for the Secretary to carry out this section.

The Conference substitute adopts the Senate provision as modified to extend the authorizations to Fiscal Year 2011, to ensure coordination with other research and development initiatives, and with a provision included to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights would receive privacy impact assessments.

Section 1519. Railroad Tank Car Security Testing

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would assess likely methods of a deliberate attack on a railroad tank car transporting toxic-inhalation-hazard materials and the potential impact of such attacks. It requires the Secretary of Homeland Security to conduct certain physical tests as part of the assessment and to submit a report within 30 days of completing the assessment to the appropriate Congressional Committees. The Conference substitute also requires an air dispersion modeling analysis of a rail tank car carrying toxic-inhalation-hazard materials and specifies factors to be considered in that analysis, as well as parties to be consulted in conducting such analysis. Further, the substitute directs the Secretary to share the information developed through the analysis and submit a report to the appropriate Congressional Committees within 30 days of completion of all the modeling exercises. In performing the physical testing required under this section, the Conference expects that the Secretary will take into account other Federal agencies and resources with applicable expertise in such matters.

Section 1520. Railroad Threat Assessments

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary of Homeland Security to implement a threat assessment screening program for all relevant transportation employees within one year after the date of enactment, including a name-based check for all employees against the consolidated terrorist watch list and an immigration status check, similar to the threat assessment conducted by the U.S. Coast Guard with regard to port workers.

Section 1521. Railroad Employee Protections

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security. The provision precludes railroad carriers from discharging, or otherwise discriminating against, a railroad employee because the employee, or the employee's representative: provided, caused to be provided, or is about to provide, to the employer or the Federal government information relating to a reasonably perceived threat to security; provided, caused to be provided, or is about to provide testimony before a Federal or State proceeding; or refused to violate or assist in violation of any law or regulation related to rail security.

The Conference substitute adopts a modified version of the Senate language. It modifies the railroad carrier employee whistleblower provisions and expand the protected acts of employees, including refusals to authorize the use of safety-related equipment, track or structures that are in a hazardous condition. Additionally, the Conference substitute enhances administrative and civil remedies for employees, similar to those in subsection 42121(b) of title 49, United States Code. The language also provides for de novo review of a complaint in Federal District Court if the Department of Labor does not timely issue an order related to the complaint. The Conference substitute also raises the cap on punitive damages that could be awarded under this provision from $20,000 to $250,000.

The Conference notes that railroad carrier employees must be protected when reporting a safety or security threat or refusing to work when confronted by a hazardous safety or security condition to enhance the oversight measures that improve transparency and accountability of the railroad carriers. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

Section 1522. Security Background Checks of Covered Individuals

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would ensure that if the Secretary of Homeland Security issues a rule, regulation or directive requiring private employers to conduct security background checks for railroad workers, that it include a redress process for such workers similar to that provide under the Transportation Worker Identification Credential (TWIC) final rule, as required by 46 U.S.C. 70105(c). The Secretary is also required to update private employers conducting background checks regarding guidance that has been issued and ensure that any future guidance issued on the topic is consistent with this provision. The Conference substitute requires the Secretary to issue a regulation prohibiting a railroad carrier or contractor or subcontractor to a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

It is not the intent of the Conference that this provision imply that it favors the Department of Homeland Security (DHS) requiring private employers to undertake security background checks. Rather, the Conference intends for the provision to ensure that if such regulations were ever to be promulgated by DHS, that it would contain due process protections similar to those in the TWICE rule would be available for employees. The Conference intends for private employees to retain all rights and authorities afforded them otherwise as private employers.

Section 1523. Northern Border Railroad Passenger Report

There is no comparable House provision.

Section 1428 of the Senate bill requires the Secretary, in consultation with the Transportation Security Administration (TSA), the Secretary of Transportation, heads of other appropriate Federal Departments and Agencies, and Amtrak, within one year after the date of enactment, to submit a report to Congress that contains: a description of the current system for screening passengers and baggage on rail service between the United States and Canada; an assessment of the current program to provide pre-clearance of airline passengers between the United States and Canada; an assessment of the current program to provide pre-clearance of freight railroad traffic between the United States and Canada; information on progress by the Department and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for pre-clearance of passengers on trains operating between the United States and Canada; a description of legislative, regulatory, budgetary, or policy barriers to providing pre-screened passenger lists for such passengers; a description of the Canadian position with respect to pre-clearance; a draft of any changes to Federal law necessary to allow for pre-screening; and a feasibility analysis of reinstating intransit inspections onboard international Amtrak trains.

The Conference substitute adopts the Senate provision and includes language to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights will receive privacy impact assessments. The Conference notes the significant delays that routinely plague Amtrak trains due to screening of passenger at or near the U.S.-Canadian border and that these delays both hamper international rail travel and increase costs for Amtrak, and therefore the Federal government. The Conference expects the Secretary of Homeland Security to work, in cooperation with Amtrak and the Canadian Government, to take steps to minimize such delays, as soon as practicable.

Section 1524. International Railroad Security Program

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require the Secretary of Homeland Security to develop a system to detect both undeclared passengers and contraband entering the United States by railroad, with a primary focus on the detection of nuclear and radiological materials and to submit a report to Congress on its progress. The Secretary, in consultation with the TSA, the Domestic Nuclear Detection Office, and Customs and Border Protection, may take a number of actions authorized by the provision to develop this system.

Section 1525. Transmission Line Report

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require that the Comptroller General perform the assessment of the security, safety, economic benefits and risks associated with the placement of high-voltage transmission lines along active railroad and other transportation rights of way.

Section 1526. Railroad Security Enhancements

There is no comparable House provision.

Section 1433 of the Senate bill allows police officers employed by a railroad to be deputized to help a second railroad in carrying out enforcement duties on the second railroad. In addition, the provision would require the Secretary of Transportation to write and distribute to States model railroad police commissioning laws to help prevent the problems posed by so-called "scam railroads." "Scam railroads" are companies that are organized as railroads in order to obtain police powers but are not actually engaged in the railroad business.

The Conference substitute adopts the Senate provision as modified to extend the date by which the Secretary of Transportation would be directed to complete the model state legislation.

Section 1527. Applicability of District of Columbia Law to Certain Amtrak Contracts

There is no comparable House provision.

Senate Section 1438 would require that any lease entered into between the National Railroad Passenger Corporation and the State of Maryland be governed by District of Columbia law.

The Conference substitute adopts the Senate provision.

Section 1528. Railroad Preemption Clarification

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that is would to clarify the intent and interpretations of the existing preemption statute and to rectify the Federal court decisions related to the Minot, North Dakota accident that are in conflict with precedent. The modified language restructures 49 U.S.C. §20106 and changes its title from "National Uniformity of Regulation" to "Preemption" to indicate that the entire section addresses the preemption of State laws related to railroad safety and security.

Subpart (a) of the Conference substitute is titled "National Uniformity of Regulation" and contains the exact text of 49 U.S.C. §20106 as it existed prior to enactment of this Act. It is restructured for clarification purposes; however, the restructuring is not intended to indicate any substantive change in the meaning of the provision.

Subpart (b) of the Conference substitute provides further clarification of the intention of 49 U.S.C. §20106, as it was enacted in the Federal Railroad Safety Act of 1970, to explain what State law causes of action for personal injury, death or property damage are not preempted. It clarifies that 49 U.S.C. §20106 does not preempt State law causes of action where a party has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation or the Secretary of Homeland Security, its own plan or standard that it created pursuant to a regulation or order issued by either of the Secretaries, or a State law, regulation or order that is not incompatible with 49 U.S.C. §20106(a)(2).

The modified language also contains a retroactivity provision, which clarifies that 49 U.S.C. §20106 applies to all pending State law causes of action arising from activities or events occurring on or after January 18, 2002, the date of the Minot, North Dakota derailment. Finally, this provision indicates that nothing in 49 U.S.C. §20106 creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.

SUBTITLE C—OVER-THE-ROAD BUS AND TRUCKING SECURITY

Section 1531. Over-the-Road Bus Security Assessments and Plans

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within the Transportation Security Administration (TSA) to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The provision stipulates that the Secretary may not make grants to over-the-road operators until the operators have submitted security plans and provided additional information that the Secretary may require. Section 1447 also requires the Secretary to undertake a bus security assessment, that would include an assessment of: the existing over-the-road bus security grant program; actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed; whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses; the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees; ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; industry best practices to enhance security; and school bus security, if the Secretary deems it appropriate.

The Conference substitute requires the Secretary to issue regulations, not later than 18 months after the date of enactment, to require high-risk over-the-road bus operators to conduct vulnerability assessments and develop, submit and implement approved security plans. It allows the Secretary to establish a security program for over-the-road bus operators not assigned to a high-risk tier, including guidance on vulnerability assessments and security plans, and a review process, as appropriate. The Conference substitute also requires the Secretary to provide technical assistance and guidance on components of vulnerability assessments and security plans, in addition to relevant threat information necessary for preparing such assessments and plans. It requires the Secretary to review the vulnerability assessments and security plans not later than 6 months upon receipt, and approve such assessments and plans meeting the established requirements. The Conference substitute requires the Secretary to assign each over-the-road bus operator to a risk based tier and operators may be reassigned by the Secretary based on changes in risk. Finally, it requires that the over-the-road bus operators evaluate the adequacy of the assessments and plans submitted to the Secretary not later than 3 years after the date on which the assessment or plan was submitted, and at least once every five years thereafter.

Section 1532. Over-the-Road Bus Security Assistance

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk assets, counter-terrorism training and other security-related actions. This provision requires the Secretary, in making grants, to take into consideration security measures that over-the-road bus operators have taken since September 11, 2001. The Secretary may not make grants to private operators until the operators have submitted security plans and provided additional information that the Secretary may require. The provision further stipulates that the Secretary must submit a report to Congress and must consult with industry, labor and other groups. This provision authorizes the following funding: $12 million for FY 2008, $25 million for FY 2009, and $25 million for FY 2010. Section 1447 requires the Secretary to select the grant recipients, award, and distribute grants to eligible recipients.

The Conference substitute adopts the Senate language,.with modifications. It requires the Secretary to establish a grant program and stipulates that the funds may be used for one or more of the following: construction and modifying terminals to increase security; modifying over-the-road buses to increase their security; protecting the driver of an over-the-road bus; acquiring or improving equipment to collect, store and exchange passenger and driver information with ticketing systems and for links with government agencies for security purposes; installing cameras and video surveillance equipment; establishing and improving emergency communications systems; implementing and operating passenger screening programs; developing public awareness campaigns for over-the-road bus security; operating and capital costs associated with over-the-road bus security; detection of chemical, biological, radiological or explosives, including the use of canine patrols; overtime reimbursement for security personnel; live or simulated security exercises; operational costs to hire, train and employ security officers; development of assessments or security plans; and other improvements deemed appropriate by the Secretary. The Conference substitute requires the Secretary to select the grant recipients and award the grants, but would require that, within 90 days following the date of enactment, that the Secretary and the Secretary of Transportation jointly determine the most effective and efficient means to distribute grants awarded under this section to grant recipients. Dependent on the result of this determination, one of the two Secretaries would be authorized to distribute the grants awarded under this section.

The Conference substitute also stipulates eligibility, limitations on uses of funds, annual reports, and consultation with stakeholders. It authorizes $12 million for FY 2008 and $25 million for each of Fiscal Years 2009 through 2011.

Section 1533. Over-the-Road Bus Exercises

Section 101 of the House bill provides for grants to fund exercises to strengthen terrorism preparedness. Sections 301 and 302 of the House bill strengthen the design of the National exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the National Exercise Program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, including the development and the conducting of training and exercises to support and evaluate emergency preparedness, response plans, and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a provision based on elements of the House provisions that require the Secretary to establish a program for conducting security exercises for over-the-road bus transportation to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism. The program shall include Federal, State, local agencies and tribal governments; over-the-road bus operators and terminal owners and operators; governmental and nongovernmental emergency response providers and law enforcement agencies; and other applicable entities. The program calls for consolidation of existing security exercises administered by the Department of Homeland Security, TSA and the Department of Transportation, as appropriate, and shall be comprised of live exercises tailored to the needs of the recipients, coordinated with appropriate officials, inclusive of over-the-road bus frontline employees, and consistent with the National Incident Management System, the National Response Plan and other related national initiatives, including the National Exercise Program. The exercises shall be evaluated by the Secretary and the ensuing best practices shall be shared with appropriate stakeholders, and used to develop recommendations of appropriate action.

The Conference intends for there to be one primary over-the-road bus security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any DOT motor carrier safety exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

Section 1534. Over-the-Road Bus Security Training Program

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill provides grants to over-the-road bus operators and over-the-road bus terminal operators and owners for the purposes of improving bus security, including training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection and hiring and training security officers.

The Conference substitute adopts a new provision that would require, not later than 6 months after enactment, the Secretary of Homeland Security and TSA to develop and issue regulations for a bus training program to prepare the over-the-road bus frontline employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. In developing the regulation, the Secretary shall consult with the appropriate stakeholders including law enforcement, over-the-road bus operators, and nonprofit employee labor organizations. The program shall include security training for determining the following, including: the seriousness of an incident or threat; driver and passenger communication; appropriate responses and training related to terrorist incidents; understanding security procedures; operation and maintenance of security equipment. Not later than 90 days upon issuance of the regulations, the over-the-road bus operators shall develop security training programs, which the Secretary shall review not later than 60 days upon receipt. Not later than 1 year after receiving the Secretary's approval of the program, the over-the-road bus operator shall complete the security training of all over-the-road bus frontline employees. The Secretary shall update the training regulations, as appropriate and shall ensure that the program developed is a component of the National Training Program. Not later than 2 years after the issuance of the regulation, the Secretary shall review the program and report to the appropriate Congressional Committees.

Section 1535. Over-the-Road Bus Security Research and Development

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver.

The Conference substitute adopts a provision that requires the Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, to establish a research and development (R&D) program for over-the-road bus security. Eligible R&D projects include the following: reducing the vulnerability to explosives and hazardous chemical, biological and radioactive substances; testing of new emergency response and recovery techniques; developing improved technologies for emergency response training, and security and redundancy for critical communications. The R&D program shall be consistent with other transportation security R&D programs required by the Act, and shall be coordinated with related activities within the DHS as well as DOT, in addition to R&D conducted by additional entities and agencies. The provision permits R&D projects authorized in this section to be enacted through a reimbursable agreement, if necessary, or memoranda of understanding, contracts, grants, cooperative agreements or other applicable transactions. The Conference substitute also requires the Secretary to consult with the Chief Privacy Officer of the Department, and the Officer for Civil Rights and Civil Liberties, who must conduct privacy impact assessments and reviews, respectively and as appropriate, for R&D initiatives that could have an impact on privacy, civil rights or civil liberties. Finally, the provision authorizes $2 million for each of Fiscal Years 2008 through 2011.

Section 1536. Motor Carrier Employee Protections

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security.

The Conference substitute adopts a provision related to the Senate provision which expands whistleblower protections to motor carrier, including over-the-road bus, employees. It amends the current motor carrier employee whistleblower provision for safety to include whistleblower protections and increase employee protections related to security. This provision prohibits motor carriers from discriminating against or discharging any employee who reports a safety or security threat, or who refuses to work when confronted by hazardous safety or security conditions. The Conference substitute also provides employees with additional administrative and civil remedies, including de novo review of a complaint in Federal District Court if the Department of Labor does not issue an order related to the complaint in a timely fashion. It authorizes all relief necessary to make a whistleblower whole, including damages, reinstatement with prior seniority status, special damages, and attorneys' fees. Punitive damages are also made available to employees in an amount not exceed $250,000.

The Conference believes that motor carrier, including over-the-road bus, employees must be protected when reporting a safety or security threat or refusing to work when confronted by hazardous safety or security condition. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

Section 1537. Unified Carrier Registration System Agreement

There is no comparable House provision.

Section 1436 of the Senate bill reinstates the Single State Registration System (SSRS) used by some States to levy motor carrier registration fees. This system was repealed pursuant to the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) in the 109th Congress and a new Unified Carrier Registration (UCR) system was required to be developed. However, the Department of Transportation missed the deadlines to implement the new UCR system, meaning the States no longer have the necessary Federal authority to charge motor carriers registration fees. The Senate provisions reinstate the SSRS system until the UCR is implemented and thus provide authority for the States to collect registration fees.

The Conference substitute adopts a modified version of the Senate provision which will extend the effect of Section 14504 of title 49, U.S. Code, until January 1, 2008 or the effective date of final regulations issued under this section. The provision establishes a deadline of not later than October 1, 2007 for the Federal Motor Carrier Safety Administration (FMCSA) to issue final regulations to establish the Unified Carrier Registration System and set fees for the calendar year 2008 and subsequent calendar years, as required by law. The provision also amends relevant sections of SAFETEA-LU. By enacting this provision, the Conference does not intend that FMCSA should wait until 2008 to enact the Unified Carrier Registration System, in the event that the necessary regulations and fee structure are finalized in 2007. The Conference believes that FMCSA has the authority to set fees for 2007 pursuant to SAFETEA-LU and urges the expeditious enactment of the UCR plan and agreement and system as soon as possible.

Section 1538. School Bus Transportation Security

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of school bus security, if the Secretary deems it appropriate.

The Conference substitute expands upon the Senate provision and directs the Secretary to transmit a report to the appropriate Congressional Committees containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system. The report shall include assessments of the following: the security risks to the Nation's publicly and privately operated school bus systems; actions taken by operators to address security risks; and the need for additional actions and investments to improve the security of passengers traveling on school buses. In conducting these assessments, the Secretary shall consult with relevant stakeholders.

Section 1539. Technical amendment

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute amends subsection 1992(d)(7) of title 18, United States Code, to clarify that a definition includes intercity bus transportation.

Section 1540. Truck security assessment

There is no comparable House provision.

Section 1445 of the Senate bill requires the Secretary, in coordination with the Secretary of Transportation, to transmit a report to Congress on security issues related to the trucking industry.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to issue a report, in either classified or redacted format, or both, within one year that includes an assessment of the security risks to the trucking industry, an assessment of truck security actions already taken by public and private entities, an assessment of the economic impact that security upgrades might have on the trucking industry, an assessment of ongoing security research, an assessment of industry best practices, and an assessment of the current status of secure truck parking.

Section 1541. Memorandum of Understanding Annex

There is no comparable House provision.

Section 1443 of the Senate bill requires an annex to the existing Memorandum of Understanding between the Department of Transportation and the Department of Homeland Security governing the specific roles, delineations of responsibilities, resources and commitments of the two Departments in addressing motor carrier transportation security.

The Conference substitute adopts the Senate provision with a minor modification to emphasize that motor carrier transportation includes over-the-road bus transportation.

Section 1542. DHS Inspector General Report on Trucking Security Grant Program

There is no comparable House provision.

Section 1453 of the Senate bill requires the Inspector General of the Department to submit a report to Congress within 90 days of enactment on the Trucking Security Grant Program for Fiscal Years 2004 and 2005.

The Conference substitute adopts the Senate provision, as amended, to require the Inspector General of the Department of Homeland Security to submit an additional report within one year to Congress that analyzes, using all years of available data, the performance, efficiency, and effectiveness of, the need for, and recommendations regarding the future of the Trucking Security Grant Program.

SUBTITLE D—HAZARDOUS MATERIAL AND PIPELINE SECURITY

Section 1551. Railroad Routing of Security-Sensitive Materials

There is no comparable House provision.

Section 1431 of the Senate bill directs the Secretary of Homeland Security, in consultation with TSA and the Department of Transportation, to require rail carriers transporting high hazard materials to develop security threat mitigation plans, including alternative routing and temporary shipment suspension options, and to address assessed risks to high consequence targets. These threat mitigation plans are to be implemented when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists toward high-consequence rail targets or infrastructure. Within 60 days of enactment of the Act, a list of routes used to transport high hazard materials must be submitted to the Secretary. Within 180 days after receiving the notice of high consequence targets on such routes by the Secretary, each rail carrier must develop and submit a high hazard materials security threat mitigation plan to the Secretary. Any revisions must be submitted to the Secretary within 30 days of the revisions being made. The Secretary, with the assistance of the Secretary of Transportation, is directed to review and transmit comments on the plans to the railroad carrier. A railroad carrier must respond to those comments within 30 days. The plans would be required to be updated by the railroad carrier every two years. This section also defines the following terms: "high-consequence target," "catastrophic impact zone," and "rail carrier."

The Conference substitute adopts a modified version of the Senate provision that requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to publish a final rule for the transportation of hazardous materials that would require railroad carriers to compile commodity data of security sensitive materials and analysis of the safety and security risks for transportation routes of security sensitive materials. It also mandates that the final rule require that rail carriers that ship security-sensitive materials identify alternate routes, analyze the safety and security considerations of such alternative routes, and use such routes with the least safety and security risk when transporting security-sensitive materials. The Conference substitute requires that when railroads consider alternative routes, they consider the use of routes with interchange agreements.

Section 1552. Railroad Security Sensitive Material Tracking

There is no comparable House provision.

Section 1435 of the Senate bill requires the Secretary of Homeland Security, in consultation with TSA, to develop a program to encourage the equipping of rail cars transporting high hazard materials with communications technology that provides information concerning car position, depressurization, and the release of hazardous materials. This section also authorizes $3 million in funding for each of Fiscal Years 2008 through 2010 for the Secretary to carry out this section.

The Conference substitute adopts the Senate language with minor modifications.

Section 1553. Hazardous Materials Highway Routing

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Transportation, within one year of enactment of the Act, in consultation with the Secretary of Homeland Security, to: document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier and develop a framework by using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry; assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns; analyze current route-related hazardous materials regulations in the US, Canada, and Mexico to identify cross-border differences and conflicting regulations; document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes; prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials; develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials; transmit to the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Transportation and Infrastructure a report on the actions taken to fulfill all the requirements of this section and any recommended changes to the routing requirements for the highway transportation of hazardous materials.

Under Section 1442, within 1 year of the date of enactment, the Secretary of Transportation would be required to complete an assessment of the safety and national security benefits achieved under existing requirements for route plans for explosives and radioactive materials and shall submit a report to the appropriate Congressional Committees with the findings and conclusions of the assessment. The Secretary of Transportation is also directed to assess, and potentially require, the addition of certain high-hazardous materials to the list of existing hazardous materials that are required to be transported by motor carriers that use highway routing plans.

The Conference substitute adopts the Senate language with minor modifications.

Section 1554. Motor Carrier Security-Sensitive Material Tracking

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Homeland Security, through TSA, and in consultation with the Secretary of Transportation, to develop a program to facilitate the equipping of motor carriers transporting high hazard materials with communications technology that provides frequent or continuous communications, vehicle position and location and tracking capabilities, and an emergency broadcast capability. This section authorizes $7 million to carry out this section for each of Fiscal Years 2008 through 2010, of which $3 million per year may be used for equipment and $1 million per year may be used for operations.

The Conference substitute adopts the Senate language as modified. This section would require that the Secretary of Homeland Security, through the TSA, and in consultation with the Secretary of Transportation, develop a program to facilitate the deployment and use of tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. It retains the Senate provision authorization level amounts, but does not include the specific set-aside of a $1 million per year that may be used for operations.

The Conference expects that this program will help expand the use of technology that allows for continuous communication, position location and tracking, and emergency distress signal broadcasting, when such technologies can improve security without being overly burdensome, and that the provision will expand TSA's analysis of other tracking-related security technologies that could be beneficial to the security of hazardous materials truck shipments through the evaluation required under this section.

Section 1555. Hazardous Materials Security Inspections and Study

There is no comparable House provision.

Section 1444 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans within one year after the enactment of this Act. Failure by any covered person to comply with part 172, title 49, Code of Federal Regulations, within 180 days after being notified by the Secretary is punishable by a civil penalty. In reviewing compliance with part 172, the Secretary is required to utilize risk assessment methodologies to prioritize review and enforcement actions to the highest risk hazardous materials transportation operations. This section also requires the Secretary of Transportation, within one year, in coordination with the Secretary of Homeland Security, to study to what extent the insurance, security, and safety costs borne by carriers of hazardous materials are reflected in the rates paid by shippers of such commodities, as compared to those for the transportation of non-hazardous materials. Section 1444 authorizes $2 million each of Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. It directs the Secretary of Transportation, in consultation with the Secretary of Homeland Security to limit duplicative reviews of hazardous materials security plans required under part 172, title 49, Code of Federal Regulations. The Conference substitute retains the cost study from the original Senate provision.

Section 1556. Technical Corrections

There is no comparable House provision.

Section 1450 of the Senate bill corrects technical errors to section 5103a of title 49, United States Code, by inserting "Secretary of Homeland Security" in place of the term "Secretary". This section also clarifies that an individual with a valid transportation worker identification card has satisfied the background records check required under 5103a of title 49, United States Code. This section does not preempt State requirements on background checks required to receive a hazardous materials endorsement.

The Conference substitute adopts the Senate language with minor modifications to clarify the Department of Transportation and the Department of Homeland Security's roles in carrying out section 5103a of title 49, United States Code.

Section 1557. Pipeline Security Inspections and Enforcement

There is no comparable House provision.

Section 1449 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, to establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections. Section 1449 also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and implement a plan for reviewing pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002 Circular. In reviewing pipeline operators, the Secretary of Homeland Security and the Secretary of Transportation shall use risk assessment methodologies to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets. The section also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the regulations must incorporate the guidance provided to pipeline operators in the September 5, 2002 Circular and contain additional requirements as necessary based upon the results of inspections performed under this section. The regulations must also include the imposition of civil penalties for non-compliance. Finally, the provision authorizes appropriations of $2 million for Fiscal Years 2008 and 2009 for a pipeline security inspection and enforcement program.

The Conference substitute adopts the Senate provision, with modifications to the dates for program implementation, review, and issuance of regulations, an extension of the authorization to Fiscal Year 2010, and other changes.

With respect to pipelines, the Conference is aware that a portion of these critical facilities have been inspected, and do not expect re-inspections to be performed needlessly. The Conference expects the Secretary of Homeland Security and the Secretary of Transportation to inspect facilities that have not been inspected for security purposes since September 5, 2002, by either the Department of Transportation or the Department of Homeland Security, and to re-inspect those facilities which the Secretaries deem appropriate.

Section 1558. Pipeline Security and Incident Recovery Plan

There is no comparable House provision.

Section 1448 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration (PHMSA), to develop a pipeline security and incident recovery protocols plan. The plan must be developed in accordance with the Memorandum of Understanding Annex executed on August 9, 2006 and take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions. It also requires the Secretary of Homeland Security to transmit to Congress a report containing the plan, along with an estimate of the private and public sector costs to implement any recommendations.

The Conference substitute adopts the Senate provision with modifications, including the requirement that the incident recovery protocols plan be developed in accordance with the National Strategy for Transportation Security and Homeland Security Presidential Directive-7, in addition to the pipeline security annex to the Department of Homeland Security-Department of Transportation Memorandum of Understanding. Language was also added to require that the incident recovery protocol plan address the restoration of essential services supporting pipelines, such as electrical service.

TITLE XVI—AVIATION SECURITY

Section 1601. Airport Checkpoint Screening Fund

Section 403 of the House bill establishes an airport checkpoint screening fund to be funded in Fiscal Year 2008 with $250 million and expanded until exhausted for the procurement of explosives detection equipment at security checkpoints. These funds would be derived from the current Transportation Security Administration (TSA) security fee.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides the TSA Administrator with the authority to expend funds in FY 2008 for the purchase, deployment, installation, research, and development of equipment to improve security screening for explosives at commercial airport checkpoints.

The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) asserted that while more advanced screening technology is being developed, Congress should provide funding for, and TSA should move as expeditiously as possible to support, the installation of explosives detection trace portals or other applicable technologies at more of the nation's commercial airports. Advanced technologies, such as the use of non-intrusive imaging, have been evaluated by TSA over the last few years and have demonstrated that they can provide significant improvements in threat detection at airport passenger screening checkpoints for both carry-on baggage and the screening of passengers.

The Conference urges TSA to deploy such technologies quickly and broadly to address security shortcomings at passenger screening checkpoints. The Conference believes the best way to provide for the research and development of technologies and techniques that would prevent explosives from being placed onto passenger aircraft is to pilot these technologies at a diverse group of airports. The Conference directs the Secretary of Homeland Security (the Secretary) to give priority for these pilot projects to airports that have demonstrated their expertise as pilot sites and that have been selected by the TSA as "model airports" for the deployment of technology to detect explosives.

Section 1602. Screening of Cargo Carried Aboard Passenger Aircraft

Section 406 of the House bill requires 100 percent of cargo carried on passenger aircraft to be inspected no later than 3 years after the date of enactment. At a minimum, the inspection of such cargo should provide a level of security equivalent to the inspection of passenger checked baggage. The provision requires that the percent of such cargo that should meet these screening standards should be 35 percent by the end of Fiscal Year 2007, 65 percent by the end of Fiscal Year 2008, and 100 percent by the end of Fiscal Year 2009. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations; and within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to the Government Accountability Office (GAO) which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

Section 1462 of the Senate bill requires TSA to develop and implement a system, within 3 years of the date of enactment, to provide for the screening of all cargo being carried on passenger aircraft. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, the TSA is required to report to Congress, within 1 year, detailing the operations and, within 180 days, assessing exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It requires minimum standards for the screening of cargo on commercial passenger aircraft that must be commensurate with the level of screening for passenger checked baggage. The Conference substitute includes one benchmark; 50 percent of cargo on commercial passenger aircraft must be screened in 18 months and 100 percent screening achieved in the three years following the date enactment of the legislation. The Conference considers that if TSA were unable to meet the first benchmark, TSA would be required to give classified briefings, on a periodic and to be determined frequency, to the Senate Committee on Commerce, Science and Transportation and to the House Committee on Homeland Security, to explain the status of TSA's ability to maximize the screening of cargo on commercial personal aircraft without causing negative repercussions on the flow of commerce.

The Conference substitute also defines the term "screening" in order to clarify the requirements of the section and the methods of screening the TSA Administrator is permitted to use to screen cargo on commercial aircraft. The Conference notes that the use of the phrase "physical search together with manifest verification" denotes one method of screening, separate and apart from the other methods listed in this subsection, such as X-ray systems, etc. The Conference is also concerned about TSA using data checks of cargo or shippers, including a review of information about the contents of the cargo or verifying the identity of a shipper through a database, such as the Known Shipper database, as a single factor in determining whether cargo poses a threat to transportation security. The Conference substitute, therefore, requires that if such data checks are used, they must be paired with an additional physical or non-intrusive screening method approved by TSA that examines the cargo's contents.

If TSA does not submit a final rule to implement this program within one year after an interim final rule becomes effective, the Department of Homeland Security (the Department or DHS) will be required to submit status reports to the relevant Congressional Committees every 30 days until a final rule is issued. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations and, within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference believes that TSA should consider establishing a system whereby aviation ground service providers that perform cargo security screening services for passenger aircraft, are compensated for costs incurred as a result of increased cargo security requirements.

Section 1603. In-Line Baggage Screening

Section 401 of the House bill requires the submission of an overdue cost-sharing study on in-line explosive detection systems (EDS) installation within 30 days of enactment, along with the Secretary's analysis of the study, a list of provisions the Secretary intends to implement, and a plan and schedule for implementation.

Section 1465 of the Senate bill authorizes $450 million in discretionary funds for Fiscal Years 2008 through 2011 to fund the installation of in-line EDS at U.S. airports at a level approximate to the TSA's strategic plan for the deployment of such systems. It also requires the submission of an overdue cost-sharing study on in-line EDS installation within 30 days of enactment.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It authorizes funding through Fiscal Year 2028. It further requires the submission of a cost sharing study and an analysis of the study by the DHS Secretary within 60 days of enactment of the legislation.

Section 1604. In-Line Baggage System Deployment

There is no comparable House provision.

Section 1466 of the Senate bill mandates, through Fiscal Year 2028, the annual dedication of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. The provision also bolsters the existing Letter of Intent (LOI) program, through changes in funding allocation requirements and requiring the creation of a prioritization schedule for planned projects.

The Conference substitute adopts the Senate provision, as modified to require annual dedication, through Fiscal Year 2028, of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. Four-fifths of the annual allotment—not less than $200 million—must be committed to the completion of LOIs, while the remaining funds may be distributed in a discretionary manner to fund such projects, in a priority manner, at small and non-hub airports. It also promotes leveraged funding for such projects, and to permit airports that have incurred eligible costs to improve baggage screening at their facilities to pursue reimbursement of such costs from TSA.

The Conference strongly believes that this program should be managed as outlined in the legislation and that TSA and the Administration must have a 20-year horizon for the LOIs, rather than a limited short-term view which would have detrimental effects on the ability of airports to obtain requisite funding from the financial bond markets. The Conference believes that airports may not renegotiate previously agreed-upon Government contributions, through LOIs, or any other applicable arrangement, for in-line EDS systems.

Section 1605. Strategic Plan to Test and Implement Advanced Passenger Prescreening System

Section 409 of the House bill requires the Department, within 90 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explain the integration with international flights; and provide a projected timeline for testing and implementation its advanced passenger prescreening system.

Section 1472 of the Senate bill requires the Department, within 180 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explains the integration with international flights; and provides a projected timeline for testing and implementation its advanced passenger prescreening system. In addition, the provision requires that a report by the GAO be issued to Congress within 90 days of enactment. This report must describe progress made in implementing Secure Flight; the effectiveness of the appeals process; integration with the international flight pre-screening program operated by Customs and Border Protection (CBP); and other relevant observations.

The Conference substitute adopts the House and Senate provisions, as modified. The provision would require the Department, in consultation with TSA, to submit a strategic plan to Congress, within 120 days of enactment of the legislation, that includes timelines for testing and implementation of its advanced passenger prescreening system. In addition, a GAO report must be issued to Congress within 180 days to review, *inter alia*, the implementation of Secure Flight by the Department; the effectiveness of the appeals process; integration with the international flight pre- screening program operated by the CBP.

Section 1606. Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight

Section 407 of the House bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the "No-Fly" or "Selectee" watch lists. The Office of Appeals and Redress must establish a presence at each airport to begin the appeals process for those passengers wrongly identified against watch lists.

Section 1471 of the Senate bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the "No-Fly" or "Selectee" watch lists.

The Conference substitute combines the House and Senate provisions, as modified. It creates the Office in DHS to ensure an adequate appeal and redress process in place for passenger wrongly identified against watch lists, and to increase privacy protections for individuals. The provision requires Federal employees within DHS handling personally identifiable information (PII) of passengers to complete mandatory privacy and security training. In addition, the provision requires that DHS ensure that airline passengers are able to initiate the redress process at airports with a significant TSA presence.

Section 1607. Strengthening Explosives Detection at Passenger Screening Checkpoints

Section 404 of the House bill directs TSA to issue, within 7 days, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints.

Section 1470 of the Senate bill directs DHS to issue, within 90 days after enactment, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints. It also requires TSA to begin full implementation of the strategic plan within 1 year of its submission.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It directs DHS, in consultation with TSA, to issue a strategic plan for the deployment of explosives detection equipment at airport checkpoints within 30 days of enactment, and requires the TSA to begin implementation of the plan within 1 year of its submission.

Section 1608. Research and Development of Aviation Transportation Security Technology

There is no comparable House provision.

Section 1467 of the Senate bill extends an authorization for research and development spending for aviation security technology at a level of $50 million through Fiscal Year 2009.

The Conference substitute adopts the Senate provision, as modified to authorize research and development funding for aviation security technology at a level of $50 million through Fiscal Year 2011.

Section 1609. Blast-Resistant Cargo Containers

There is no comparable House provision.

Section 1463 of the Senate bill requires TSA to develop a system by which the Administrator provides blast-resistant cargo containers to commercial passenger air carriers for use, on a random or risk-assessed basis, as determined by the agency. The cargo containers must be acquired by TSA within 90 days of the agency's completion of development of the system.

The Conference substitute adopts the Senate provision, as modified. It requires TSA to evaluate and distribute a report to Congress and the air carrier industry that includes the results of its blast resistant cargo container pilot program. After reporting, TSA must develop and implement a program consistent with the results of the evaluation to acquire the necessary blast resistant cargo containers and make them available to air carriers on a risk-assessed basis, as determined appropriate by the Administrator.

Section 1610. Protection of Passenger Planes from Explosives

There is no comparable House provision.

Section 1464 of the Senate bill directs DHS to expedite research and development pilot projects that advance technology to protect passenger planes from the threat of explosive devices. It also requires the establishment of a grant program to fund projects the agency develops through this process, with an authorization for such sums as necessary for Fiscal Year 2008.

The Conference substitute adopts the Senate provision, as modified. It requires DHS, in consultation with TSA, to develop pilot projects that advance technology for protecting passenger planes from the threat of explosive devices and to establish a grant program to fund projects developed under the program with an authorization for fiscal year 2008.

Section 1611. Specialized Training

There is no comparable House provision.

Section 1469 of the Senate bill requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification.

The Conference substitute adopts the Senate provision. It requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification, to enhance the effectiveness of layered transportation security measures.

Section 1612. Certain TSA Personnel Limitation not to Apply

There is no comparable House provision.

To ensure that the agency is properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase, Section 1468 of the Senate bill removes the arbitrary hiring cap on Transportation Security Officers of 45,000 full-time equivalent (FTE) employees that is currently imposed on the TSA's screener workforce.

The Conference substitute adopts the Senate provision. It removes the arbitrary screener cap of 45,000 full-time equivalent (FTE) employees that is currently imposed on the TSA's screener workforce so that the agency will be properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase.

Section 1613. Pilot Project to Test Different Technologies at Airport Exit Lanes

There is no comparable House provision. Section 1479 of the Senate bill establishes a pilot program to test new technologies for reducing the number of TSA employees at airport exit lanes, and requires the TSA Administrator to brief Congressional Committees, within 180 days, on the program, and provide a final report within 1 year.

The Conference substitute adopts the Senate provision, as modified. It directs TSA to conduct a pilot project, at no more than two airports, to identify technologies to improve security at airport exit lanes. The pilot program must ensure that the level of safety remains at, or above, the existing level of security at airports where the pilot program is initiated. TSA must brief appropriate Congressional Committees on the pilot program within 180 days of enactment on the pilot program, and provide a report on the program to those Committees within 18 months of the program's implementation. The provision also stipulates that this section shall be executed using existing funds.

Section 1614. Security Credentials for Airline Crews

There is no comparable House provision.

Section 1475 of the Senate bill mandates a report to Congress, within 180 days of enactment, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within 1 year after the report is submitted, and fully deploy the system within 1 year of the report's submission.

The Conference substitute adopts the Senate provision, as modified. It requires a report to Congress, within 180 days of enactment of the Act, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within one year after the report is submitted, and fully deploy the system within one year of the report's submission. In addition, the provision lists the appropriate Committees of jurisdiction in the provision's reporting requirements.

Section 1615. Law Enforcement Officer Biometric Credential

There is no comparable House provision.

Section 1477 of the Senate bill requires a credential or system that incorporates biometric and other applicable technologies to verify the identity of law enforcement officers seeking to carry a weapon on board an aircraft.

The Conference substitute adopts the Senate provision, as modified. It establishes, within 18 months of enactment, of a Federally managed, national registered armed law enforcement program for armed law enforcement officers traveling by commercial aircraft. It also requires that a report be submitted to Congress within 180 days of the program's implementation or a report explaining to Congress why the program has not been implemented with a further report every 90 days until the program becomes operational.

Section 1616. Repair Station Security

There is no comparable House provision.

Section 1473 of the Senate bill mandates that security rules be put in place at foreign aviation repair stations, within 90 days of passage of the Act, and that once security rules are established, each repair station be reviewed and audited within a 6-month period. If no action is taken within 90 days, the Administration will be prohibited from certifying any further foreign repair stations until such regulations are in place.

The Conference substitute adopts the Senate provision, as modified. It requires that security rules be put in place at foreign aviation repair stations within 1 year of passage and that any security rules established be reviewed and audited within a 6 month period. If no action is taken within 1 year, the Administration will be prohibited from certifying any foreign repair stations that are not presently certified or in the process of certification until such regulations are in place.

Section 1617. General Aviation Security

There is no comparable House provision.

Section 1474 of the Senate bill requires TSA to develop a standardized threat and vulnerability assessment program for general aviation (GA) airports within 1 year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis. TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. It further requires TSA to develop a program, within 6 months, under which foreign registered GA aircraft must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

The Conference substitute adopts the Senate provision. It requires TSA to develop a standardized threat and vulnerability assessment program for GA airports within one year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis.

TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. The provision requires TSA to develop a program, within six months, under which GA aircraft originating from a foreign location must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

Section 1618. Extension of Authorization for Aviation Security Funding.

Section 405 of the House bill provides an extension for aviation security funding through Fiscal Year 2011.

Section 1461 of the Senate bill provides an extension for aviation security funding through Fiscal Year 2009.

The Conference substitute combines the House and Senate provisions, as modified to extend aviation security funding through Fiscal Year 2011, corresponding to the time limits and other authorizations within the bill.

TITLE XVII—MARITIME CARGO

Section 1701. Container Scanning and Seals

Section 501 of the House bill prohibits a container from entering the United States unless the container is scanned and secured with a seal that uses the best available technology, including technology to detect any breach of the container and record the time of that breach. The Secretary of Homeland Security (the Secretary) must establish standards for scanning and sealing containers, and must review and revise those standards at least once every two years. This section requires all countries (those exporting 75,000 or more twenty-foot equivalent units (TEU)) scan and seal containers within three years of the date of enactment. All other countries must scan and seal container within five years. The Secretary may extend the deadline for a port by one year.

Section 905 of the Senate bill amends Section 232 of the SAFE Port Act of 2006 to require the Secretary develop a plan, which includes benchmarks, for scanning 100 percent of the containers destined for the United States using integrated scanning systems developed in the pilot program authorized in that section. It also requires that the plan incorporate existing programs, such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

The Conference substitute adopts the House provision, as modified. This provision amends Section 232 of the SAFE Port Act of 2006 to require full-scale implementation of the 100 percent scanning system pilot program required by that section no later than July 1, 2012. However, the Secretary is authorized to extend the deadline by two years, and may renew the extension in additional two-year increments, if the Secretary certifies to Congress that particular conditions can not be met. The provision provides a waiver for U.S. and foreign military cargo. It also requires the Secretary consult with other appropriate Federal agencies to ensure that actions taken under this section do not violate international trade obligations.

This substitute also amends section 204(a)(4) of the SAFE Port Act by requiring the Secretary to issue an interim rule to establish minimum standards and procedures for securing containers in transit to the United States not later than April 1, 2008. If the Secretary fails to meet that deadline, this section requires that effective October 15, 2008, and until such interim rule is issued, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers.

The Conference expects the Secretary to work with the Secretary of State, the United States Trade Representative, and other appropriate Federal officials to work with our international partners and international organizations such as the World Customs Organization to establish an international framework for scanning and securing containers.

The Conference is aware that the Department of Energy (DOE) has inherent capabilities to assess, through its cooperative agreements with numerous countries and port authorities, the adequacy of technical and operating procedures for cargo container scanning. To ensure smooth continuation of DOE's cooperative relationships with numerous countries and the further expansion of the Megavolts Second Line of Defense (SLEDDED) programs, the Conference expects that DHS and DOE shall closely coordinate their activities and consult prior to the establishment of technological or operational standards by the Secretary of Homeland Security. As part of the coordination requirement in this section, the Conference expects that where the scanning technology standards affect the DOE's Megavolts and SLEDDED programs, the Secretary shall invite the DOE to participate in the development and final review of such standards, and the Secretary of Homeland Security shall seek the concurrence of the Secretary of Energy.

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Section 1801. Findings

Section 1201 of the House bill contains findings and recommendations of the 9/11 Commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the recommendations of the 9/11 Commission.

The Conference notes that in late 2005 the members of the 9/11 Commission also made the following determinations: (1) The United States Government has made insufficient progress, and deserves a grade "D", on efforts to prevent weapons of mass destruction (W.D.) proliferation and terrorism. (2) The Cooperative Threat Reduction (CAR) Program has made significant accomplishments but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the Former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features. (3) Preventing the proliferation of W.D. and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the CAR Program. (4) Preventing terrorists from gaining access to W.D. must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly make this goal his top national security priority and ensure its fulfillment. (5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

Section 1802. Definitions

Section 1202 of the House bill defines terms used throughout Title XII of the House bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment to clarify the term "items of proliferation concern" and makes a further clarifying change.

Section 1811. Repeal and Modifications of Limitations on Assistance for Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1211 of the House bill repeals and modifies various conditions on assistance to former Soviet States under the Department of Defense Cooperative Threat Reduction (CAR) Program and the Department of Energy Defense Nuclear Nonproliferation programs. Section 1211 would also repeal the cap on Department of Defense CAR program assistance outside the former Soviet Union, with respect to prior year funds, as well as Department of Energy nonproliferation program assistance outside the former Soviet Union, while increasing oversight of such programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that removes the repeal and modification of various conditions on assistance to States outside the former Soviet Union under the Department of Energy nonproliferation programs; removes the repeal of the funding cap on Department of Defense CAR assistance outside the former Soviet Union; and makes a clarifying change.

The Conference notes that substitute is consistent with the recommendations of the 9/11 Commission regarding the need to expand, improve, and otherwise fully support the Department of Defense CAR Program and other efforts to prevent weapons of mass destruction proliferation and terrorism.

The Conference further notes that the National Defense Authorization Act for Fiscal Year 2008, as passed by the House of Representatives (Report 110–146, May 11, 2007) and the National Defense Authorization Act for Fiscal Year 2008, as reported by the Senate Armed Services Committee (Report 110–77, June 5, 2007) both address the matters contained in this provision, including the funding cap on Department of Defense CAR assistance outside the former Soviet Union, and the Conferees expect that any final national defense authorization act for Fiscal Year 2008, as enacted, will further address these matters.

Section 1821. Proliferation Security Initiative Improvements and Authorities

Section 1221 of the House bill expresses the sense of Congress that, consistent with the recommendations of the 9/11 Commission, the President should strive to expand and strengthen the Proliferation Security Initiative (PSI). Section 1221 also requires the Secretary of Defense, in coordination with the Secretary of State and the head of any other Federal Department or Agency involved with PSI-related activities, to submit to the Congressional defense Committees a defined budget for the PSI, beginning with the Department of Defense budget submission for fiscal year 2009. Section 1221 further requires the President to submit to the relevant Congressional Committees, not later than 180 days after the enactment of H.R.1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007), a report on the implementation of section 1221, including steps taken to implement the recommendations of the Government Accountability Office (GAO) in the September 2006 Report titled "Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities". Section 1221 also directs GAO to submit to Congress, beginning in fiscal year 2008, an annual report on its assessment of the progress and effectiveness of the PSI.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the scope of the sense of Congress; clarifies the annual budget submission; requires each budget submission to be accompanied by a report on PSI funding and activities; changes the GAO report to a biannual report for 2007, 2009 and 2011; and makes clarifying and technical changes.

The Conference recognizes that the annual budget request and the accompanying report for the PSI, required by the substitute, may not be fully inclusive of all funding required for PSI-related activities during the fiscal year for the budget request given unknown PSI-related activities that may arise throughout the fiscal year. However, the Conference expects the budget request and accompanying report to include all reasonably known obligations, costs and expenditures for PSI-related activities for the fiscal year of the budget request.

The Conference believes that in order to effectively expand and strengthen the PSI, the United States should work with the international community to strengthen the PSI under international law and other international legal authorities. It is important for the United States and other PSI partners to seek greater international recognition of the need to conduct PSI-related activities within certain international areas, so that international waters and airspace do not become "transit sanctuaries" for countries, terrorist organizations, and unscrupulous businesses and individuals seeking to transfer items of proliferation concern. One promising avenue could be to encourage the U.N.'s "1540 Committee," which is charged with monitoring international compliance with United Nations Security Council Resolution 1540 promoting nonproliferation, to recognize and endorse the need and ability of PSI partners to monitor and, in appropriate circumstances, interdict such shipments.

Section 1822. Authority to Provide Assistance to Cooperative Countries

Section 1222 of the House bill authorizes the President to, notwithstanding any other provision of law, provide Foreign Military Financing, International Military Education and Training, and draw down of excess defense articles and services to any country, for a maximum of three years, that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry. Such assistance would be provided to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries. Such assistance could only be provided in accordance with existing procedures regarding reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Finally, this section prohibits the transfer of any excess defense vessel or aircraft to a country until reprogramming notice is made, if that country has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the authority and adds an exemption to the limitation on an excess vessel or aircraft transfer if such transfer does not involve significant military equipment and the primary use of the vessel or aircraft will be for counter-narcotics, counter-terrorism or counter-proliferation purposes.

The Conference intends that assistance provided pursuant to this section shall remain subject to all existing law regarding the authorities listed in subsection (b) of this section. Thus, for example, the normal Congressional notification and review procedures will apply, as well as limitations related to human rights or military coups.

Section 1831. Findings; Statement of Policy

Section 1231 of the House bill contains findings and a statement of policy regarding assistance to accelerate programs to prevent weapons of mass destruction proliferation and terrorism. Section 1231 emphasizes that it shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction proliferation and terrorism, and that such policy shall be implemented with concrete measures such as those described in Title XII of H.R. 1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007).

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the policy of the United States to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs, and the implementation of such policy with concrete measures.

The Conference notes that certain U.S. threat reduction and nonproliferation programs in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and have therefore maintained unobligated and uncosted balances. Such obstacles have included lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles. The Conference also notes that although currently most Department of Defense Cooperative Threat Reduction and Department of Energy National Nuclear Security Administration nonproliferation programs are timely obligating and executing appropriated funds, the Department of Defense and the Department of Energy should ensure that this practice continues as such threat reduction and nonproliferation programs are accelerated, expanded and strengthened.

Section 1832. Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program

Section 1232 of the House bill authorizes to be appropriated to the Department of Defense Cooperative Threat Reduction (CAR) Program such sums as may be necessary for Fiscal Year 2007 for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate, expand and strengthen CAR Program activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to the Department of Defense CAR Program to Fiscal Year 2008; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for the Department of Defense CAR Program for Fiscal Year 2008.

Section 1833. Authorization of Appropriations for the Department of Energy Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Section 1233 of the House bill authorizes to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for Fiscal Year 2007 nonproliferation programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to Department of Energy National Nuclear Security Administration nonproliferation programs to Fiscal Year 2008; addresses specific purposes for any such authorization of appropriations in report language below; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for Department of Energy National Nuclear Security Administration nonproliferation programs for Fiscal Year 2008.

The Conference notes that high priority Department of Energy National Nuclear Security Administration nonproliferation programs that could use additional funding include:

(1) The Global Threat Reduction Initiative (GTRI), for (A) the Russian research reactor fuel return program; (B) conversion of research and test reactors from the use of highly enriched uranium to low-enriched uranium; (C) development of alternative low-enriched uranium fuels; (D) international radiological threat reduction, including security of vulnerable radiological sites, recovery and removal of unsecured radiological sources, and activities to address concerns and recommendations of the Government Accountability Office, in its report of March 13, 2007 titled "Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries"; (E) emerging threats and sensitive nuclear materials not covered by other GTRI programs ("gap material"), including removal and disposal of highly-enriched uranium and plutonium, and development of mobile equipment that enables rapid-response teams to quickly secure and remove nuclear materials and denuclearize comprehensive nuclear weapons programs; and (F) United States radiological threat reduction, including development of alternative materials for radiological sources that could be used in a radiological dispersion device, known as a "dirty bomb", and securing and storing excess and unwanted domestic radiological sources within United States borders.

(2) Nonproliferation and International Security, to be used for (A) technical support to the six-party process on the denuclearization of the Democratic People's Republic of Korea; (B) application and deployment of technologies to detect weapons of mass destruction (W.D.) proliferation and verify W.D. dismantlement; (C) efforts to strengthen nuclear safeguards, including improved safeguards analysis capabilities for the International Atomic Energy Agency and research and development on the next generation of nuclear safeguards, and W.D. export control systems in foreign countries, including technical and other support to the International Atomic Energy Agency's efforts to build the capacity of countries to implement United Nations Security Council Resolution 1540; (D) training of border, customs and other officials in foreign countries to detect and prevent theft or other illicit transfer of W.D. or W.D.-related materials; (E) re-direction of displaced scientists and other personnel with expertise relating to W.D. research and development to sustained civil employment, including in Iraq, Libya and Russia; and (F) activities relating to the Proliferation Security Initiative (PSI) and other W.D. interdiction programs.

(3) International Materials Protection and Cooperation, to be used for (A) implementation of physical protection and material control and accounting upgrades at sites; (B) national programs and sustainability activities in Russia, including activities to address concerns and recommendations of the Government Accountability Office in its report of February 2007 titled "Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain"; (C) material consolidation and conversion (including consolidation of excess highly-enriched uranium and plutonium into fewer more secure locations in Russia, and conversion of highly-enriched uranium to low-enriched uranium in Russia); and (D) deployment and support of radiation detection equipment at key ports of transit, and implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109-347), under the Second Line of Defense Megavolts program.

(4) Nonproliferation and Verification Research and Development, to be used for (A) development of technologies to detect and analyze activities relating to the global proliferation of W.D., including plutonium reprocessing, uranium enrichment, and special nuclear material movement; and (B) nuclear explosion monitoring, including improved nuclear material and debris analysis capabilities and research and development on improved domestic and world-wide nuclear material and debris collection capabilities.

Section 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1241 of the House bill establishes a Presidential Coordinator to improve the effectiveness of United States strategy and policies on weapons of mass destruction (W.D.) nonproliferation and threat reduction programs. The Coordinator's duties would include serving as the principal advisor to the President, formulating a comprehensive and well-coordinated U.S. strategy for preventing W.D. proliferation and terrorism, and coordinating inter-agency action on these matters. The Coordinator would also conduct oversight and evaluation of relevant programs across the government and develop a comprehensive budget for such programs. Section 1241 would also direct the Coordinator to consult regularly with the Commission on the Prevention of W.D. Proliferation and Terrorism, established under House section 1251, and to submit to Congress, for Fiscal Year 2009 and each fiscal year thereafter, an annual report on the strategic plan required under this section.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that strengthens the role of the Coordinator, by providing that the Coordinator may attend and participate in meetings of the National Security Council and the Homeland Security Council. It also makes clarifying and technical changes.

Section 1842. Sense of Congress on United States-Russia Cooperation and Coordination on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1242 of the House bill expresses a sense of Congress that the President should request the President of the Russian Federation to designate a Russian official having the authorities and responsibilities for preventing weapons of mass destruction (W.D.) proliferation and terrorism, commensurate with those of the U.S. Coordinator for these matters, established under House section 1241, and with whom the U.S. Coordinator would interact.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that expresses a sense of Congress that the President should engage Russia's President in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction and Terrorism; the authorities and responsibilities of the U.S. Coordinator; and the importance of strong cooperation between the U.S. Coordinator and a senior Russian official having authorities and responsibilities for preventing W.D. destruction and terrorism, and with whom the U.S. Coordinator would interact.

Section 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1251 of the House bill establishes a Congressional—Executive Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1852. Purposes of Commission

Section 1252 of the House bill specifies that the purposes of the commission established in House section 1251 are to assess current United States and international nonproliferation activities and provide a comprehensive strategy and concrete recommendations for such activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1853. Composition of Commission

Section 1253 of the House bill specifies the composition of the commission established in House Section 1251, including the appointment of co-chairmen of the commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that creates one chairman of the commission, rather than co-chairmen, and makes other changes to membership structure. The substitute also specifies qualifications for commission members; and makes clarifying the technical changes.

Section 1854. Responsibilities of Commission

Section 1254 of the House bill specifies the responsibilities of the commission established under section 1251, including assessment of United States inter-agency coordination and commitments to international regimes. House Section 1254 also specifies that the commission shall reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled “A Report Card on the Department of Energy's Nonproliferation Programs with Russia” of January 2001 (also known as the “Baker-Cutler Report”).

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1855. Powers of Commission

Section 1255 of the House bill specifies the powers and responsibilities of the commission established under section 1251 of that bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that authorizes staff for the commission.

Section 1856. Nonapplicability of Federal Advisory Committee Act

Section 1256 of the House bill specifies that the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the commission established under section 1251.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1857. Report

Section 1257 of the House bill requires, not later than 180 days after the appointment of the commission established under section 1251 of that bill, the commission to submit to the President and Congress a final report containing the commission's findings, conclusions and recommendations.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1858. Termination

Section 1258 of the House bill requires all authorities relating to the commission established under section 1251 to terminate 60 days after the date on which the commission's final report under House section 1257 is submitted.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1859. Funding

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that specifically authorizes such sums as may be necessary for the purposes of the activities of the Commission under this title.

TITLE XIX—INTERNATIONAL COOPERATION OF ANTITERRORISM TECHNOLOGIES

Section 1901. Promoting Antiterrorism Capabilities through International Cooperation

There is no comparable House provision. However, the House has twice passed legislation to establish a Science and Technology Homeland Security International Cooperative Programs Office (Office). Specifically, the House passed H.R. 4942 during the 109th Congress, and H.R. 884, a slightly modified version of H.R. 4942, during the 110th Congress.

Section 1301 of the Senate bill directs the Department of Homeland Security's (Department) Under Secretary for Science and Technology (S&T) to establish the Science and Technology Homeland Security International Cooperative Programs Office. The purpose of the Office is to facilitate the planning, development, and implementation of international cooperative activities, such as joint research projects, exchange of scientists and engineers, training of personnel, and conferences, in support of homeland security.

The Conference substitute adopts the Senate provisions, with minor modifications.

The Conference substitute directs the Under Secretary for S&T to establish an Office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments. The Office, located within the Department's S&T Directorate, is responsible for: promoting cooperative research between the United States and its allies on homeland security technologies; developing strategic priorities for international cooperative activity and addressing them through agreements with foreign entities; facilitating the matching of U.S. entities engaged in homeland security research with appropriate foreign research partners; ensuring funds and resources expended for international cooperative activity are equitably matched; and coordinating the activities of the Office with other relevant Federal agencies. This provision also requires the Office to submit a report every five years to Congress on the S&T Directorate's international cooperative activities.

This provision also directs the Department to identify critical knowledge and technology gaps, if any, and establish priorities for international cooperative activities to address such gaps. The Department shall coordinate with other appropriate research agencies in order to avoid creating redundant activities. Specifically, it is understood that this new office must coordinate its activities with the Department of State and shall not infringe on the Department of State's role as the agency with primary responsibility within the Executive Branch for coordination and oversight over all major science or science and technology agreements and activities between the United States and foreign countries, in accord with Title V of the Foreign Relations Authorization Act, Fiscal Year 1979. Further, any international agreements that the Department wishes to negotiate and conclude in support of international cooperative activity relating to homeland security would be subject to the Case-Zablocki Act (1 U.S.C. § 112b).

Section 1902. Transparency of Funds

There is no comparable House provision.

Section 1302 of the Senate bill requires the Director of the Office of Management and Budget to ensure that all Federal grants expended by the Office are done so in compliance with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282).

The Conference substitute adopts the Senate provision.

TITLE XX—INTERNATIONAL IMPLEMENTATION

Section 2001. Short Title

The Conference substitute provides that Title XX of the Act may be cited as the “9/11 Commission International Implementation Act of 2007.”

Section 2002. Definitions

Section 1402 of the House bill contains the definitions applicable to Title XIV.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified.

Section 2011. Findings; Policy

Section 1411(a) of the House bill contains Congressional findings.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes the importance of education that teaches tolerance and respect for different beliefs as a key element in eliminating Islamic terrorism. The findings note that the National Commission on Terrorist Attacks Upon the United States concluded that ensuring education opportunity is essential to U.S. efforts to defeat global terrorism and recommended that the United States join other nations in providing funding for building and operating primary and secondary schools in Muslim countries where the Governments of those Countries commit to sensibly investing financial resources in public education. The findings also note that despite Congressional endorsement in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), such a program was not established. They also declare that it is United States policy: to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries; to join with other countries in supporting the International Muslim Youth Opportunity Fund; to offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries; and to work to prevent financing of education institutions that support radical Islamic fundamentalism.

Section 2012. International Muslim Youth Opportunity Fund

Section 1412 of the House bill amends section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) by establishing an International Muslim Youth Opportunity Fund.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose is to strengthen the public educational systems in predominantly Muslim countries by authorizing the establishment of an International Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in predominantly Muslim countries. The new section authorizes the establishment of an International Muslim Youth Opportunity Fund as either a separate fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for Fiscal Years 2008, 2009 and 2010 to carry out these activities. This subsection also authorizes the President to carry out programs consistent with these objectives under existing authorities, including the Mutual Educational and Cultural Exchange Act. This subsection requires the President to prepare a report to Congress on the United States efforts to assist in the improvement of education opportunities for Muslim children and youths as well as the progress in establishing the International Muslim Youth Opportunity Fund.

Section 2013. Annual Report to Congress

Section 1413(a) of the House bill directs the Secretary of State to prepare an annual report.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare an annual report, not later than June 1 of each year until December 31, 2009, on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism. It also provides the requirements for the annual report.

Section 2014. Extension of Program to Provide Grants to American Sponsored Schools in Predominantly Muslim Countries

Section 1414(a) of the House bill extends a program to provide grants to American sponsored schools in predominantly Muslim Countries.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings regarding the pilot program established by section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458). It also states that this program for outstanding students from lower-income and middle-income families in predominantly Muslim countries is being implemented. It also provides for amendments to that section to extend the program for Fiscal Years 2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

Section 2021. Middle East Foundation

Section 1421(a) of the House bill deals with the Middle East Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose of this section which is to support in the countries of the broader Middle East region, the expansion of civil society, opportunities for political participation of all citizens, protections for internationally recognized human rights; educational reforms; independent media, policies that promote economic opportunities for citizens; the rule of law; and democratic processes of government. It authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. It also requires the Middle East Foundation to award grants to persons located in the broader Middle East region or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. It also establishes the private nature of the Middle East Foundation. It prevents the funds provided to the Foundation from benefitting any officer or employee of the Foundation, except as salary or reasonable compensation for services. It also provides that the Foundation may hold and retain funds provided in this section in interest-bearing accounts. The Conference substitute requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This subsection also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. It defines the geographic scope of this section. It also repeals section 534(k) of Public Law 109-102.

Section 2031. Advancing United States Interests Through Public Diplomacy

Section 1431(a) of the House bill deals with advancing U.S. interests through public diplomacy.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains a finding that the National Commission on Terrorist Attacks Upon the United States stated that the U.S. government initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of improving communications with significant Muslim populations. It amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad. The provision also authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to provide information on the use of this authority, as part of an existing annual report to the President and Congress.

Section 2032. Oversight of International Broadcasting

There is no comparable House provision.

Section 1913 of the Senate bill requires the Board of Broadcasting Governors to transcribe into English all broadcasts by Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, Radio Farad, Radio Saw, Alhurra, and the Office of Cuba Broadcasting.

The Conference substitute is a narrower version of the Senate provision. It requires the Broadcasting Board of Governors to initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farad, Radio Saw, the Persia Service of the Voice of America, and Alhurra. It also provides that this transcription shall consist of random sampling and that the transcripts shall be made available to Congress and the public. In addition, it contains a reporting requirement and authorizes $2 million in appropriations for this pilot project.

Section 2033. Expansion of United States Scholarship, Exchange, and Library Programs in Predominantly Muslim Countries

Section 1433(a) of the House bill directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States,

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. It provides for the termination of the duty to report when the certification pursuant to subsection (a) has been submitted.

Section 2034. U.S. Policy Toward Detainees

Section 1434 of the House bill deals with detainees.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings that the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that a number of U.S. allies are conducting investigations related to treatment of detainees and the Secretary of State has launched an initiative to address the differences between the United States and its allies. It expresses the sense of Congress that the Secretary of State should continue to build on the efforts to engage U.S. allies in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorism operations. It also requires that the Secretary keep the appropriate Congressional Committees fully informed of the developments of these discussions and requires a report on the progress made 180 days after enactment of this Act.

Section 2041. Afghanistan

Section 1441 of the House bill relates to Afghanistan.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes Congressional findings, including that a democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism; that following the ouster of the Taliban regime in 2001, the Government of Afghanistan has achieved some notable successes; that there continue to be factors that pose a serious and immediate threat to the stability of Afghanistan; and that the United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan. It declares that it is the United States policy to vigorously support the Government and people of Afghanistan with assistance and training, particularly in strengthening government institutions, as they continue to commit to the path toward a government representing and protecting the rights of all Afghans.

Moreover, the Conference substitute declares that the United States shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan. This section also states that the President shall engage aggressively with the Government of Afghanistan and NATO to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counter-narcotics operations. In addition, this subsection declares that the United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan. This provision makes it a statement of Congress that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated. It also directs the President to make increased effort to improve the capability and effectiveness of police training programs, including, if appropriate, by dramatically increasing the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection.

Section 2042. Pakistan

Section 1442 of the House bill relates to Pakistan's commitment to fighting terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings describing the Government of Pakistan's commitment to combating international terrorism and the critical issues threatening to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan. The findings also describe the publicly stated goals of Pakistan and their close agreement with the national interests of the United States and the opportunity for a shared effort in achieving correlative goals. This provision also declares that it is the policy of the United States to work with the Government of Pakistan to maintain its long-term strategic relationship; to combat international terrorism; to end the use of Pakistan as a safe haven for forces associated with the Taliban; to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State; to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic State; to facilitate greater cooperation between the Governments of Afghanistan and Pakistan; and to work with the Government of Pakistan to prevent the proliferation of nuclear technology.

The Conference substitute requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. This section also prohibits the provision of United States security assistance to Pakistan for Fiscal Year 2008 until the President determines that the Government of Pakistan is committed to eliminating the Taliban from operating in areas under its sovereign control, is undertaking a comprehensive campaign to accomplish this goal, and is making demonstrated, significant, and sustained progress towards eliminating support or safe haven for terrorists, and requires the President to submit a justification for any such determination made.

Moreover, the Conference substitute provides a sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long- term strategy to improve the United States relationship with Pakistan and works with Pakistan to stop nuclear proliferation. It also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts. This subsection also states that the determination of the level of funds authorized to be appropriated be determined by the degree to which the Government of Pakistan makes progress in preventing terrorist organizations from operating in Pakistan and in implementing democratic reforms and respecting the independence of the press and the judiciary. In addition, it requires a report to be submitted by the Secretary of State describing the degree to which such progress has been made. It also extends waivers of foreign assistance restrictions with respect to Pakistan through the end of Fiscal Year 2008 and includes a sense of Congress that extensions of these waivers beyond Fiscal Year 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

Section 2043. Saudi Arabia

Section 1443 of the House bill contains Congressional findings that the Kingdom of Saudi Arabia.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists. This section also expresses a sense of Congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. In addition, the Conference substitute requires a report on United States long-term strategy to engage with the Saudi Government to facilitate reform, to combat terrorism and to provide an assessment on Saudi progress to becoming a party to the International Convention for the Suppression of the Financing of Terrorism and on the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

TITLE XXI—ADVANCING DEMOCRATIC VALUES

Section 2101. Short Title

Section 2101 of the Senate bill states that this title may be referred to as the, "Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007," or the "ADVANCE Democracy Act of 2007."

There is no comparable House provision.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

Title XXI, which was title XIX of the Senate bill and has no comparable House provision other than section 1421 of the House bill, comprises the ADVANCE Democracy Act of 2007, which gives statutory standing to the U.S. framework to strengthen and institutionalize U.S. support for the promotion of democratic principles and practices worldwide. Since the President's speech at the National Endowment for Democracy on November 6, 2003, and his second inaugural address on January 20, 2005, the Department of State has been taking steps to strengthen U.S. Government democracy promotion programs. The Conference recognizes that there are already a number of experienced and dedicated career State Department officials who focus their talents and energy on democracy promotion. The Conference believes these efforts could be strengthened by further institutionalizing the focus on the protection of human rights and the promotion of democracy. In this sense, the ADVANCE Democracy Act represents Congressional support for the President's commitment to democracy promotion and the Secretary of State's ongoing efforts to change the State Department through the "Transformational Diplomacy Initiative." The Conference intends that the Act will contribute to making democracy promotion a core element of U.S. foreign policy well beyond the time when the President's term of office has been completed.

The Conference substitute adopts the Senate provisions, with amendments. The ADVANCE Democracy Act of 2007: (1) establishes new Democratic Liaison Officers and requires the Secretary to identify at least one office responsible for supporting the new officers and providing liaison with both U.S. and foreign non-governmental organizations; (2) endorses long-term strategies for democracy promotion and human rights protection for non-democratic and democratic transition countries; (3) requires the Secretary to continue to enhance training on democracy promotion and human rights protection for members of the Foreign Service and other State Department employees; (4) supports incentives for employees who excel in democracy promotion and human rights protection; (5) encourages Ambassadors and other members of the Foreign Service to reach out to foreign audiences and engage robustly with foreign government officials, media, non-governmental organizations, and students in order to engage in discussions about U.S. foreign policy, in particular democracy and human rights; (6) supports efforts to work on democracy promotion through international institutions, such as the UN Democracy Fund and the Community of Democracies, and in cooperation with other countries.

The ADVANCE Democracy Act of 2007 represents several years of discussion with outside activists, democracy practitioners, and the Department of State. It seeks to bridge the differences between individuals and non-governmental organizations that focus on the promotion of democracy and those that focus on the protection of human rights. The Conference believes that the work of these two groups of reform advocates is mutually reinforcing.

Section 2102. Findings

There is no comparable House provision.

Section 1902 of the Senate bill contains Congressional findings describing the need to promote democracy throughout the world. The findings note that the development of universal democracy constitutes a long-term challenge that goes through unique phases at different paces in individual countries. It requires reforms that go well beyond the holding of free elections to include, among other institutions, a thriving civil society, a free media, and an independent judiciary. The findings state that the development of democracy must be led from within countries themselves. This section also recognizes that democracy and human rights activists are under increasing pressure from authoritarian regimes and, in some cases, the governments of democratic transition countries. While recognizing that individuals, non-governmental organizations, and movements in nondemocratic and democratic transition countries must take the lead in making their own decisions, the findings state that democratic countries have a number of instruments to support such reformers and should cooperate with each other to do so.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

Section 2103. Statement of Policy

There is no comparable House provision.

Section 1903 of the Senate bill declares that it is United States policy: To promote freedom, democracy and human rights as fundamental components of United States foreign policy; to promote democratic institutions, including an independent judiciary, an independent and professional media, strong legislatures and a thriving civil society; to provide appropriate support to individuals, non- governmental organizations, and movements living in nondemocratic countries and democratic transition countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the statement of policy in this section.

Section 2104. Definitions

There is no comparable House provision.

Section 1904 of the Senate bill provides definitions for use in this title.

The Conference substitute adopts the Senate provision, with an amendment adding or revising several definitions, particularly by adding a definition of Nondemocratic or Democratic Transition Country.

SUBTITLE A—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

Section 2111. Democracy Promotion at the Department of State

There is no comparable House provision.

Section 1911 of the Senate bill provides for the establishment of Democracy Liaison Officers. It describes the responsibilities of the Democracy Liaison Officers and indicates that these positions should be in addition to, and not in replacement of, other positions. Section 1911 also provides that nothing in this subsection may be construed as affecting Chief of Mission authority under any provision of law, including the President's direction to Chiefs of Mission in the exercise of the President's constitutional responsibilities.

The Conference report adopts the Senate provision, with an amendment.

In addition to the Democracy Liaison Officers described above, the Conference substitute requires that the Secretary of State identify at least one office in the Bureau of Democracy, Human Rights, and Labor (DRL) responsible for working with democratic movements and facilitating the transition of countries to democracy, including having at least one employee in each office specifically responsible for working with such movements. This section provides for the identification of such an office; describes the responsibilities of the Assistant Secretary for DRL in this regard, which may be exercised through this office; and provides that the Assistant Secretary shall identify officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy.

The Conference substitute also describes actions that Chiefs of Missions should take to promote democracy. It provides for the development of a strategy to promote democracy in nondemocratic or democratic transition countries and to provide support to non-governmental organizations, individuals and movements in such countries that are committed to democratic principles, practices, and values. It also provides for meetings with leaders of nondemocratic and democratic transition countries regarding progress toward a democratic form of governance, encourages chiefs of missions to conduct meetings with civil society, interviews with media and discussions with students and young people regarding democratic governance.

Moreover, the Conference substitute provides that the Secretary of State should seek to increase the proportion of DRL's non-administrative employees who are members of the Foreign Service and authorizes such sums as may be necessary to carry out the provision.

The Conferees believe that the Democracy Liaison Officers provided for in subsection (a) of the Conference substitute should be selected with the concurrence of the Assistant Secretary of Democracy, Human Rights and Labor in order to ensure that appropriate individuals are put in those posts. The Conferees also believe that more senior officials at posts where there are significant human rights abuses should also be selected with input from the Assistant Secretary for DRL.

The Conferees note that the Department of State, as part of its Transformational Diplomacy Initiative, intends to reduce or eliminate labor officers in posts abroad. While not objecting to normal rotations and assignments designed to meet the Secretary of State's priorities and reflect the changing needs of host countries, the Conferees are concerned that eliminating such positions would signal an abandonment of the core consensus that has existed since the 1980's that the promotion of democracy includes the promotion of the freedoms of association and organization by laborers.

The Conferees observe that activists in other countries sometimes are not sure whom to contact at the Department of State to discuss local democracy and human rights issues; thus, the Conferees intend that the Secretary of State have discretion to either create a new office for this purpose or to identify one or more existing offices with regional expertise to be the points of contact for such activists. With respect to the officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy, as identified by the Assistant Secretary for DRL, the Conferees expect that such individuals would serve in the office or offices identified pursuant to subpart (b)(1).

Finally, the Conferees believe that encouraging a greater number of members of the Foreign Service to serve in DRL will enhance democracy promotion.

Section 2112. Democracy Fellowship Program

There is no comparable House provision.

Section 1912 of the Senate bill, requested by the Department of State, provides for a program to obtain an additional perspective on democracy promotion abroad by working with appropriate Congressional offices and Committees and in non-governmental and international organizations involved in democracy promotion.

The Conference substitute adopts the Senate provision, with an amendment making some minor and conforming changes.

Section 2113. Investigations of Violations of International Humanitarian Law

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a compromise provision, regarding violations of international humanitarian law by nondemocratic countries. This section requires the President to collect information regarding incidents that may constitute crimes against humanity, genocide and other violations of international humanitarian law. It requires that the President consider what actions he can take to hold governments and responsible individuals accountable.

Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy

Section 2121. Strategies, Priorities and Annual Report

Section 1421 of the House bill provides a statement of policy on the importance of promoting democracy human rights and requires country-by-country strategies to address the elements in the statement of policy.

Section 1921 of the Senate bill changes the title of an existing annual report, "Supporting Human Rights and Democracy" (SHRD), which was required by the amendments made by section 665 of the Foreign Relations Authorization Act of 2003, to "Annual Report on Advancing Freedom and Democracy" and changes the date on which that report needs to be submitted.

The Conference substitute adopts the Senate provision, with an amendment adding features of section 1421 of the House bill and expanding the provisions of the Senate amendment. It addresses the need for long-term strategies for the promotion of democracy in nondemocratic and democratic transition countries. This section commends the Secretary of State for the ongoing country-specific strategies to promote democracy and requires the Secretary of State to expand the development of country-specific strategies to all nondemocratic and democratic transition countries. It also provides that the Secretary of State shall keep the appropriate Congressional Committees fully and currently informed as strategies are developed.

The Conference substitute also provides that the report shall include, as appropriate, United States: (1) priorities for the promotion of democracy and the protection of human rights for each non democratic country and democratic transition country, developed in consultation with relevant parties in such countries; and (2) specific actions and activities of Chiefs of Missions and other U.S. officials to promote democracy and protect human rights. This section also extends the due date of the Annual Report.

The Conferees believe that the Department of State's process for implementing subpart (a)(2) should incorporate both short-term objectives and a long-term approach to democratization. The Conferees intend for the Department of State to fulfill the requirement of keeping the appropriate Congressional Committees informed by briefing the Committees, upon request, in addition to any hearings that Congress may conduct.

The Conferees observe that the existing SHRD Report all too often reflects a catalogue of program activities of the U.S. Government over the past year without context or a demonstration of what leadership the top U.S. representative is exercising in the area of demócracy promotion and human rights protection. Also, the Report contains some country sections where both U.S. priorities for assistance and actions by U.S. officials are included. The Conferees expect that such inconsistencies will be addressed by including both components for each country described in the Report.

Section 2122. Translation of Human Rights Reports

There is no comparable House Provision.

Section 1932 of the Senate bill requires the Secretary of State to continue to expand the translation of various human rights reports.

The Conference substitute adopts the Senate provision, with an amendment making the translations mandatory and making other minor changes to the Senate language.

The Conferees believe that the value of these reports will be significantly enhanced if they are available in the language of the country about which they are written. The Conferees do not intend that the entire contents of all reports be translated. Rather, the general overview and the country-specific sections should be translated into the major languages of each country. The Conferees recognize that the Department of State's current focus is on the annual Country Reports on Human Rights Practices required by the Foreign Assistance Act. However, the Conferees believe that translation of the other reports referred to in this section would further expand the impact of the U.S. Government's work on democracy and human rights.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

Section 2131. Advisory Committee on Democracy Promotion

There is no comparable House provision.

Section 1931 of the Senate bill expresses the sense of Congress commending the Secretary of State for establishing the Advisory Committee on Democracy Promotion and expresses the hope that the Committee will play a significant role in transformational diplomacy by advising the Secretary of State on all aspects of democracy promotion, including improving the capacity of the Department of State and U.S. foreign assistance programs.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

Section 2132. Sense of Congress Regarding the Internet Website of the Department of State

There is no comparable House provision.

Section 1932 of the Senate bill expresses the sense of Congress that the Secretary of State should take additional steps to enhance the Internet website for global democracy to facilitate access by individuals and non-governmental organizations in foreign countries to documents and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy. This website is intended to be an address where democracy activists from around the world can obtain or be linked to information on conditions in their country, materials on successful democracy movements elsewhere and tactics for peaceful democratic change, and other groups around the world that engage in similar struggles for freedom. The website should also include parts of other relevant human rights reports, including translations where appropriate, such as the annual Country Reports on Human Rights Practices, the annual Religious Freedom Report, and the annual Report on Trafficking in Persons.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

Subtitle D—Training in Democracy and Human Rights; Incentives

Section 2141. Training in Democracy Promotion and Protection of Human Rights

There is no comparable House provision.

Section 1941 of the Senate bill provides that the Secretary of State should continue to enhance training on democracy promotion and the protection of human rights for members of the Foreign Service and that such training should include case studies and practical workshops.

The Conference substitute adopts the Senate provision, with an amendment. Pursuant to the amendment, the Secretary of State is required to continue to enhance training on democracy promotion and the protection of human rights and provides that the training shall include appropriate instruction and training materials regarding: (1) international documents and U.S. policy regarding electoral democracy and respect for human rights, including trafficking in persons; (2) U.S. policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries; (3) ways to assist individuals and nongovernmental organizations that support democratic principles, practices, and values for any member, Chief of Mission, or deputy Chief of Mission who is to be assigned to a non-democratic or democratic transition country; and (4) the protection of internationally recognized human rights, including the protection of religious freedom and the prevention of slavery and trafficking in persons. Section 1941 also provides that the Secretary of State shall consult as appropriate with non-governmental organizations with respect to the training required in this section, and provides for a one-time report on how this section is being implemented.

The Conference notes that the Department of State is working with members of the Community of Democracies on a training manual relating to democracy promotion, which may prove useful in the training efforts described in this section. Such instruction may include: techniques for conducting discussions with political leaders of such country regarding United States policy with respect to promoting democracy in foreign countries; treatment of opposition and alternatives to repression; techniques to engage civil society, students and young people regarding U.S. policy on democracy and human rights; methods of nonviolent action and the most effective manner to share such information with individuals and non-governmental organizations; and the collection of information regarding violations of internationally-recognized human rights in coordination with non-governmental human rights organizations, violations of religious freedom, and government-tolerated or condoned trafficking in persons.

The Conference understands that certain training courses already include some human rights training. However, the Conference expects that the scope and content will be updated and expanded as part of the Secretary of State's Transformational Diplomacy Initiative and that continuous improvements will be made well into the future.

Section 2142. Sense of Congress Regarding Advance Democracy Award

There is no comparable House provision.

Section 1942 of the Senate bill expresses the sense of Congress that the Secretary of State should further strengthen the capacity of the Department of State to carry out results-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award to be known as the "Outstanding Achievements in Advancing Democracy Award", or the "ADVANCE Democracy Award", and should establish procedures regarding such awards.

The Conference substitute adopts the Senate provision.

Section 2143. Personnel Policies at the Department of State

There is no comparable House provision.

Section 1943 of the Senate bill expresses the sense of Congress that precepts for promotion for members of the Foreign Service should include consideration of a candidate's experience or service in the promotion of human rights and democracy.

The Conference substitute adopts the Senate provision, with an amendment to add suggested mechanisms for creating incentives. It provides that in addition to other awards, such as the award described in section 1942 in that bill, the Secretary of State should increase incentives for members of the Foreign Service and other State Department employees to serve in assignments that have as their primary focus the promotion of democracy and the protection of human rights, including awarding performance pay to members of the Foreign Service, considering whether a member of the Service serving in such assignments as a basis for promotion into the Senior Foreign Service, and providing for Foreign Service Awards.

Subtitle E—Cooperation with Democratic Countries

Section 2151. Cooperation with Democratic Countries

There is no comparable House provision.

Section 1951 of the Senate bill expresses the sense of Congress that the United States should forge alliances with other democratic countries to promote democracy, protect fundamental freedoms around the world, promote and protect respect for the rule of law, pursue common strategies at international organizations and multilateral institutions and provide support to countries undergoing democratic transitions. Section 1951 of the Senate bill also supports the initiative of the Government of Hungary establishing the International Center for Democratic Transition.

The Conference substitute adopts the Senate provision, with an amendment making substantive and technical changes. The Conference substitute expresses the sense of Congress that the Community of Democracies should establish a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with an appropriate staff and should establish a headquarters. The Conference substitute authorizes the Secretary of State to detail personnel to such a secretariat or any country that is a member of the Convening Group of the Community of Democracies and provides that the Secretary of State should establish an office of multilateral democracy promotion to address the Community of Democracies, pursue initiatives coming out of the UN Democracy Caucus, and enhance the UN Democracy Fund. The Conference substitute also authorizes an appropriation of $1,000,000 for each of Fiscal Years 2008, 2009, and 2010 to the Secretary of State for a grant to the International Center for Democratic Transition and provides additional guidance as to the purposes of the Centers work, including providing grants or voluntary contributions to develop, adopt, and pursue programs and campaigns to promote the peaceful transition to democracy in non-democratic countries.

Subtitle F—Funding for Promotion of Democracy

Section 2161. The United Nations Democracy Fund

There is no comparable House provision.

Section 1961 of the Senate bill expresses the sense of Congress that the United States should continue to contribute to and work with other countries to enhance the goals and work of the UN Democracy Fund.

The Conference substitute adopts the Senate provision, with an amendment adding an authorization for the UN Democracy Fund. It authorizes $14,000,000 for a United States contribution to the Fund for each of the Fiscal Years 2008 and 2009, as requested by the President.

Section 2162. United States Democracy Assistance Programs

There is no comparable House provision.

Section 1962 of the Senate bill states the sense of Congress that the purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world. Section 1962 of the Senate bill provides findings reflecting that democracy assistance has many different forms and there is a need for greater clarity on the coordination and delivery mechanisms for U.S. democracy assistance. It also provides that the Secretary of State and the Administrator of the U.S. Agency for International Development (USAID) should develop guidelines, in consultation with the appropriate Committees of Congress, to clarify for U.S. diplomatic and consular missions abroad the need for coordination and the appropriate mix of delivery mechanisms for democracy assistance.

The Conference substitute adopts the Senate provision, with an amendment including minor and technical amendments and adding a sense of Congress regarding mechanisms for delivering assistance. The Conference substitute provides that United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department of State, and expresses the view that the Human Rights and Democracy Fund (HRDF), established pursuant to the Freedom Investment Act of 2002, should continue to be used for innovative approaches to promoting democracy and human rights. It also addresses the different mechanisms that are used to define the relationship between the U.S. Government and organizations that deliver services or materials to foreign individuals or communities.

The Conference believes that the HRDF should remain a flexible instrument to exploit emerging opportunities while at the same time be managed in a cost-effective way and coordinated at the country-level to complement the mix of other democracy assistance being provided.

The U.S. Government works with a variety of organizations, including non-profit groups such as non-governmental organizations and private and voluntary organizations, and provides them with government funding to carry out U.S. foreign assistance goals. The government also hires for-profit private sector companies to implement foreign assistance programs. The use of such companies has been growing over the last 15 years. In general, as in other areas of government procurement, the use of contracts, cooperative agreements, and grants are the three main acquisition mechanisms through which agreement is reached on appropriate benchmarks for success, the level of U.S. government funding that will be spent, and the specific programs and projects to be undertaken.

In the democracy field, there are a number of U.S. Government entities that manage programs. The Democracy, Human Rights and Labor Bureau at the State Department oversees a large number of programs. The Coordinator's office for the Independent States of the Former Soviet Union oversees programs carried out through the Freedom Support Act. The Middle East Partnership Initiative, also managed by the State Department, promotes democracy and other development priorities in the Middle East. For its part, USAID has a specialized unit focused on providing democracy and governance assistance worldwide. Because of a constrained operating budget that limits permanent staff, USAID has increasingly relied on contract mechanisms, although it continues to use grants and cooperative agreements. The National Endowment for Democracy also provides extensive assistance worldwide. More recently, a Millennium Challenge Corporation (MCC) threshold program is providing electoral reform assistance in Jordan.

Non-profit organizations sometimes apply for and receive funding from several or all of these U.S. Government entities, most often through grants and cooperative agreements and sometimes through contracts. Private sector companies work almost exclusively through contracts. Both private sector and non-profit organizations bring unique strengths to the effort. Private sector companies have the ability to hire employees with specialized skills to provide technical assistance on a short-notice basis. Non-profit organizations often develop longer-term contacts in the field, country expertise, and have revenue sources other than U.S. Government funding that allows for a more sustained approach to underlying problems. With this multitude of actors, mechanisms, and foreign assistance "spigots," and given the characteristics of such actors, the Conference requests that the Secretary of State and the Administrator of USAID develop appropriate guidelines to assist U.S. missions in their efforts to coordinate democracy assistance in-country and select appropriate mechanisms for its effective implementation.

TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS

Section 2201. Interoperable Emergency Communications

There is no comparable House provision.

Section 1481(a) of the Senate bill generally amends Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109–171) (DRA) by deleting statutory language that currently limits funding to systems that either use, or interoperate with systems that use, public safety spectrum in the 700 megahertz band (specifically, 764–776 megahertz and 794–806 megahertz), and inserting new subsections providing Congressional direction with respect to eligible activities under NTIA's administration of the $1 billion public safety grant program.

New 3006(a) of the DRA establishes the scope of the permissible grants under the program and permits NTIA to allocate up to $100 million for the establishment of strategic technology reserves that will provide communications capability and equipment for first responders and other emergency personnel in the event of an emergency or a major disaster. In addition to strategic technology reserves, this subsection describes a broad range of topics related to improving communications interoperability that will be eligible for assistance under the grant program including, Statewide or regional planning and coordination, design and engineering support, technical assistance and training, and the acquisition or deployment of interoperable communications equipment, software, or systems.

New 3006(b) of the DRA reiterates the requirement imposed under section 4 of the

Call Home Act of 2006, which, subject to the receipt of qualified applications as determined by the Assistant Secretary, would require that not less that $1 billion be awarded no later than September 30, 2007.

New 3006(C) of the DRA requires that funding distributions be made among the several States consistent with section 1014(C)(3) of the USA PATRIOT Act (0.75 percent to each State) to ensure a fair distribution of funds. It also requires that the calculation of risk factors be based upon an "all-hazards" approach that recognizes the critical need for effective emergency communications in response not only to terrorist attacks, but also to a variety of natural disasters.

New section 3006(d) of the DRA establishes requirements for grant applicants, including an explanation of how assistance would improve interoperability and a description of how any equipment or system request would be compatible or consistent with certain relevant sections of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C.§ 194(a)(1)).

New section 3006(e) of the DRA directs NTIA to rely on the most current grant guidance issued under the Department of Homeland Security (the Department or DHS) SAFECOM program to promote greater consistency in the criteria used to evaluate interoperability grant applications.

New section 3006(f) of the DRA establishes criteria for grants of equipment, supplies, systems and related communications service related to support for strategic technology reserve initiatives. This section also requires that funding for strategic reserves be divided between block grants to States in support of state reserves and grants in support of Federal reserves at each Federal Emergency Management Agency (FEMA) regional office and in each of the noncontiguous States.

New section 3006(g) of the DRA permits the Assistant Secretary to encourage the development of voluntary consensus standards for interoperable communications systems, but precludes the Assistant Secretary from requiring any such standard.

New section 3006(h) of the DRA permits NTIA to seek assistance from other Federal agencies where appropriate in the administration of the grant program.

New section 3006(I) of the DRA requires the Inspector General of the Department of Commerce annually to assess the management of NTIA's interoperability grant program.

New section 3006(j) of the DRA requires NTIA, in consultation with the DHS and the FCC, to promulgate final program rules for implementation within 90 days of enactment.

New section 3006(k) of the DRA creates a rule of construction clarifying that nothing in this section precludes funding for interim or long-term Internet Protocol-based solutions, notwithstanding compliance with the Project 25 standard.

Section 1481(b) of the Senate bill requires the FCC, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of DHS, to report on the feasibility of a redundant system for emergency communications no later than one year after enactment.

Section 1481(c) of the Senate bill directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of DHS and the Secretary of Health and Human Services, to create a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee will assess current communications capabilities at emergency care facilities, options to accommodate the growth of communications services used by emergency medical care facilities, and options to better integrate emergency medical care communications systems with other emergency communications networks. The joint advisory committee would be required to report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within six months after the date of enactment.

Section 1481(d) of the Senate bill provides authorization for not more than 10 pilot projects to improve the capabilities of emergency communications systems in emergency medical care facilities. Grants would be administered by the Assistant Secretary of Commerce for Communications and Information, would require a fifty percent match, would not exceed $2 million per grant, and would be geographically distributed to the maximum extent possible.

The Conference substitute adopts the Senate provision, with modifications. Most notably, it authorizes NTIA, in consultation with DHS, to permit up to $75 million of the Public Safety Interoperability Communications grant to be used by States to contribute to a strategic technology reserve. The substitute permits waivers to States that have already implemented a strategic technology reserve or can demonstrate higher priority public safety communications needs. The Conference substitute adopts the Senate's provisions relating to the FCC's vulnerability assessment and report on emergency communications back-up system. The Conference agreed to set a deadline of 180 days for FCC to deliver its findings to Congress. The Conference substitute also adopts the Senate's provision that directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Homeland Security (the Secretary) and the Secretary of Health and Human Services, to establish a joint advisory committee that will assess current communications capabilities at emergency care facilities.

The Conference substitute provides for reports and audits by the Inspector General of the Department of Commerce. With respect to grants under this title, these provisions strengthen oversight over this program and clarify the intent of the conferees that the provisions in Sec. 2022 of the Homeland Security Act (added by Title I) do not apply to this grant program.

Section 2202. Clarification of Congressional Intent

There is no comparable House provision.

Section 1482(a) of the Senate bill would amend Title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295) by including a savings clause clarifying the concurrent authorities of the Department of Commerce and the Federal Communications Commission (FCC), with respect to their existing authorities related public safety and promoting the safety of life and property through the use of communications. Section 1482(b) of the Senate bill makes the effective date of this savings clause as if enacted with the Department of Homeland Security Appropriations for FY 2007 (Public Law 109-295).

The Conference substitute modifies the Senate language to clarify that it is Congress' intent that Federal Departments and Agencies work cooperatively in a manner that does not impede the implementation of the requirements of Title III and Title XXII of this Act and Title VI of Public Law 109-295.

The Conference observes that Federal Departments and Agencies should not be precluded or obstructed from carrying out their other authorities relating to other emergency communications matters.

Section 2203. Cross Border Interoperability Reports

There is no comparable House provision.

Section 1483 of the Senate bill would require the FCC, in conjunction with the DHS, the Office of Management and Budget, and the Department of State to report, not later than 90 days after enactment on the status of efforts to coordinate cross border interoperability issues and the re-banding of 800 megahertz radios with Canada and Mexico. The FCC would further be required to report on any communications between the FCC and the Department of State regarding possible amendments to legal agreements and protocols governing the coordination process for license applications seeking to use channels and frequencies above Line A, to submit information about the annual rejection rate over the last 5 years by the United States for new channels and frequencies above Line A, and to suggest additional procedures and mechanisms that could be taken to reduce the rejection rate for such applications. The FCC would be required to provide regular updates of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of treaty negotiations related to the re-banding of 800 megahertz radios until the appropriate treaty has been revised with Canada and Mexico.

The Conference Report adopts the Senate provision.

Section 2204. Extension of Short Quorum.

There is no comparable House provision.

Section 1484 of the Senate bill permits two members of the Consumer Product Safety Commission to constitute a quorum for 6 months following enactment of this Act.

The Conference substitute adopts the Senate provision.

Section 2205. Requiring Reports To Be Submitted to Certain Committees.

Section 1485 of the Senate bill requires under provisions of this Act to be shared with other relevant Congressional Committees.

The Conference substitute modifies the Senate reporting provision and agrees that in addition to the Committees specifically enumerated to receive the reports under this Title, any report transmitted under the provisions of this Title shall also be transmitted to the appropriate Congressional Committees as provided for by under section 2(2) of the Homeland Security Act (6 U.S.C.§ 101).

TITLE XXIII—911 MODERNIZATION

Section 2301. Short Title

The Conference substitute provides that Title XXIII may be cited as the "911 Modernization Act."

Section 2302. Funding for Program

There is no comparable House provision.

Section 1702 of the Senate bill amends Section 3011 of Public Law 109-171 (47 U.S.C. §309) to give borrowing authority to the Assistant Secretary of the National Telecommunications and Information Administration (NTIA) for not more than $43,500,000 to implement the Enhance 911 Act of 2004 (Public Law 108-494). The Assistant Secretary must reimburse the Treasury without interest once funds are deposited into the Digital Television Transition and Public Safety Fund.

The Conference substitute adopts the Senate provision.

Section 2303. NTIA Coordination of E-911 Implementation

There is no comparable House provision.

Section 1703 of the Senate bill amends Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. § 942(b)(4)) to require the Assistant Secretary and the Administrator of the National Highway Safety Administration to issue regulations that allow a portion of the Phase II E-911 Implementation Grants to be prioritized for Public Safety Answering Points (PSAPs) that were not capable of receiving 911 calls on the date of the enactment of the Enhanced 911 Act of 2004 (Public Law 108-494). These grants will be used for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants are subject to all the other requirements of this section, such as the fifty percent matching funds requirement and the requirement to certify that no portion of any E-911 charges imposed by an applicant's State or taxing jurisdiction are being obligated or expended for any purpose other than for which such charges were designated.

The Conference substitute adopts the Senate provision.

TITLE XXIV—MISCELLANEOUS PROVISIONS

Section 2401. Quadrennial Homeland Security Review

There is no comparable House provision. However, the House passed a similar provision in H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, which called for a Comprehensive Homeland Security Review at the beginning of each new Presidential Administration.

Section 1606 of the Senate bill included a provision to conduct a Quadrennial Homeland Security Review, requiring the Department of Homeland Security (the Department or DHS) to conduct a comprehensive examination of the national homeland security strategy.

The Conference substitute adopts a compromise provision which in several places clarifies the scope of the Review. It requires the Secretary of Homeland Security (the Secretary) to carry out the first Quadrennial Homeland Security Review in Fiscal Year 2009, and every four years thereafter. The Conferees believe that this review should take place in the first year after a Presidential election, so that a new Administration can act upon the results of the review or a re-elected Administration can review its policies and emerging threats and revise the review accordingly. This also recognizes the time span during which a new President will appoint and the Senate will confirm senior departmental officials who will be responsible for this review. The provision also requires the Secretary to consult with other Federal agencies, key officials of the Department, and other relevant governmental and non-governmental entities in carrying out the review.

The Conference substitute also describes the required content of the review, including an update of the national homeland security strategy, a prioritization of homeland security mission areas, and the identification of a budget plan for executing these missions. These review activities are intended to strengthen the linkages between strategy and execution at the Department of Homeland Security. The Conference substitute requires the Secretary to submit to Congress a report regarding the results of the Quadrennial Homeland Security Review no later than December 31 of the year in which a review is conducted, and also to make that report public consistent with the protection of national security and other sensitive matters. It also requires the Department to begin in Fiscal Year 2007 and Fiscal Year 2008 to prepare to carry out this review, and to report to Congress on these preparations.

The Conference understands that the Administration already has begun this process by including a request for designated funding in the President's Fiscal Year 2008 request for the Office of Policy to lead this initiative.

Section 2402. Sense of the Congress Regarding the Prevention of Radicalization Leading to Ideologically-Based Violence

There is no comparable House provision.

Section 1602 of the Senate bill includes extensive findings concerning the threat of radicalization in the United States as a component of the struggle against the transnational ideological movement of Islamist extremism. This provision also makes recommendations to the Secretary regarding measures that can be taken to prevent radicalization and concludes that the Secretary should work across the Federal government and with State and local officials to make countering radicalization a priority.

The Conference substitute adopts the Senate provision with changes. The changes include modifying the terms used to describe radicalization so that it is clear that protected behavior is not included. As a result, radicalization is referred to as radicalization that leads to ideologically-based violence. Additionally, while the language is intended to address the global struggle against violent extremism, the language is broadened to include ideologically-based violence from all sources.

Section 2403. Requiring Reports To Be Submitted to Certain Committees

There is no comparable House provision.

Section 1485 of the Senate bill contained a provision to provide certain Senate Committees with reports required elsewhere in the bill.

The Conference substitute adopts part of the Senate provision with updated references to certain reports.

Section 2404. Demonstration Project

There is no comparable House provision.

Section 805 of the Senate bill requires the Secretary to establish a demonstration project to conduct demonstrations of security management systems.

The Conference substitute adopts the Senate provision, while modifying it so that it defines "security management system" as a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

Section 2405. Under Secretary for Management of the Department of Homeland Security

There is no comparable House provision, as Members believe that this issue would be best addressed as part of a comprehensive homeland security authorization bill.

Section 1601 of the Senate bill elevates the position of Under Secretary for Management to a Deputy Secretary, adds qualifications for the position, and gives this newly created position a five-year term with removal only for performance reasons.

The Conference substitute adopts a modified version of the Senate provision by enhancing the Under Secretary's authority while maintaining the position at the Under Secretary level without a fixed term. Specifically, the substitute designates the Under Secretary for Management as the Chief Management Officer and the Secretary's principal advisor on management-related matters. It also requires the Under Secretary to facilitate strategic management planning, integration, transformation, and transition and succession for the Department.

The Conference substitute requires the Under Secretary to develop a transition and succession plan, and authorizes the incumbent Under Secretary to remain in the position, after a Presidential election, until a successor is confirmed in the subsequent Administration. It also expresses the Sense of the Congress that a newly-elected President should encourage the incumbent Under Secretary to remain until a successor is confirmed, to provide continuity during the transition. The legislation also requires that the Under Secretary be accountable for his or her performance—each year, the Under Secretary must enter into a performance agreement with the Secretary and be subject to an evaluation based on the same. The substitute also enhances the President's ability to attract qualified candidates, as it elevates the Under Secretary for Management to Level II of the Executive Schedule.

Because the Department is newly formed, and in light of the integration and management challenges it has faced to date, the Conference is concerned about the impending transition between Administrations and believes this transition should be well-planned and smoothly implemented. The Conference believes that this position requires a person with strong management skills and a proven track record of success, and this legislation requires the selection of a person with such experience.

EARMARKS

Pursuant to House Rule XXI, clause 9(a)(4), the Committee of Conference attaches a list of earmarks included in the Conference Report to accompany H.R. 1, including a list of Congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate Committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no Congressional earmarks, limited tax benefits, or limited tariff benefits, as follows:

Section	Earmark	Member
Section 1204	National Disaster Preparedness Training Center, University of Hawaii	Sen. Daniel K. Inouye
	Transportation Technology Center, Inc.	Sen. Wayne Allard Sen. Ken Salazar Rep. John T. Salazar Rep. Ed Perlmutter

Section	Earmark	Member
Section 1205	Connecticut Transportation Institute, University of Connecticut	Sen. Christopher J. Dodd Sen. Joseph I. Lieberman
	National Transit Institute, Rutgers, the State University of New Jersey	Sen. Robert Menendez Sen. Frank R. Lautenberg
	Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas	Sen. Mark L. Pryor
	Homeland Security Management Institute, Long Island University	Sen. Charles E. Shumer Rep. Peter T. King
	Texas Southern University in Houston, Texas	Rep. Al Green
	Tougaloo College	Rep. Bennie G. Thompson

BENNIE G. THOMPSON,
LORETTA SANCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr.,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
Managers on the Part of the House.

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
Managers on the Part of the Senate.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 566) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That the following member be, and is hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOMELAND SECURITY.—Mr. Broun of Georgia.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Broun of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. COURTNEY, Connecticut
Mr. SHAYS, Connecticut

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES L. OBERSTAR, Chairman, Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 25, 2007.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking Member John L. Mica (Florida) to serve on the Board of Visitors.

Since its founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of "educating, training and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country." The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE 1ST BATTALION OF THE 133RD INFANTRY OF THE IOWA NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to welcome the members of the 1st Battalion of the 133rd Infantry of the Iowa National Guard home to Iowa after a lengthy deployment in Iraq, and to honor and thank them for their service there.

Today was a momentous day in Iowa as the members of the 1-133rd, known as the "Ironman Battalion," were reunited with their friends, family, and loved ones at a homecoming ceremony in Waterloo. This day of reunion and celebration has been anxiously awaited in Iowa since the battalion left for Iraq last year. An overflow crowd of thousands packed Riverfront Stadium to welcome the hundreds of men and women home. As they drove the final miles from Ft. McCoy in Wisconsin, Iowans lined the road to wave at the 1-133rd.

Sadly, today was also made bittersweet by the absence of two members, Sergeant 1st Class Scott Nisely and Sergeant Kampha Sourivong, who were tragically killed during combat operations in Iraq in September 2006.

It is impossible for those who have not served in Iraq to fully understand the experiences of the 1-133rd, or to comprehend the sacrifices that they and their families have made on behalf of our country. However, I am glad that the Memorial Day special edition of "60 Minutes" gave Americans a small glimpse of the challenges that members of the 1-133rd and their families have faced throughout their long deployment, and more importantly into their incredible perseverance.

Iowans who watched the "60 Minutes" special featuring the 1-133rd saw the story of their friends, neighbors and loved ones who chose to serve and sacrifice when their country called them. We saw the daily danger faced by the 1-133rd in Iraq as they helped deliver fuel to coalition forces. We saw their families missing them and adjusting back home. We saw the hardship and heartache that was experienced by the members and their families when they received the news that their tour of duty was to be extended from April until this summer. And we saw the lives of our fellow Iowans cut tragically short.

For me, the program also reinforced what I had already learned about the members of the 1-133rd from my frequent communications with their commanding officer, Lieutenant Colonel Ben Corell, that they are men and women of great strength and character who selflessly and bravely put their lives on the line every day for their country in Iraq.

The contributions of the 1-133rd have indeed been crucial to the U.S. mission in Iraq. Throughout their tour of duty in the al Anbar province, one of the most dangerous parts of the country, the 1-133rd detained over 60 insurgents. They completed over 500 missions providing security for convoys, and logged in over 4 million mission miles. They have delivered over one-third of the fuel needed to sustain coalition forces in Iraq.

I hope that it gives members and families of the 1-133rd pride to reflect upon their accomplishments and to know that they are part of the longest-serving Iowa military unit since World War II, and part of the Army National Guard unit which has served the longest continuous deployment of any National Guard unit in support of Operation Iraqi Freedom. They have made me and so many others proud through their work and their sacrifices in Iraq, and I am incredibly privileged to represent them in the United States Congress.

I believe that the entire country should commend and thank these members and the families of the 1st Battalion, 133rd Infantry of the Iowa National Guard for their contributions to the U.S. mission in Iraq. That is why today I introduced a resolution in the House to honor and thank them for their service and sacrifices there. The strong bipartisan support this resolution has from 70 original cosponsors, including the entire Iowa congressional delegation, demonstrates the pride and gratitude that Americans feel toward our men and women serving in uniform.

I look forward to the swift passage of this resolution in the House of Representatives, and I hope that it comes to serve as a genuine expression of thanks from a grateful State and a grateful Nation.

We will be forever indebted to the members and families of the 1-133rd for their service and sacrifice. Again, I would like to commend and thank this incredible battalion for their work, and join their families, friends and neighbors in welcoming them home.

□ 2300

HONORING THE LIFE OF PFC. BRANDON KEITH BOBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Winston Churchill said that, "We are masters of our fate, the task which has been set before us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our own cause and an unconquerable will to win, victory will never be denied us."

Army PFC Brandon Keith Bobb believed in these words. He believed in the mission of Operation Iraqi Freedom. He believed in freedom and liberation from tyranny and terrorism.

Private First Class Bobb was born and raised in Port Arthur, Texas, a small town in southeast Texas that I represent. He attended Memorial High School and was a member of the track and field team. His high school coach remembers a young man who exhibited leadership as a high school student. His fellow students looked up to him and followed his examples.

Private First Class Bobb did not get the opportunity to graduate from Memorial High School because of Hurricane Rita. Hurricane Rita reared her vicious head and forced Bobb and his family to evacuate southeast Texas, and they relocated in Florida. He finished high school there.

He did not always want to be in the United States Army. It was in Riverview that he decided his career path in life, to become a chef. So, after high school, Bobb enrolled in the Orlando Culinary Academy. However, he quickly decided that this career choice was really not for him, and he decided that he wanted to belong in the United States Army. He knew the United States was at war in action and Iraq, but he enlisted in the Army because he knew it was his duty.

As private first class in the Army, Bobb became a military police officer in the 401st Military Police Company, 92nd Military Police Battalion, 89th Military Police Brigade stationed at Ft. Hood, Texas.

He enjoyed being a military police officer, maintaining law and order on the Army base. According to Private Bobb, he said, "As of now, being a military police officer is the best job in the world."

He was a man of many friends, especially among his brothers in arms in the United States Army. Those who knew him knew a young man that had an easy going personality and a positive outlook on life. He was always cheerful and was a soldier that others looked to for support and to lend a helping hand. He was always thinking of others, according to his friends.

He knew he was lucky in life, and he admitted on his personnel Myspace page that he hadn't always followed the straight and narrow path and had engaged in potentially dangerous activity growing up. But he was confident that that part of his life was behind him, and regardless of how tough he thought he was then, he knew in his heart that he was a real soldier in the Army.

Private First Class Bobb continued and said, The United States Army is where the real tough men are at, my drill sergeants, my battle buddies, my commanders, and first sergeants that stand ready to die for the rest of us every day.

Private First Class Bobb was deployed to Iraq in 2006 and was proud to go over to the vast desert sands of Iraq and defend freedom for the Iraqi people and represent the United States. He believed in his heart what he was doing was right.

But on July 17, a week ago, Private First Class Bobb was traveling in a military Humvee in the Iraqi capital of Baghdad when a bomb detonated near the vehicle. The bomb killed Pfc. Brandon Bobb and two of his fellow soldiers. He was 20 years old. He was due home from duty on July 26. That would have been tomorrow, one week after he gave his life for his country.

This is a recent photograph taken of Private First Class Bobb. This past Monday, this southeast Texas warrior, this son of Texas, came back to his beloved hometown. The citizens of Port Arthur turned out and honored him with a patriot's welcome. A water-made rainbow arch greeted the plane that carried the fallen soldier as hundreds of individuals from the town waving American flags lined the streets to pay final respects. Mr. Speaker, that's what people do in southeast Texas when our heroes come home.

A lieutenant in the United States Marine Corps, in a recent letter from Iraq, described what it meant to be an American warrior. He said, "Our highest calling: to defend our way of life and Western civilization; fight for the freedom of others; protect our family, friends, and country; and give hope to a people long without it."

Pfc. Brandon Bobb was that American warrior. He embodied what it meant to serve one's country with duty and honor, to put others above himself, and to defend the freedom of all Nations.

We are a grateful Nation for the sacrifice of Pfc. Brandon Bobb. Our hearts and prayers are with his family and his Army buddies.

Mr. Speaker, our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These warriors represent the best of our Nation. They are the sons of liberty and the daughters of democracy. These few, these noble few are American warriors who take care of the rest of us.

And that's just the way it is.

IT'S UP TO CONGRESS TO TAKE THE WHEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the President is famous for saying that he is the decider, but earlier this week we found out that when it comes to Iraq the American people want Congress to be the decider.

A poll conducted by ABC News and the Washington Post found that 62 percent of the American people say that Congress, and not the White House, should have the final word as to when to bring our troops home. The poll also found that 78 percent of the American people believe that the President is not willing enough to change course in Iraq. Nearly 60 percent favor withdrawal of our troops, and nearly two-thirds believe that the troop surge will not make things better.

And perhaps the saddest thing of all about this, Mr. Speaker, is that the great majority of Americans who have served in Iraq, or who have had a close friend or relative serve there, disapprove of the way the occupation has been handled.

These findings represent a complete repudiation of the President's policies and leadership, but it also poses a great challenge to Members of Congress. The American people are looking for us to lead. But so far, we've let them down. We haven't done what the American people sent here us here to do: end the occupation and bring the troops home.

Yes, it's true that this House voted earlier this month to begin withdrawing our troops within 120 days. That was an important step forward, but it doesn't force the President's hand because there aren't enough votes in this House, yet, to make the bill veto-proof.

I know that my colleagues across the aisle are waiting for General Petraeus to issue his report of the surge in September before they decide what to do about Iraq, but I don't know why we're waiting for a report when the report that really matters has already been issued, the National Intelligence Estimate, which we received last week.

It showed beyond a shadow of a doubt that al Qaeda is the greatest threat to America, and it is operating out of Pakistan, not Iraq. By getting caught in the crossfire of a civil war in Iraq, we have been fighting the wrong enemy in the wrong place at the wrong time.

But despite all logic, the administration keeps digging us in even deeper. The press is reporting today that the American command in Iraq has developed a new plan that will keep us fighting and dying there for years more, and at least 2 years more.

This is the worst possible action to take, Mr. Speaker, because it sends the message that our involvement is open-ended. It says to the Iraqi government, you don't have to lift a finger to take responsibility for your country's security because Americans will do the job for you.

Six-and-a-half years later, this administration has pursued an arrogant, go-it-alone foreign policy. It told our allies and the rest of the world to get lost. So it's not surprising that it wants Congress to get lost, too.

But we are a coequal branch. We have a clear mandate from the American people. The American people are telling us, the President is driving us over the cliff. So it's up to the Congress to take the wheel.

Our duty is clear, Mr. Speaker. We must act now to put our country and the world on a better and safer course. We must bring our troops home.

☐ 2315

CHAMP ACT AND DENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my strong support for the Children's Health Medicare Protection Act, entitled CHAMP, of 2007, which makes great strides in improving our Nation's health care system.

It chills the conscience to think that approximately 9 million children are currently without health insurance. An estimated 18,000 Americans died last year because they did not have access to health care, many of them sadly were children.

There can be no justice until all of our children, our most valuable resource, are granted access to the most technologically advanced system in the world.

Individuals travel from every corner of the globe to access our high-quality health care. Yet, we cannot seem to provide care to the individuals in our own backyard.

The CHAMP Act would begin to begin to change that injustice, committing $50 billion to reauthorize and improve the State Children's Health Insurance Program, our Nation's health care safety net for low-income, uninsured children.

The Act does not expand the SCHIP benefit to wealthy children or adults, as some would argue. It merely provides benefits to the same low-income children who we originally intended to cover.

Most of the 9 million children who are currently uninsured are eligible for Medicaid or SCHIP, but do not receive the benefits because of enrollment barriers and underfunding.

The CHAMP Act will lift the barriers and raise the funding so we can get our children the care they so desperately need.

It is with great enthusiasm that I support this landmark legislation. I am pleased that my colleagues have been able to rise above the political rhetoric to develop legislation that will have a significant impact for our Nation's most vulnerable children. I am also pleased that my chairman shares my commitment to improving children's access to dental care. The chairman recognizes, as I do, that oral health is an overall component of overall health, and we cannot afford to ignore the dental health needs of our children.

I applaud efforts to include a dental benefits package and dental quality assurance methods in the CHAMP Act. I also want to thank the chairman and of my fellow colleagues from Maryland, including Congressman Albert Wynn, for their support of two initiatives that I had promoted to increase children's access to dental care under this legislation.

The first would allow federally qualified health centers to contract with private-practice dentists, significantly enhancing our Nation's dental safety net. The second one requires the Secretary of Health and Human Services to provide educational materials to new mothers on the importance of oral health and the services available to their children, with the goal of stopping dental disease before it even starts. Both initiatives will cost little or nothing, while yielding excellent results for our children.

Congressman WYNN and I know the importance of protecting our children from dental disease. It was a short 5 months ago that a 12-year-old Maryland boy died when an untreated tooth infection spread to his brain. Forty dollars worth of dental care might have saved his life, but he never got that opportunity.

As I have said before, Deamonte Driver's case was rare and extreme, but he was by no means alone in his suffering. Dental disease is the single most common chronic disease in this country, and it is preventable.

Finally, all it takes on our part is the will to protect our children. I am pleased that so many Members of Congress have demonstrated this will, and I encourage all my colleagues to support the vitally important CHAMP Act.

FIGHTING CRIME AND HELPING WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we have had under consideration the Commerce, Justice and Science appropriations legislation, which has a far-reaching impact on a number of issues that America and Americans are facing today. All over

America we have seen statistics for crime going up, major cities being impacted, and particularly seeing the numbers of law enforcement officers stretched to the ultimate. In fact, in my own City of Houston, big billboards say, Dallas, bonus for police officers who will relocate to Dallas.

At the same time, Houston is seeing a sizeable drop in the law enforcement officers that are able to patrol the street, losing almost 1,000 to 1,200. More funding is needed. That is why I applaud today the increased funding and the refunding for Community Oriented Policing Services, $725 million, $693 million over the President's request and $183 million above 2007.

Frankly, we had eliminated, under this administration and the past Congress, the Community Oriented Policing process. I know it firsthand, because our former chief of police and former mayor of the City of Houston could be considered the father of community-oriented policing; that is chief, former mayor, Lee P. Brown. We saw the results of such a program when police persons knew the neighborhood; they knew the good guys and the bad guys.

It was a mistake, a wrong-headed mistake, for this administration to drastically cut the cops-on-the-beat program. It works. It works for hamlets in rural areas. It works for big cities and middle-sized cities and small cities. I am glad this bill focuses on restoring to the American public the law enforcement it needs. I hope as we move to the other body and build this bill, that the President will sign increased funding for more officers who know the community and can enforce the law.

We need to bring the crime statistics down and help to save lives. Hijacking and carjacking of cars, busting into homes, drug running is taking over our communities because of the lack of law enforcement that know the community and are able to be trusted by the community.

Let me also note the fact that we have funded, in addition to the amendments passed today, the Women Against Violence Act and the Office of Violence Against Women Act. I was very pleased, as a member of the Judiciary Committee, to be one of those who helped reauthorize the VAWA Act, which now is being funded over these years.

It is crucial that, in addition to providing for a Violence Against Women program to the United States, that we also include protecting immigrant women who sometimes are left destitute because their immigrant husband is abusing them, and they then become unstatus because the husband has left them. This is a very important program as well.

Let me cite the Office of Juvenile Justice and Delinquency Prevention, $400 million, $62 million above 2007. It speaks to some of the crises that we are facing in the juvenile justice system. It is a wrong-headed system, more incarceration than rehabilitation. We need to direct these funds to do more rehabilitation and to be able to steer our children in the right direction.

It is more than important as well, as we fund the Federal Bureau of Prisons, that we study the question of the early release program for nonviolent prisoners. I hope to offer such an amendment. Our prisons are overcrowded. We have the largest number of incarcerated persons, but it is well known that because of the mandatory sentencing, we have individuals who are, in fact, incarcerated who can be released. Let us find a pathway to studying the early release of prisoners in the Federal system, and I am looking forward to putting such an amendment forward.

As a strong proponent of the National Foundation for Science, science research, aeronautics, space exploration, under the National Aeronautics and Space Administration, I thank the chairman, Chairman MOLLOHAN, for funding those programs in a balanced manner. It may not be all that we want, but I am very glad to see exploration of $3.9 billion, $467 million over 2007 and the same as the President's request, has been funded.

Let me say that one of the issues that should be included, however, if we go to space, we need to be safe. My legislation dealing with the international space station and a safety commission needs to be reemphasized, and I will have an amendment to that extent.

Might I also say that it is very important, as we look at a number of issues around America, including law enforcement, that we provide interoperable equipment for our workers who are dealing with the public.

In Houston it is a tragedy that the bus workers that work for the metro system don't have communication devices that they drive the buses around our city. I am hoping to offer an amendment that will emphasize that.

This is important legislation that we are moving forward, including support for the legal services. I look forward to debating this bill and supporting it as we help America and help the American people.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining until midnight as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House once again. I think it's very important to know that we have half a week and next week to complete the people's business. We have a lot that we are working on right now in the United States, also; legislation to redeploy our troops in Iraq, passing a farm bill that would help America move forward, to continue to have legislation that has already passed this House in the Six in '06 plan that we put forth in the first 100 hours of this Congress, getting it through the process. We celebrate this week, just yesterday, I believe, the increase that started with the minimum wage across the country. Americans have a lot to be proud of with this new direction of Congress.

As you know, in any democracy, it has to be a bipartisan spirit to get the job done on behalf of the American people. We are trying to do that in the best way possible.

Our friends on the other side of the aisle, on the Republican side of the aisle, in many cases are stutter-stepping and slowing down the process, but it's very, very important that their voice is heard in this Chamber. I think the days upon days and the hundreds of amendments that have been offered here on the floor and that have been voted on is evident of how this Democratically controlled House has allowed the minority party to be able to have access that only they could celebrate in the 110th Congress, which we weren't able to celebrate under the 109th Congress.

I also want to point out the fact that we have passed over 40-something major legislation where we have had bipartisan support, and I think that's important.

One issue I want to talk about tonight, since our time is limited, of the amount of dollars that we are spending in Iraq as we continue to try to redeploy our troops. We know the September 15 date is coming up, the second report of progress, or a lack thereof, in Iraq will be due. Members of the House are going to have to vote on the defense appropriations bill shortly thereafter that will set the tone for the remainder of the fiscal year.

As you know, we passed off this floor on a bipartisan vote continuing an emergency supplemental that would allow 3½ months of funding for the war in Iraq with MRAP tanks and other equipment that the troops needed.

I think Members had voted in the affirmative, Members had voted against it, both were courageous votes. I think it's time to move in a direction of policy. No permanent bases, I understand, will be coming up on the floor. We also have other legislation calling for the withdrawal of U.S. troops by a certain date. I think that's also important and very courageous. I think the debate that is going on in the Senate and the House, led by Democrats, are going to help us as we move towards the September 15 date.

As you know, and the Members know, I speak quite often on leaving politics behind and putting good policy forward, making sure that we don't act as

Democrats and Republicans politically, I will say that again, rather than representing the American people. The American people are way ahead of us on this issue of Iraq.

I think it's important as we continue to share the information as we get in. This came from the Congressional Research Service. The cost of the war in Iraq is rising per year. You see the number in the billions, $120 billion per year, per month; $10 billion per week. We are looking at looking at $2.3 billion a day. We are looking at $329,000, we are looking at, per hour, as you see it relates per hour; the $13 million. I think it's important to look at per minute, $228,938 that's there in the thousands, and then we have $3,816 per second. I think it's important.

I think it's also important we look at those numbers, the cost per year, we look at the billions. We are looking at $120 billion per year. That can actually pay for 4.7 million EMTs and paramedics. When you look at it for a monthly cost at $10 billion, which we are spending in Iraq, you can actually provide EMTs or paramedics for your local community or for the Nation, 395,000.

When you look at the per-week cost, $2.3 billion, 91,000 EMTs and paramedics could be provided for local cities and counties and parishes; per day, at $329 million, 13,000; and per hour, $13.7 million that's spent that could actually fund 543 new EMTs. I think it's important, especially for those cities that are struggling and those counties that are struggling and States that are struggling on this very issue of how they are going to provide emergency service in their local community.

If you look at the cost of the war, could enroll more kids in Head Start. I think it's important for us to look at the $120 billion, 16.7 million kids can go into Head Start; per month at $10 billion, 1.7 million kids could go into Head Start; per week, $2.3 billion that's being spent in Iraq, 320,000 kids could actually be enrolled in Head Start where we have a shortage of funding and every kid can't receive Head Start opportunities where kids can start early and be healthy, and parents can have kids that will be prosperous educationally.

□ 2330

Per day, look at $329 million; 46,000 kids could benefit. And the per-hour cost that we are spending in Iraq at 13.7, 2,000 kids could be enrolled in the Head Start program.

As we start talking about health care insurance for children, I am just looking at these numbers as a member of the Ways and Means Committee and I am just thinking of how many kids we can actually do good things for and Americans. We just pulled a few of these things.

The cost of Iraq could send more Americans to college. You know the numbers by now. As you know, this is the year number at $120 billion, and the per-month is $10 billion, the per-week is $2.3 billion, per-day is $329 million, and per-hour at $13.7 million.

But look at this side, on the far side here, Mr. Speaker and Members, the numbers of students that could be helped: 21 million students in the one year that we spend there. So this means 21 million young people would have an opportunity to go to college, that is amazing, for what we are spending in Iraq right now; 1.7 million students per month can receive an education in the United States and make us competitive, not States competitive with other States, but this country competitive with other countries.

I think it is also important if we can tie this chart in with that. I think it is also important that 395,000 students can be funded within a week of what we spend. I just know that financial aid officers at universities and at community colleges and at technical centers throughout the country are saying, wow, look at that number; 56,000 students could be funded per day. 56,000. Think about the kids that are paying student loans back that are having to go out and scratch and beg, and people that are punched in right now and grandparents and parents that have picked up an extra job to put their kids through school looking at these numbers as relates to this endless war, as the President sees it, in Iraq, we could actually help. And this is almost sad when it comes down to per hour. With the $13.7 million that is being spent in Iraq per hour, 2,000 students could actually receive an education.

I am going to break out from the charts and the numbers. But if you look at the foreign-owned debt and you start looking at countries like Japan that are holding a great number of our debt at the 644-plus million dollars, I think it is important. We owe Japan this money, we owe China money, we owe the U.K. money, we owe OPEC countries money because of the mismanagement of the Bush administration and the former rubber-stamp Republican Congress. Our kids, our young people, our country have to compete economically, have to compete as it relates to the level of education so that we can have a workforce that is better than the countries that we have borrowed money from, and I am not proud of that at all.

Just to tie in that chart, and I will get back to that Iraq issue, this is what is happening here. You have seen this chart before. We have updated this chart. Since President Bush has been in office, it has doubled the foreign-held debt.

It took 42 Presidents 224 years to build up $1 trillion in foreign-held debt. If you look, you have the pictures of the Presidents here, we are talking World War I, World War II, the Great Depression, you name it, a number of other wars that took place, the Civil War, and all of the conflicts that took place, and the hard financial times that the United States has gone through, these 42 Presidents combined, $1.01 trillion. President Bush was elected, had a rubber-stamp Republican Congress, and they borrowed within 6 years, we are saying 6 years, more than 224 years of history and other financial challenges of the country, $1.19 trillion. We are moving, Mr. Speaker, into a pay-as-you-go effort to be able to knock that down, and we are passing budgets that will get us back into.

Back to the cost of Iraq. And me being a former State trooper, Mr. Speaker and Members, I think this is important. Look, we know by now and we can see because I have said it about five times, the per-year, the per-month, the per-day, and the per-hour costs of the war in Iraq.

The per year at $120 billion, we can actually hire in this country 2.6 million police officers that could be community police officers to prevent crime, that could be officers that can enforce the law in high-crime areas, officers that can go out and do the things that they need to do to make this country safer. In one month that it costs us in Iraq, 221,000 officers could be hired. In one week in Iraq, 51,000 officers.

I am talking about folks that are in local communities that are literally under lockdown in urban and rural areas in the United States that are trying to protect their families and maybe have one or two State troopers in an entire county or State police officer in a parish or in an urban area. I represent down in Miami where you can go for a little while before you see a law enforcement officer. And to learn in one day that you can hire 7,000 police officers that it costs in Iraq, for the lack of the COPS bill that has been destroyed under the Bush administration and the past Republican Congress, that we are pushing in our past appropriations bills that we have passed thus far to rekindle that program so that we can have community policing, something that sheriffs, something that city police chiefs, something that local communities enjoy, because they prevent crime before it happens. And the per-hour cost, $3.7 million in Iraq per hour, could fund 304 police officers.

Now, Mr. Speaker, it takes a lot of courage, it takes a lot of backbone to come to this floor to make sure that we do what the American people have asked us to do in making sure that we provide opportunities for local communities to fund the necessary needs that they have.

Mr. Speaker, I yield to the distinguished Member from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, continuing along the lines of what Congressman MEEK has been speaking about, I sat behind him and he did not know that I was there. I thought that it would be helpful if I would join my very good friend, who is a member of the 30-somethings, and have him know that those of us that are the over 30-somethings have the exact same sentiments as it pertains to the circumstances as exist in our respective communities because of the Iraq war.

Representative MEEK, I wish to just bring to the table one example. I won't use the many in the congressional district that I am privileged to represent which abuts your district, and we have overlapping circumstances in a variety of our communities in South Broward and North Dade, and in this case I am going to carry it way west to the Everglades.

For the last 7 years, I have been about the business of trying to get a water treatment plant in Belle Glade, Florida for the people of Belle Glade, South Bay, Pahokee, and that general area. I won't even talk about the hospital; I won't even talk about the police that you have already talked about that we have tried to get. And so I thought, well, certainly now that we have political circumstances that are favorable to the majority, that it would be very easy to get a water treatment plant.

Now, you and I know this: we know that in Iraq we have paid for water treatment facilities that have been blown up. We know that we have paid for sewers that the materials were stolen. And we know that we are building an embassy, I guess we are building an embassy, at more money that I can ever contemplate that must have a big bull's eye on it, but we are not sure who is building it. We know about no-bid contracts. We know about millions of dollars being poured into this situation while our communities are suffering. Now, something is wrong with this picture.

I heard you loud and clear regarding the extraordinary debt. And I don't mean to take much of your time, I came down here to file this bill, but I could not resist. And I yield back to my very good friend from Florida.

Mr. MEEK of Florida. Congressman HASTINGS, I am so glad that you did come down and that you did share your sentiments. And you are right, the point that we are trying to make here is that we are going to have to bring an end to this war as we see it now.

Mr. Speaker, I think it is also important for all of the Members on both sides of the aisle to realize that, especially under the pay-as-you-go philosophy that we have adopted as the House in the majority and the Senate has adopted, that things are going to be hard back home as it relates to getting Federal appropriations back to our districts.

There is really no need for us to be here if we can't bring resources back, if we can't represent the people that woke up early one Tuesday morning for representation to provide not only voice here in Congress but also action. And without money, it is hard to bring about that kind of action.

I think it is also, Mr. Speaker, very important that Members do note that many of the U.S. Governors, and I am not just talking about Democratic Governors, mainly Republican Governors, that have raised the issue with the Federal commitment to the States, the devolution of taxation that has been taking place over the last 6 years, especially under the Bush administration.

I just want to break that down a little further where taxes, quote/unquote, have been cut here for the very wealthy here in Washington prior to the Democratic Congress getting here, and that responsibility with the lack of funding, Leave No Child Left Behind. I am not cutting the student loan rates in half, which we have already passed in our Six in '06 budget. But in the Republican Congress, those States had the balance. Here, under the 109th, under the Republican Congress, they could continue to raise that foreign-held debt that I talked about. They could just say, well, let's just put it on a credit card and leave it for the next generation and this generation to pay for it. But we decided here, in the Democratic leadership and society, that we are going to move in a responsible way and not leaning on the backs of our children and our families that exist now as we compete against other countries, not only in the area of technology, but also in the area of financial strength.

And I think that the posture that we are in now, Mr. Speaker, of what I showed on that chart on foreign-held debt, this chart illustrates the posture that we are in right now: $1.19 trillion. And these are not my numbers; these are the numbers from the U.S. Treasury. So this is not something that I sat down my staff and said, Let's see what looks good or sounds good, because we know as the 30-something Working Group that I would like to add my colleague here Mr. HASTINGS that I am a part of the "something" of the 30-something. But I think it is important for us to point at that and take note to it.

Now, if you are a conservative Democrat, Republican, Independent, you have to have issue with fiscal irresponsibility. If you are someone that feels very strongly as it relates to the supporting of the troops, I think it is important that you pay very close attention to the amount of money that is being spent in Iraq with the lack of accountability, only now that the Congress started holding hearings under the Democratic-controlled House, holding hearings to check the issues and the questions of the no-bid contracts, the lack of oversight over the years. There are a number of things that are coming to light now, Mr. Speaker, because the committees are having committee hearings, subcommittees are having hearings asking the tough questions, let's just say questions in general about the war in Iraq.

I don't want to be in a position, Mr. Speaker, to say, I told you so. I want to be in the position to say that we were able to prevent the taxpayer dollar from being spent in an irresponsible way. There are a number of things that have taken place. I am looking forward, Mr. Speaker and Members, going to Iraq in the next 6 weeks prior to the September 15 report to bring about my own assessment of what is going on there on the ground.

Mr. Speaker, I went in my district to the Federal Reserve Unit of the Combat Engineer Unit 841 that is actually being deployed into Iraq and will be there at the time that I visit Iraq. My talk with them, Mr. Speaker, was that I hope that this would be their last deployment to Iraq, and something that we need to hold close to us.

☐ 2345

And now, Mr. Speaker, I want to point this out because when I talk about a bipartisan approach, I want to make sure that we talk fact not fiction here on the floor, and I don't want in any way to paint some sort of butterscotch cloud world.

But I think it's important that we take issue with the fact that this House and the Senate passed legislation that had benchmarks in it, legislation that had redeployment dates in it, legislation that had an end date for combat troops to patrol the streets of Iraq and other areas, and leaving that responsibility up to the Iraqi Government.

I'm mentioning combat troops because I think it's important that we pay very close attention to it. Right now, as we speak, Mr. Speaker, there are troops right now, marines, soldiers, other branches of the armed services that are going through door-to-door checks, not only in Baghdad but throughout Iraq on behalf of the safety of the people of those towns or province or what have you.

And every door we kick in, Mr. Speaker, because, as you hear, the President doesn't speak of coalition anymore because the coalition is gone. The coalition, in their own way, as small as the coalition was, found a way to start redeploying their troops out of combat into the periphery that we speak of so much to provide support where their troops will not be in harm's way, where their money commitment will not be at the level of our money commitment of the numbers that I called off a little earlier. And I think that is very, very important for us to pay very close attention to that.

Mr. Speaker, I think it's important to note that when this House acted, and we passed legislation, and the Senate acted and they passed legislation in a bipartisan way, before that bill could even get bound to take to the White House, the President called some of our Republican colleagues down to the White House. They had a lunch and they came out of the White House. And it's not one Democrat in this picture here, and said that we're going to make sure that the President is able to withstand an override of his veto by the Congress.

Now, I'm not judging Members for going down to the White House and saying that. But I just want to make sure, because I believe that a number of Members have gone back to their districts and, you know, I'm not trying to call any names or party affiliation, but I'm just telling you, not one Democrat went down to the White House to stand with the President on his troop escalation plan.

But I think the November election was all about a new direction. And there's a difference between making sure that the men and women have what they need while they're in harm's way. There's a difference when it comes down to the fact that we here in the Congress have to put forth policy and parameters on the taxpayer dollars to make sure that it's being spent appropriately.

You heard Mr. HASTINGS, who's a member of the Intelligence Committee, also is involved in many of the European talks and is a leader in one of the largest parliamentary councils in Europe that were a part of the coalition that made his statements about what we know and why we're not bringing about the accountability that's needed.

I hold this picture up because I want to discourage Members from going to the White House on behalf of party. And I think it's important that we look at it from that standpoint. As I come in for a closing, Mr. Speaker, as we proceed over the next week and a half, we're going to spend many hours here on this floor. We're going to have a number of amendments. Tomorrow, as we mark up and start to put together the Children's Health Insurance Plan in the Ways and Means Committee, there will be a number of amendments, as we start looking at the Medicaid and Medicare benefits, who's going to get what when and how it's going to happen, there are going to be a number of amendments. And it's nothing wrong with amendments and dialogue and discourse.

But I believe that the issues that we have to tackle as a Congress, we're going to need that Republican bipartisan support, along with this Democratic leadership.

Minimum wage never would have been increased if it wasn't for the leadership of the Speaker and a number of the Democratic Members that held to their guns to make sure that everyday people that punch in and out, Mr. Speaker, while we're here on the floor, those individuals that are bussing tables, those individuals that are cleaning offices, those individuals that are working shift work, as a security officer or as an individual that's trying to provide for their families.

And even for salaried workers, Mr. Speaker, I think it's important when you look at the increase in minimum wage, it helps salaried workers because they'll make more money and they will be able to pay more for health insurance, additional insurance if they're insurance at their job doesn't provide what they need; and it also takes a number of families over the poverty line.

But as we look at this, I think it's important, there's only so many times that Republican Members can go down to the White House and say, Mr. President, I stand with you, versus standing with those individuals that have said that they want something overwhelmingly, like the minimum wage and other areas. We still had Members that voted against the increase in minimum wage, which I can't understand, still today.

So with that, Mr. Speaker, I look forward to continuing to share with the Members, not only the costs in Iraq, but also our responsibility here in Congress. I'm glad that, from the Speaker on down to the newest Member of Congress, that we have a philosophy that we have to push forward, that we have to make sure the American people not only have voice but action in this House.

I encourage my Republican colleagues to be along with us in that spirit and have the kind of paradigm shift that we need to put this country on the right track and to make sure that our men and women have what they need.

And I can tell you, from the families that I saw at the 841 who were moving on into Iraq, from what I picked up, if you want to help the troops, let's bring them home. And that's what it's all about.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 110–260) on the resolution (H. Res. 567) providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0955

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LYNCH) at 9 o'clock and 55 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–261) on the resolution (H. Res. 574) providing for consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HONDA (at the request of Mr. HOYER) for July 23 and 24 on account of family medical reasons.

Mr. MICHAUD (at the request of Mr. HOYER) for today after 10 p.m. until 7:30 p.m. on July 26 on account of a family funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRALEY of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. BRALEY of Iowa, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, August 1.

Mr. JONES of North Carolina, for 5 minutes, August 1.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con Res. 42. Concurrent resolution recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

ADJOURNMENT

Mr. WELCH of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes a.m.), the House adjourned until today, Thursday, July 26, 2007, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

PAUL C. BROUN, Georgia, Tenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2661. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

2662. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's report entitled, "State and Local Implementation of the No Child Left Behind Act: Volume I — Title I School Choice, Supplemental Educational Services, and Student Achievement"; to the Committee on Education and Labor.

2663. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities — received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2664. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers (RRTCs) — received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2665. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program — July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2666. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.06-1614 — Myrna Gomez-Perez v. John E. Potter (February 9, 2007); to the Committee on Education and Labor.

2667. A letter from the Secretary, Department of Energy, transmitting the Department's plan to expand the Strategic Petroleum Reserve (SPR) to one billion barrels, pursuant to Public Law 109-58, section 159(j); to the Committee on Energy and Commerce.

2668. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Energy and Commerce.

2669. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

2670. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

2671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Interpretation of 'Ambient Air' In situation Involving Leased Land Under the Regulations for Prevention of Significant Deterioration"; to the Committee on Energy and Commerce.

2672. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of entities to the Entity List [Docket No. 070615200-7202-01] (RIN: 0694-AE06) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2673. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Licensing Jurisdiction for Microelectronic Circuits [Docket No. 070426097-7099-01] (RIN: 0694-AE02) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2674. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2006 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, ("the CFE Flank Document"); to the Committee on Foreign Affairs.

2675. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No. 070326070-7110-02; I.D. 032107A] (RIN: 0648-AV47) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2676. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2007 [Docket No. 070518109-7109-01; I.D. 030107B] (RIN: 0648-AU60) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2677. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2006-26690 Directorate Identifier 2006-CE-088-AD; Amendment 39-15032; AD 2007-09-02] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2678. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes [Docket No. FAA-2007-27208

Directorate Identifier 2007-CE-010-AD; Amendment 39-15040; AD 2007-09-08] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25581 Directorate Identifier 2006-CE-041-AD; Amendment 39-15039; AD 2007-09-07] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25419; Directorate Identifier 2006-NM-055-AD; Amendment 39-15007; AD 2007-07-10] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, -400, -500, -600, -700, -800, and -900 Series Airplanes; Boeing Model 757-200 and -300 Series Airplanes; and McDonnell Douglas Model DC-10-10. DC-10-10F, DC-10-30, DC-10-30F, DC-10-40, MD-10-30F, MD-11, and MD-11F Airplanes; Equipped with Reinforced Flight Deck Doors Installed in Accordance with Supplemental Type Certificate (STC) ST01335LA, STC ST01334LA, and STC ST01391LA, Respectively [Docket No. FAA-2007-26864; Directorate Identifier 2006-NM-228-AD; Amendment 39-15053; AD 2007-10-12] (RIN: 2120-AA64) Received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2005-22288; Directorate Identifier 2005-NM-132-AD; Amendment 39-15050; AD 2007-10-09] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2006-26498; Directorate Identifier 2006-CE-83-AD; Amendment 39-15056; AD 2007-10-15] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-27213 Directorate Identifier 2007-CE-012-AD; Amendment 39-15055; AD 2007-10-14] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Jetstream Model 3201 Airplanes [Docket No. FAA-2006-26284; Directorate Identifier 2006-CE-68-AD; Amendment 39-15057; AD 2007-10-16] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bolivar, MO. [Docket No. FAA-2007-27837; Airspace Docket No. 07-ACE-5] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30551 Amdt. No. 3219] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30552; Amdt. No. 3220] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2689. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill-Selected Reserve and Other Miscellaneous Issues (RIN: 2900-AM50) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2690. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Second Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, pursuant to Public Law 109-702, section 3201; jointly to the Committees on Armed Services and Appropriations.

2691. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation of Phase I of Medicare Health Support (Formerly Voluntary Chronic Care Improvement) Pilot Program Under Traditional Fee-for-Service Medicare," in response to the requirements of Section 721(b)(1) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

2692. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2005," pursuant to Public Law 106-554 section 522(a); jointly to the Committees on Energy and Commerce and Ways and Means.

2693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2007-21 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2006 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. Supplemental report on H.R. 3093. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-240, Pt. 2). Ordered to be printed.

Mr. THOMPSON of Mississippi: Committee of Conference. Conference report on H.R. 1. A bill to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (Rept. 110-259), Ordered to be printed.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 567. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (Rept. 110-260). Referred to the house Calendar.

[Filed on July 26 (legislative day of July 25), 2007]

Mr. CARDOZA: Committee on Rules. House Resolution 574. Resolution providing for consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes (Rept. 110-261). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KAGEN:

H.R. 3171. A bill to amend titles XIX and XXI of the Social Security Act to provide for an express lane for simplified Medicaid and SCHIP eligibility determinations for children; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Ms. NORTON, Ms. WOOLSEY, Mr. SERRANO, Mr. GRIJALVA, Mr. WEXLER, Ms. LEE, and Mr. RUSH):

H.R. 3172. A bill to exclude certain assets in determining eligibility under the food stamp program, the Temporary Assistance for Needy Families (TANF) program, the Supplemental Security Income (SSI) program, and the State Children's Health Insurance Program (SCHIP); to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 3173. A bill to amend the Public Health Service Act to establish demonstration programs on regionalized systems for emergency care, to support emergency medicine research, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Ms. CARSON, Mr. ABERCROMBIE, Mr. SKELTON, and Mr. ACKERMAN):

H.R. 3174. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. HONDA, Mrs. CAPPS, Mr. TERRY, Mr. BERMAN, Mr. ELLISON, Ms. JACKSON-LEE of Texas, and Ms. CLARKE):

H.R. 3175. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. HASTERT, Mr. BUYER, Mrs. BLACKBURN, Mr. TERRY, Mr. SHIMKUS, Mr. PITTS, Mr. STEARNS, Mr. BURGESS, Mr. HALL of Texas, Mr. PICKERING, and Mrs. MYRICK):

H.R. 3176. A bill to amend title XXI of the Social Security Act to reauthorize and reform the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. HOEKSTRA, Mr. BISHOP of Utah, Ms. FOXX, Mr. PITTS, Mr. CULBERSON, Mr. AKIN, Mr. GOODE, Mr. WHITFIELD, Mr. KING of Iowa, Mr. CANNON, Mr. PENCE, Mr. CAMPBELL of California, Mr. JONES of North Carolina, Mr. PAUL, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. MCHENRY, Mr. MILLER of Florida, Mr. HENSARLING, Mr. WESTMORELAND, Mr. FEENEY, Mrs. MYRICK, Mr. POE, Mr. MANZULLO, Mrs. BLACKBURN, Ms. ROS-LEHTINEN, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. BARRETT of South Carolina, Mr. BAKER, Mr. WALBERG, and Mr. JORDAN):

H.R. 3177. A bill to allow a State to opt out of K-12 education grant programs and the requirements of those programs, to amend the Internal Revenue Code of 1986 to provide a credit to taxpayers in such a State, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 3178. A bill to limit the length of deployment of members of the Armed Forces for Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. TOWNS (for himself and Mr. BILBRAY):

H.R. 3179. A bill to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments; to the Committee on Oversight and Government Reform.

By Mr. UDALL of Colorado:

H.R. 3180. A bill to amend title 31, United States Code, to clarify who is an original source for purposes of bringing a qui tam action; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

H.R. 3181. A bill to provide for the exchange of certain lands in the Arapaho-Roosevelt National Forests in the State of Colorado with the Sugar Loaf Fire Protection District, and for other purposes; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:

H.R. 3182. A bill to allow United States persons to participate in energy development offshore from Cuba and other nearby countries; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois:

H. Con. Res. 192. Concurrent resolution expressing the sense of Congress regarding the need for further study of the neurological disorder dysnia; to the Committee on Energy and Commerce.

By Mr. PUTNAM:

H. Res. 566. A resolution electing a minority member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BRALEY of Iowa (for himself, Mr. SKELTON, Mr. BOSWELL, Mr. LOEBSACK, Mr. LATHAM, Mr. KING of Iowa, Mr. MURPHY of Connecticut, Mr. JOHNSON of Georgia, Mr. SHULER, Mr. HARE, Mrs. GILLIBRAND, Mr. WELCH of Vermont, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. LYNCH, Mr. ELLSWORTH, Mrs. BOYDA of Kansas, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SESTAK, Ms. CASTOR, Mr. KIND, Mr. SPRATT, Mr. PATRICK MURPHY of Pennsylvania, Mr. KAGEN, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. TIERNEY, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. HODES, Mr. MAHONEY of Florida, Mr. PERLMUTTER, Mr. EDWARDS, Mr. CUELLAR, Mr. ROSKAM, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. HINOJOSA, Mr. TAYLOR, Mr. CARNEY, Mr. ALLEN, Mr. MICHAUD, Mr. POMEROY, Ms. SUTTON, Mr. SPACE, Mr. CUMMINGS, Mr. ALTMIRE, Mr. SMITH of Nebraska, Mr. JONES of North Carolina, Mr. LARSEN of Washington, Mr. OBERSTAR, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Ms. SHEA-PORTER, Ms. MOORE of Wisconsin, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. SNYDER, Mr. LAMBORN, Mr. WALBERG, Mr. MEEK of Florida, Mr. SALI, Mr. DAVID DAVIS of Tennessee, Mr. TERRY, Ms. HERSETH SANDLIN, Mr. PLATTS, Mr. RAMSTAD, Mr. FRANKS of Arizona, Mr. JORDAN, and Ms. FALLIN):

H. Res. 568. A resolution honoring and expressing gratitude to the 1st Battalion of the 133rd Infantry ("Ironman Battalion") of the Iowa National Guard; to the Committee on Armed Services.

By Mr. DAVIS of Illinois:

H. Res. 569. A resolution expressing the sense of the House of Representatives that observing a Movement Disorders Awareness Month would promote awareness, diagnosis, and advocacy concerning the issue; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois:

H. Res. 570. A resolution expressing the sense of the House of Representatives that there should be established a National School-Based Health Centers Month to raise awareness of health services provided by school health centers; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Illinois:

H. Res. 571. A resolution supporting the goals and ideals of National Health Center Week in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York:

H. Res. 572. A resolution encouraging employers and online dating sites to use sex offender registries for background checks; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Ms. LEE, and Mr. MCGOVERN):

H. Res. 573. A resolution recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 22 urging the Congress of the United States to include proposed language in an amendment to the Federal Power Act, 16 U.S.C. 791a et. seq.; to the Committee on Energy and Commerce.

140. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 12 urging the Congress of the United States to pass legislation to allow the Forest Service and the Bureau of Land Management to enter into long-term, 15-year contracts allowing the removal of biomass from federal forests in Oregon in order to provide fuel for cogeneration plants; to the Committee on Natural Resources.

141. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 13 urging the President of the United States and the Congress of the United States to pursue negotiations to forge and ratify a free trade agreement with Taiwan that will lower the remaining trade barriers between the two countries; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KUCINICH introduced a bill (H.R. 3183) for the relief of Theresa and Stefan Sajac; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 180: Mr. ACKERMAN.

H.R. 275: Mr. ROHRABACHER and Mr. RYAN of Ohio.

H.R. 473: Mr. FORBES and Mrs. EMERSON.

H.R. 507: Ms. ESHOO and Mr. MORAN of Kansas.

H.R. 690: Mr. ROGERS of Alabama.

H.R. 728: Mr. SHULER.

H.R. 758: Mr. MORAN of Kansas.

H.R. 788: Mr. DAVIS of Illinois.

H.R. 938: Mr. SHADEGG.

H.R. 943: Mr. BOOZMAN.

H.R. 947: Mr. LATHAM.

H.R. 997: Mr. WICKER.

H.R. 1004: Mr. STARK.

H.R. 1064: Mr. FERGUSON, Mr. LOBIONDO, and Mr. PASTOR.

H.R. 1078: Ms. HIRONO.

H.R. 1141: Mr. SOUDER and Mr. MCCOTTER.

H.R. 1248: Mr. HALL of New York.

H.R. 1264: Mr. SOUDER.

H.R. 1282: Mr. ALEXANDER.

H.R. 1286: Mr. KENNEDY and Mrs. LOWEY.

H.R. 1304: Mr. MICA.

H.R. 1322: Mr. WYNN, Mr. HARE, and Mr. RYAN of Ohio.

H.R. 1333: Mr. PETERSON of Minnesota.

H.R. 1360: Ms. DELAURO.

H.R. 1363: Mr. BRALEY of Iowa, Mr. YOUNG of Alaska, and Mrs. NAPOLITANO.

H.R. 1365: Mr. NEUGEBAUER.

H.R. 1366: Mr. CALVERT and Mr. BARTLETT of Maryland.

H.R. 1399: Mr. MANZULLO, Mr. SENSENBRENNER, and Mr. RODRIGUEZ.

H.R. 1400: Mr. YOUNG of Florida, Mr. PAYNE, and Mr. PICKERING.

H.R. 1416: Mr. BERMAN.

H.R. 1518: Mr. BOUCHER.

H.R. 1533: Mr. HODES.

H.R. 1534: Ms. BALDWIN and Mr. HODES.

H.R. 1553: Mr. FILNER and Ms. ESHOO.

H.R. 1566: Mr. DOYLE and Mr. MCDERMOTT.

H.R. 1647: Mr. BOOZMAN.

H.R. 1671: Mr. SCOTT of Virginia and Ms. WATERS.

H.R. 1818: Mr. YOUNG of Alaska.

H.R. 1912: Mr. SHULER.

H.R. 1919: Mr. PETERSON of Minnesota and Mr. ROTHMAN.

H.R. 1992: Mr. SCOTT of Virginia.

H.R. 2021: Mr. REICHERT, Mr. CONYERS, Ms. SCHWARTZ, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. MILLER of Florida, Mr. EMANUEL, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. DOGGETT, Mr. WEXLER, Mr. TOWNS, and Mr. THOMPSON of Mississippi.

H.R. 2118: Ms. LORETTA SANCHEZ of California.

H.R. 2159: Mr. KAGEN.

H.R. 2169: Mr. JACKSON of Illinois and Mr. COHEN.

H.R. 2188: Mr. SMITH of Washington.

H.R. 2289: Mr. ROSS.

H.R. 2291: Mr. FOSSELLA, Mr. THORNBERRY, and Mr. MCHUGH.

H.R. 2343: Mr. BRADY of Pennsylvania.

H.R. 2347: Mr. KNOLLENBERG and Ms. LEE.

H.R. 2353: Mr. MICHAUD and Mr. PAYNE.

H.R. 2371: Mr. MORAN of Virginia and Mr. TIERNEY.

H.R. 2380: Mr. BAKER, Mr. HELLER, Mr. LAMPSON, Mr. DEAL of Georgia, Mr. WESTMORELAND, Mr. CAMPbell of California, Mr. PENCE, and Mr. NEUGEBAUER.

H.R. 2449: Ms. HIRONO.

H.R. 2452: Mr. HOLT.

H.R. 2537: Mr. KIRK, Mr. WAXMAN, and Mr. HASTINGS of Florida.

H.R. 2561: Mrs. MYRICK.

H.R. 2567: Mr. CARTER.

H.R. 2583: Mr. POE.

H.R. 2585: Mr. WALDEN of Oregon.

H.R. 2596: Ms. HIRONO and Mr. STARK.

H.R. 2604: Mr. ENGEL.

H.R. 2609: Mr. SHULER and Mr. BISHOP of Georgia.

H.R. 2610: Mr. TOWNS.

H.R. 2677: Mr. FERGUSON.

H.R. 2694: Ms. BORDALLO.

H.R. 2726: Mr. SOUDER and Mr. PETERSON of Pennsylvania.

H.R. 2744: Mr. GORDON, Ms. LEE, Mr. MICHAUD, Mr. ARCURI, Mr. ROTHMAN, Mr. SMITH of Washington, and Ms. BALDWIN.

H.R. 2774: Mr. COHEN, Mr. COSTA, Mr. HINCHEY, Ms. BORDALLO, Mr. INSLEE, Mr. DONNELLY, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2792: Mr. STARK.

H.R. 2807: Mr. SULLIVAN.

H.R. 2818: Mr. BOUCHER, Mr. BISHOP of New York, Mr. COURTNEY, Mr. GARRETT of New Jersey, Mr. KAGEN, Mr. MAHONEY of Florida, Mrs. MCCARTHY of New York, Ms. SOLIS, Mr. WILSON of Ohio, Mr. YARMUTH, Mr. HALL of Texas, Ms. GINNY BROWN-WAITE of Florida, Ms. BALDWIN, Mr. LOBIONDO, Mrs. BOYDA of Kansas, Ms. DELAURO, Mr. EMANUEL, Mr. JOHNSON of Georgia, and Mr. WATT.

H.R. 2824: Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. COHEN, Mr. ELLISON, Mr. KUCINICH, Ms. KAPTUR, and Mr. ACKERMAN.

H.R. 2846: Mr. GRIJALVA.

H.R. 2852: Mr. HENSARLING.

H.R. 2870: Mr. WU.

H.R. 2885: Mr. MOORE of Kansas.

H.R. 2914: Mr. LAMPSON and Mr. FORTUÑO.

H.R. 2925: Mr. PAYNE.

H.R. 2927: Mr. ROGERS of Michigan, Ms. BEAN, Mr. ISSA, Mr. SMITH of Nebraska, Mr. MEEKS of New York, Ms. FALLIN, Mr. HAYES, Mr. DAVID DAVIS of Tennessee, Mr. SPACE, Mr. GILLMOR, Mr. UPTON, and Mr. BERRY.

H.R. 2942: Mrs. MYRICK, Mr. DONNELLY, Mr. GALLEGLY, Mr. LATOURETTE, and Mr. SPACE.

H.R. 2951: Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. FILNER, and Mr. GRIJALVA.

H.R. 2954: Ms. GINNY BROWN-WAITE of Florida, Mr. ISSA, Mr. CALVERT, and Mrs. DRAKE.

H.R. 2966: Mr. HODES.

H.R. 3004: Mr. MORAN of Kansas.

H.R. 3029: Mr. GONZALEZ.

H.R. 3046: Mr. KUHL of New York, Mr. OBEY, Mrs. MCMORRIS RODGERS, and Ms. KILPATRICK.

H.R. 3047: Mrs. EMERSON, Mr. BISHOP of New York, Mr. BAKER, Mrs. MCMORRIS RODGERS, Mrs. MUSGRAVE, and Mr. HOEKSTRA.

H.R. 3050: Mrs. CUBIN, Mr. PERLMUTTER, Mr. UDALL of Colorado, Mr. SALAZAR, Ms. DEGETTE, Mr. TANCREDO, and Mr. LAMBORN.

H.R. 3059: Mr. ROGERS of Michigan, Mr. LUCAS, Mr. UPTON, and Mr. DAVID DAVIS of Tennessee.

H.R. 3090: Mr. ADERHOLT, Mr. BONNER, Mr. BOYD of Florida, Mrs. EMERSON, Mr. ETHERIDGE, Mr. GOODE, Mr. GORDON, Mr. HINOJOSA, Mr. KAGEN, Mr. LOEBSACK, Mr. MITCHELL, Mr. PETERSON of Minnesota, Mr. ROGERS of Alabama, Mr. TIBERI, and Mr. YARMUTH.

H.R. 3132: Ms. ROS-LEHTINEN.

H.R. 3133: Ms. CLARKE and Mrs. MALONEY of New York.

H.R. 3159: Mr. SKELTON and Mr. SHAYS.

H. Con. Res. 10: Ms. HIRONO.

H. Con. Res. 40: Mr. MARCHANT.

H. Con. Res. 120: Mr. HULSHOF.

H. Con. Res. 136: Mr. FILNER.

H. Con. Res. 176: Mr. SHULER.

H. Res. 111: Mr. DAVIS of Illinois, Mr. HODES, and Mr. PETERSON of Pennsylvania.

H. Res. 121: Mr. CAMPBELL of California.

H. Res. 356: Mr. ARCURI and Mr. KING of New York.

H. Res. 415: Mr. SHADEGG.

H. Res. 503: Ms. BALDWIN.

H. Res. 530: Ms. SCHAKOWSKY.

H. Res. 542: Mr. CONAWAY and Mr. UPTON.

H. Res. 548: Mr. MURPHY of Connecticut, Mr. MCNULTY, and Mr. BERMAN.

H. Res. 549: Mr. YOUNG of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. KELLER, Mr. MAHONEY of Florida, Mr. MILLER of Florida, and Mr. MICA.

H. Res. 550: Mr. MEEKS of New York, Mr. CAPUANO, and Mr. SCOTT of Virginia.

H. Res. 564: Mr. MEEKS of New York, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. WEXLER, Mr. HONDA, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. FARR, Ms. CLARKE, Mr. FORTUÑO, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. SIRES, and Mr. GALLEGLY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3093

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 34: Page 22, line 19, after the first dollar amount, insert "(increased by $2,000,000)".

Page 68, line 21, after the first dollar amount, insert "(reduced by $3,000,000)".

Page 68, line 21, after the second dollar amount, insert "(reduced by $3,000,000)".

H.R. 3093

OFFERED BY: MR. LAMPSON

AMENDMENT NO. 35: Page 85, after line 24, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for business-class or first-class airline travel by employees of the Department of Commerce in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

H.R. 3093

OFFERED BY: MR. GOODE

AMENDMENT NO. 36: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 2006.

H.R. 3093

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 37: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.05 percent.

H.R. 3093

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 38: Page 11, line 19, after the dollar amount insert "(increased by $1,000,000)".

Page 22, line 19, after the first dollar amount insert "(reduced by $1,000,000)".

H.R. 3093

OFFERED BY: MR. WEINER

AMENDMENT NO. 39: Page 21, line 7, insert "(reduced by $4,500,000)" after the dollar amount.

Page 21, line 26, insert "(reduced by $4,125,000)" after the dollar amount.

Page 22, line 9, insert "(reduced by $3,375,000)" after the dollar amount.

Page 22, line 19, insert "(reduced by $10,500,000)" after the dollar amount.

Page 22, line 25, insert "(reduced by $52,500,000)" after the dollar amount.

Page 46, line 6, insert "(increased by $75,000,000)" after the dollar amount.

Page 47, line 24, insert "(increased by $75,000,000)" after the dollar amount.

H.R. 3093

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 40: Page 59, line 21, insert ", of which not less than $70,700,000 shall be for the Minority University Research and Education Programs," after the dollar amount.

H.R. 3093

OFFERED BY: MR. UPTON

AMENDMENT NO. 41: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 42: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 2006.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 43: Page 75, line 24, strike "$625,000,000" and insert "$635,000,000".

Page 76, line 2, insert ", and the amount otherwise provided under this Act for Department of Commerce, Departmental Management, Salaries and Expenses is reduced by $10,000,000" after "(42 U.S.C. 10601)".

H.R. 3093

OFFERED BY: MR. MACK

AMENDMENT NO. 44: At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to carry out the composition and delivery of exigent letters to United States citizens, businesses, banks, firms or any other entity that retains personal identity information about citizens until the Department of Justice makes a full report to the House and Senate Judiciary and Intelligence Committees that outlines the nature, scope, and necessity of the letters and provides a complete account of how many have been delivered and what effect they have had on the civil liberties of the recipients.

H.R. 3093

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 45: At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided in this Act for "State and Local Law Enforcement Assistance" is hereby decreased by $10,000,000 and increased by $10,000,000.

H.R. 3093

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 46: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in violation of Subtitle A of title VIII (International Space Station Independent Safety Task Force) of the NASA Authorization Act of 2005 (Public Law No. 109–155).

EXTENSIONS OF REMARKS

RECOGNIZING LEON BRACHMAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize the service of Mr. Leon Brachman with Baylor All Saints Medical Center Board of Trustees. Dr. Brachman was recently selected to receive the Texas Healthcare Trustees' 2007 Founders' Award.

For over a half of a decade, Mr. Brachman has shown unwavering commitment to leadership and service to the health care industry in the City of Fort Worth. In 1958, he oversaw the construction of the initial building for All Saints Hospital, an Episcopal Hospital, that later became affiliated with the Baylor Healthcare system. Mr. Brachman has served as a trustee for over 50 years as the hospital has expanded throughout the North Texas community. Through his efforts, in an ever-changing and challenging health care arena, Fort Worth now stands as an excellent model for other communities hoping for a strong health care system.

The Texas Healthcare Trustees Founders' Award is the highest honor for a Texas hospital and health system trustee. It is a statewide award, given to only one person in the state, per year. Mr. Brachman was selected as the distinguished trustee in honor of his record of leadership in health care governance. The Founders' Award remains a symbol of dedication and excellence in service in the health care field.

It is with great honor and pride that I recognize Mr. Leon Brachman today, and I encourage him to continue to serve as an example to us all in putting our community and the needs of others ahead of ourselves. His vision will ensure a healthier future for Texans.

HONORING LEN STEWART

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the exemplary career of a constituent of mine, Mr. Len Stewart.

Having faithfully served Barnstable County, Massachusetts, for the past 8 years as the director of human services, Len is leaving us to take a similar position in Mesa County, Colorado. During his tenure on Cape Cod, he has played a pivotal role in the growth and success of the county's Human Services Department. Len's efforts have brought the region's health and human service providers together, attracting new Federal dollars to deliver vital services to our people.

Len first came to the cape in 1981, serving as the director of the Provincetown AIDS Support Group. Following his success in Provincetown, Len became the director of the county's Human Services Department. His leadership over the past 8 years has led to the establishment of a regional alliance of agencies committed to increasing access to health care for the uninsured and underserved residents of our community. This collaboration has attracted millions of dollars to the region for critical services benefiting thousands of cape and island residents, in areas such as dental and medical care, mental health, and substance abuse needs.

His talents and expertise have also helped those who have become marginalized because of their age, ethnicity, gender, race and sexual orientation. Of all of his endeavors, one of the most note-worthy is the creation of the first human rights commission in Barnstable County, behind which he was the driving force.

I have long admired Len's dedication to the cape and his passion for public service. As he leaves us, I have no doubt that he will bring this same sense of commitment to his new responsibilities in Colorado.

As we pause and reflect on the significance of his achievements, he can take with him the heartfelt gratitude of the people of the cape and the islands for all that he has done to improve the lives of those around him. On behalf of a grateful constituency, I want to say thank you and wish you the very best.

HONORING THE LIFE OF LOI NGUYEN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. WALSH of New York. I rise today in tribute to Loi Nguyen, respected leader of the Syracuse Vietnamese Community. Sadly, Mr. Nguyen passed away on July 8th, 2007, after a long battle with liver complications.

Mr. Nguyen was a true patriot and an exemplary citizen. He fought valiantly alongside U.S. troops in Vietnam as a battalion commander in the South Vietnamese Army, suffering 10 years in a Communist re-education camp for aiding Americans. Along with other South Vietnamese soldiers who helped the U.S., Mr. Nguyen was allowed to immigrate into the United States, and moved to the Syracuse area in 1990. He began to assist refugees from Vietnam and other Southeast Asian nations in learning tc drive, find jobs, learn English, and register to vote. He led the Vietnamese Community of Syracuse and the Vietnamese Veterans, and worked tirelessly to build a sense of community and improve conditions in Syracuse's North Side, where many Vietnamese immigrants live. One of his crowning achievements, Mr. Nguyen was instrumental in the development of the Franciscan Vietnamese Freedom Garden, which will serve as a green space for residents of the North Side, and also as a symbol of community.

Mr. Nguyen's leadership, his patriotism, and his concern for others have benefited his community greatly. He fostered a better understanding and sense of community among many different cultures, and reminded us all of the significance of what many of us take for granted—freedom. Loi Nguyen will be missed, but will not be forgotten.

IN RECOGNITION OF CLYDE AND LINDA ROGERS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to an occasion very dear to me. On July 26, 2007, my mother and father will mark their 50th wedding anniversary.

Linda Lou Perryman and Clyde Gilbert Rogers were wed by a Justice of the Peace on July 26, 1957, in Crown Point, Indiana. When they moved to Alabama my father worked as a firefighter at the Anniston Army Depot for 25 years and my mother took a job as an inspector at Classie Ribbon Company, where she worked for more than 30 years.

I would like to wish my parents a happy anniversary and thank them for all that they have done for me.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Ms. DELAURO. Madam Speaker, during rollcall vote No. 703 on H.R. 3074, I mistakenly recorded my vote as "aye" when I should have voted "no."

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Ms. CLARKE. Madam Speaker, On rollcall No. 691, I was taking a leave of absence. Had

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I been present, I would have voted "nay." On rollcall No. 692, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 693, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 694, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 695, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 696, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 697, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 698, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 699, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 700, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 701, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 702, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 703, I was taking a leave of absence. Had I been present, I would have voted "yea." On rollcall No. 704, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 705, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 706, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 707, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 708, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 709, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 710, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 711 I was taking a leave of abence. Had I been present, I would have voted "nay." On rollcall No. 712, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 713 I was taking a leave of absence. Had I been present, I would have voted "yea." On rollcall No. 714, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 715, I was taking a leave of absence. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. HONDA. Madam Speaker, on Monday, July 23, and Tuesday, July 24, I was unavoidably detained due to family medical matters in California and was not present for a number of rollcall votes on those days.

Had I been present I would have voted:

"Yea" on rollcall 687, H.R. 404, the Federal Customer Service Enhancement Act.

"Yea" on rollcall 688, H. Res. 553, Mourning the passing of former First Lady, Lady Bird Johnson.

"Yea" on rollcall 689, H. Res. 519, Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

"Yea" on rollcall 690, a Motion on Ordering the Previous Question on H. Res. 558.

"Nay" on rollcall 691, an amendment offered by Representative MICA to H.R. 3074.

"Nay" on rollcall 692, an amendment offered by Representative BACHMANN to H.R. 3074.

"Nay" on rollcall 693, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 694, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 695, an amendment offered by Representative CHABOT to H.R. 3074.

"Nay" on rollcall 696, an amendment offered by Representative WESTMORELAND to H.R. 3074.

"Nay" on rollcall 697, an amendment offered by Representative SESSIONS to H.R. 3074.

"Nay" on rollcall 698, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 699, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 700, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 701, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 702, an amendment offered by Representative FLAKE to H.R. 3074.

"Yea" on rollcall 703, an amendment offered by Representative HASTINGS (Florida) to H.R. 3074.

"Nay" on rollcall 704, an amendment offered by Representative FRELINGHUYSEN to H.R. 3074.

"Nay" on rollcall 705, an amendment offered by Representative HENSARLING to H.R. 3074.

"Nay" on rollcall 706, an amendment offered by Representative HENSARLING to H.R. 3074.

"Nay" on rollcall 707, an amendment offered by Representative HUNTER to H.R. 3074.

"Nay" on rollcall 708, an amendment offered by Representative JORDAN to H.R. 3074.

"Nay" on rollcall 709, an amendment offered by Representative PRICE (Georgia) to H.R. 3074.

"Nay" on rollcall 710, an amendment offered by Representative MUSGRAVE to H.R. 3074.

"Nay" on rollcall 711, an amendment offered by Representative PRICE (Georgia) to H.R. 3074.

"Nay" on rollcall 712, an amendment offered by Representative KING (Iowa) to H.R. 3074.

"Yea" on rollcall 713, an amendment offered by Representative FRANK to H.R. 3074.

"Nay" on rollcall 714, a Motion to Recommit H.R. 3074.

"Yea" on rollcall 715, H.R. 3074, the Fiscal Year 2008 Transportation/HUD Appropriations Act.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 24, 2007

Roll call vote 691, on agreeing to the Mica (FL) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 692, on agreeing to the Bachmann (MN) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 693, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 694, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 695, on agreeing to the Chabot (OH) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 696, on agreeing to the Westmoreland (GA) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 697, on agreeing to the Sessions (TX) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 698, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 699, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 700, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 701, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and

Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 702, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 703, on agreeing to the Hastings (FL) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted nay.

Roll call vote 704, on agreeing to the Frelinghuysen (NJ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted nay.

IN RECOGNITION OF STAND UP EFFORTS OF STAND DOWN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. GALLEGLY. Madam Speaker, I rise to recognize the outstanding achievements of Ventura County Stand Down, which this weekend will mark 15 years of helping homeless veterans combat life on the streets.

During the three-day, two-night Stand Down, veterans will live on the campus of the California Army National Guard Armory in military-style tents erected by the Seabees. They will have access to shower facilities, toiletries, new and used clean clothing, and hot meals each day.

Working in conjunction with dozens of public and private agencies, Stand Down 2007 will provide homeless veterans with a myriad of services such as medical treatment, legal services, prescription lenses, employment counseling and referrals, VA benefits, drug and alcohol counseling, general relief information, transitional housing information, along with a range of other government and social services.

It's a monumental undertaking. Ventura County Stand Down would not be a success—or have even been launched—without the skill and perseverance of Claire Hope, the founder and executive committee chairperson of Ventura County Stand Down. The daughter of a World War II veteran and mother of a veteran of Desert Storm, Claire Hope has a soft heart for veterans and a strong will to help those in need.

She is not alone. About 300 volunteers help each year with the efforts. Another nearly 300 companies, corporations, and non-profit organizations are on board. About 20 service providers take part and 20 committees oversee all aspects of the event, from planning, to execution, to cleanup, to follow-up.

Many of the volunteers have been with Claire since the beginning. While I can't name them all, I would be remiss without noting several key people whose efforts have meant so much to our veterans. They include:

Duane Dammeyer, Public Defender; J. Roger Myers, Legal Counsel; Bob Reeves, Grounds; Hal Nachenberg, VA Benefits and Services; Joseph Narkevitz and Robert Reed, PTSD & Intervention Counseling; Herb Williams, On-Site Activities; Bob Adams, Job Placement; Betty Zamost, Homeless Program VA Administration; Judge John Dobroth, Superior Court; Dr. Cal Farmer, Entertainment/Ambiance; Madeline Lee, Toiletries; Marie Williams, Transportation; Gene Ogden, Adopt-A-Veteran Program; and, Mary Ann Foushee, Social Security Administration.

Madam Speaker, I know my colleagues will join me in recognizing the importance of Ventura County Stand Down and in thanking Claire Hope and her myriad of volunteers for their selfless efforts in helping those who served our country and who fell on hard times to have a fighting chance to resume a life of stability and peace. It's a yeoman's effort, and one worth undertaking.

COMMEMORATING THE 100TH ANNIVERSARY OF THE CORNERSTONE LAYING OF THE PILGRIM MONUMENT IN PROVINCETOWN, MASSACHUSETTS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. DELAHUNT. Madam Speaker, it is with enormous pride that I rise today to commemorate an important historical milestone in America's history, the 100th anniversary of the cornerstone laying of the Pilgrim Monument in Provincetown, MA.

The Pilgrims arrived on our shores with their many hopes and dreams; they worked hard and suffered greatly in order to fulfill them. Now, people around the country, from schoolchildren studying them as part of their American history curriculum to families gathering together on the fourth Thursday of every November in the spirit of thankfulness, the story of the Pilgrims and America's First Thanksgiving is enshrined in our collective memory. On Monday, August 20, 2007, a variety of friends and admirers will gather at the Pilgrim Monument to celebrate the 100th anniversary of the laying of the Monument's cornerstone in 1907.

The 252-foot-tall Pilgrim Memorial Monument was constructed between 1907 and 1910 to commemorate the first landing of the Pilgrims and the signing of the Mayflower Compact in Provincetown Harbor in 1620. It was built by the Cape Cod Pilgrim Memorial Association, which was established by a special act of the Massachusetts legislature on February 29, 1892, to raise funds to build the Monument. The Association raised $92,000 in federal, state and private funds, while the land was donated by the town of Provincetown. The cornerstone of the Monument was laid on August 20, 1907 at a ceremony attended by President Theodore Roosevelt, and the completed Monument was dedicated in 1910 at a ceremony attended by President William Howard Taft.

Since its completion in 1910, the Monument has become a symbol of the role Provincetown played in the early history of our country. In the century since its construction, the Monument has attracted millions of visitors from across the United States and around the world. The Provincetown Museum has excelled in its mission of detailing not only the events surrounding the Pilgrims' first landfall but also the place Provincetown occupies in New England's cultural and maritime history.

On August 20, 2007, a host of well wishers will join the entire Provincetown community in a parade and gathering at the Monument to commemorate its place in Massachusetts' and America's history. And it is with equal pleasure that I enter this tribute into the CONGRESSIONAL RECORD so that this milestone is officially recognized and recorded in the official history of the United States of America.

THE MERCED COUNTY VFW HONOR GUARD

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure and gratitude that I rise today to recognize the Merced County VFW Honor Guard for their many years of selfless service on behalf of their fellow veterans of the United States of America. I am particularly honored to recognize this team of individuals as they served as Honor Guard at the burial service of my own father, Manuel Cardoza, who served in the U.S. Merchant Marines during World War II.

For many years, members of the Winton VFW Post #7792, the Atwater VFW Post #9946, and the Merced VFW Post #4327 worked together to help conduct proper burial services for our local veterans. These individuals have worked long hours and gruesome schedules in order to serve their fellow veterans. Within the last few years, they have averaged .157 burial services, dedicated 4511 man hours, and traveled more than 4800 miles each year.

I would like to take a moment to recite the names of the veterans who have dedicated their time, energy and resources to providing their fellow veterans with honorable burial services as members of the Honor Burial Team. Madam Speaker, I ask my colleagues to join me in honoring those members of the Honor Guard who have gone before us: Louis Gonzales #9946, Paul Gunderson #7792, Ernie Dominquez #4327, Wyn Aguirre #9946, David Barrone #9946, John Aue #9946, Mel Hode #9946, Vern Kolander #7792, Bill and Evelyn Petrie #7792, Bill Butler #9946, Charles Hickman #9946, Frank and Mary Gaffney #9946, and Bryce Tillman #9946. And it is with great sincerity that I ask my colleagues to join me in honoring the current members of the Merced County Honor Guard: Commander Richard Clerkin #7792, Chaplain Ken Wenrich #7792, Honorary Chaplain Father Tom Timmings, Rifle Team Captain George Stroud #7792, Bugler Bill Dacus #4327, Quarter Master Don Dean #9946, Ray Baker #7792, Dick Darby #7792, Ernie Connor #7792, Judge Brown #7792, Gerald Dunker

#7792, Byron McNamara #9946, Ken Henn #9946, John Douglas #9946, Bill Oliver #9946, Tony Castro #9946, David Loeser #9946, James Tyson #9946, Willie Kimoto #7792, and Ishmael Hernandez #9946.

Throughout our history, brave men and women have risked their lives to preserve freedom for future generations. It is a tradition unlike any other. Each member of the United States Armed Forces is an inspiration to the American people in their patriotism, skill, and selfless dedication to the ideals that make this Nation great. Madam Speaker, I ask my colleagues to join me in honoring the Merced County VFW Honor Guard for their service and for their selfless commitment to honoring their fellow veterans with the most appropriate and necessary military burial. I wholeheartedly extend my sincerest appreciation to each individual of this outstanding team. Thank you for serving our country with bravery and honor, and thank you for continuing to serve your fellow veterans.

PERSONAL EXPLANATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. WALSH of New York. Madam Speaker, on rollcall vote No. 712, which would have prohibited funds in the fiscal year 2008 Transportation-HUD Appropriations Act from being used to implement provisions of the Davis-Bacon Act, I was unavoidably detained and unable to vote. Had I been present I would have voted "no."

RECOGNIZING MATTHEW JAMES BRAMMEIER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew James Brammeier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1360, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew James Brammeier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Equal Justice for Our Military Act of 2007—a bill that will give our servicemembers equal access to the United States Supreme Court. We all know that when American men and women decide to serve their nation in the Armed Forces, they make many sacrifices—from lost time with their families to irreplaceable losses of lives and limbs. However, most Americans are not aware that active-duty servicemembers also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the Chairwoman of the Subcommittee on Military Personnel, a long-time advocate for servicemembers, and a representative of San Diego, one of the largest military communities in the nation, I feel an obligation to fight to ensure that the members of our military are treated fairly. Current law weights the playing field in favor of the government, granting the automatic right to Supreme Court review to the Department of Defense whenever a servicemember wins his or her case, but denying servicemembers that same right when the government wins a conviction against them in almost all situations. This is just unfair. In the 109th Congress, I introduced legislation to grant our men and women in uniform access to the Supreme Court in certain situations.

Today, I am re-introducing this legislation in expanded form, to allow service members in a broader set of circumstances the right to Supreme Court appeal. This approach has been endorsed by the American Bar Association, the Military Officers Association of America, and many other advocates. I believe strongly that it is fundamentally unjust to deny those who serve on behalf of our country in the military one of the basic rights afforded to all other Americans. I hope that you will stand with me in support of this legislation to attain equal treatment for those who fight for us.

INTRODUCTION OF CAPITAL GAINS AND ESTATE TAX RELIEF ACT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. MITCHELL. Madam Speaker, earlier today I introduced, along with my colleague CHRIS SHAYS, the Capital Gains and Estate Tax Relief Act, a bill to extend key tax cuts that are critical to middle class families in my district and across the country.

If enacted, the Capital Gains and Estate Tax Relief Act would preserve the lower tax on capital gains as well as the reduced estate tax which are both set to expire in 2011.

Several years ago, these tax cuts were championed by President Bush and a Republican Congress.. Clearly the political winds have changed. But in the race to distance ourselves from the former congressional leadership, I implore my colleagues to give careful consideration to these tax cuts before dismissing them.

They are sensible. They help millions of middle class Americans. They encourage investment and make our tax code more fair and more predictable.

After careful consideration, I believe they should be made permanent and bipartisan.

They affect small businesses. They affect the stock holders. They affect anyone who owns a home.

While, a generation ago, these may have sounded like the lofty concerns of the wealthy elite, today, these are mainstream, middle-class experiences.

In 1983, less than 20 percent of Americans owned stock. Now, between IRAs, 401(k)s, and education savings accounts, more than half of Americans do.

And after a decade and a half of low interest rates, more than two-thirds of Americans are now homeowners. By 2011, the year that these tax cuts expire, economists predict that number will reach 70 percent.

When it comes time to sell your home or trade your stock, capital gains taxes prevent you from making optimal financial decisions. This is bad for sellers, bad for buyers, and bad for our economy.

Decisions like these should be based on personal and financial needs, such as paying for college or planning for retirement, not the needs of the IRS.

While it would be impractical for us to eliminate the tax on capital gains, I believe we can take steps to minimize its harmful effects. Most notably, we can make the temporary cut from 20 percent to 15 percent permanent.

The estate tax is equally troublesome. Before the temporary tax cuts went into effect, anyone with assets of more than $675,000 at the time of his or her death was subject to the estate tax. In calculating this amount, the government didn't just count the amount of money in your bank account. It also counted the value of your home and the value of your investments. And if you owned a small business, the government counted the value of that business as well.

As home values began to rise and the number of small businesses continued to grow, more and more middle-class tax payers began exceeding this exemption.

This was a particular problem in Arizona, where home prices have increased by more than 150 percent in the past decade. But there are many States where the growth of real estate has outpaced Arizona's.

In other words, if a taxpayer purchased a $250,000 home in the 1990s and this home increased in value to $625,000, the owner was only allowed $50,000 in additional assets before the Federal Government started taking away 55 percent of everything else that person owned upon his or her death. If that taxpayer was self-employed, owned a small business, or had money saved in a retirement account, it is easy to see how quickly his or her estate could exceed $675,000.

Home ownership and small businesses are things we want to promote. Over the past decade, small businesses have created more than 60 percent of new jobs in the United States. In Arizona, small businesses account for 97 percent of employer businesses.

But home ownership and small business development are precisely the things that are hurt by the estate tax. It makes it harder for family businesses to transfer their assets down from one generation to another. When combined with capital gains, it makes it harder for parents to realize the benefit of the recent housing boom and share that benefit with their children.

I believe we need an estate tax that takes inflation into account, so the value of your property today will be the same as what you would like to pass onto your children. H.R. 3170 would permanently reduce the estate tax by establishing a system for future increases in the estate tax exemption based on inflation.

The Congressional Budget Office estimates the combined costs of making these tax cuts permanent to be $332 billion over 10 years. To put this in perspective, we are currently spending $124 billion a year on the war in Iraq. If we can find that much to help Iraqis with their economy, I believe we can find $332 billion to help our own.

In March, I voted against the Budget Resolution, H. Con. Res. 99, in part, because it failed to extend cuts to the estate and capital gains taxes. At the time, I expressed frustration with both Democrats and Republicans for failing to work together to create a budget that incorporates good ideas from both sides of the aisle.

When I ran for Congress last year, the one thing I heard over and over again from voters was how sick and tired they were of partisan bickering in Washington that was getting nothing done.

I believe we can do better. So today I challenge my colleagues, on both sides of the aisle, to do the right thing. Consider this legislation, not through a caustic, partisan lens, but on its merits. The middle class wants Congress to make these key tax cuts permanent, and working together, I know we can make that happen.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 26, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 31

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities markets.

SD–538

Foreign Relations

To hold hearings to examine nuclear energy and nonproliferation challenges, focusing on safeguarding the atom.

SD–419

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

SR–253

Finance

To continue hearings to examine carried interest (Part II).

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Homeland Security status report, focusing on measuring progress and confronting new threats.

SD–342

Judiciary

To hold hearings to examine the impact of the Leegin decision.

SD–226

2:30 p.m.

Judiciary

To hold hearings to examine death and serious injury relating to oxycontin and defective products.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

9:30 p.m.

Veterans' Affairs

To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.

SD–562

AUGUST 1

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Department of Justice.

SR–253

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the underrepresentation of Americans at the United Nations and its organizations; focusing on ways to build a stronger American diplomatic presence.

SD–342

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1054 and H.R. 122, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project, S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration, S. 1475 and H.R. 1526, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

SD–366

Intelligence

To hold hearings to examine the nomination of Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

SH–219

AUGUST 2

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

2:30 p.m.

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine reforming key international financial institutions for the 21st century.

SD–538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

HOUSE OF REPRESENTATIVES—*Thursday, July 26, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WELCH of Vermont).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2007.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker, House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your law and Your prophets lead Your people to You. To follow them and discover enlightened truth only about the present age is to end up in a blind alley.

May all lawmakers this day know Your presence and seek Your guidance, that they may lead to true justice and lasting peace. Otherwise, Your people are left to flounder.

Without You we are left with nothing and accomplish only a mayhem of action without focus or direction.

You are the way, the truth, and life, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SESSIONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1642. An act to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1877. An act to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

THE FARM BILL AND REFORMING CROP INSURANCE

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, the one thing that we should all be able to agree on in this House regarding the upcoming farm bill is the need to reform crop insurance. The folks back home are demanding that we cut Federal spending, and this is not only a great way to do it, it is probably the best way to do it.

There are only 16 crop insurance companies in America, but, sadly, each one is addicted to corporate welfare from Washington. Reforming these companies can save at least $2 billion a year without hurting a single farmer. Let's stop these middlemen from taking 40 cents out of every dollar the taxpayers offer to help the American farmer.

The Cooper-Waxman-McGovern amendment unites this House, from conservative Blue Dogs to progressive Members. It is a bipartisan approach. We simply adopt the reform proposals of the Bush administration. That is all we do. These are not radical ideas; these are USDA approved. But these ideas will save over $2 billion a year. It won't kill the industry; it will just trim back the massive subsidy flows.

Farm bill supporters should also endorse these because they reduce the need for new revenue, and the Agriculture Committee itself recognizes the need for reform. They just want to do it in the next farm bill.

THE GLOBAL WAR ON TERROR

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, being from Tennessee, the Volunteer State, I volunteered to visit the men and women in uniform in Iraq this past weekend. I wasn't disappointed. Our troops are well trained, well motivated, and successful.

During my visit to Iraq, I visited Ramadi, which until just a few months ago was a killing field overrun by al Qaeda. For the past 4 years, the people of Ramadi were caught in a decision-making battle of which group, us or the extremists, offered them the best chance for a normal and free existence.

The insurgent extremists chose to win the local people over with the use of force, force against our American troops and against any local who did not support their radical agenda. Our troops, on the other hand, have reached out with friendship and support.

The local people, seeing the difference, have chosen to have their lives return to normal and live in freedom. Ramadi has gone from a city of death and destruction to one of rebuilding and hope. I was able to see it firsthand.

The cost to the American family is just too great to allow any other outcome than success in the global war on terror. We must win this war to protect our American way of life, now and into the future.

A QUOTE FROM DWIGHT D. EISENHOWER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, a man from Kansas said, "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children. This is not a way of life at all in any true sense. Under the clouds of war, it is humanity hanging on a cross of iron." Dwight David Eisenhower, April 16, 1953.

I ask that the rest of my time be in silence for those who have died in Iraq, Americans and Iraqis.

AL QAEDA IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, some Members of Congress are proposing legislation that would attempt to develop a new military strategy for our troops in Iraq. This meddling by politicians ties the hands of our capable military. We should trust in the leadership of GEN David Petraeus and not second-guess his efforts to protect American families.

Senator JOE LIEBERMAN, former Democratic Vice Presidential candidate, recently said, "The fanatics . . . who exhort the tens of thousands to shout 'Death to America' . . . don't distinguish between Republicans and Democrats . . . and we should have the common sense, let alone the sense of responsibility to our country, to come together to defend our Nation against those who want to destroy us."

Failing to secure Iraq will provide a fertile ground for terrorist safe havens, threatening America and our allies. Osama bin Laden and Zawahiri have both stated that Iraq is a central front in the global war on terror. We must stop the terrorists overseas and not face them again in the streets of America.

In conclusion, God bless our troops, and we will never forget September the 11th.

AL QAEDA

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, last week the National Intelligence Estimate report stated that al Qaeda is the most serious threat to the U.S. homeland.

On Tuesday President Bush flew to my home State of South Carolina to speak to troops in Charleston. In his speech he reminded the Nation of the threat that al Qaeda poses to our Nation and the stability of Iraq. The threat is real.

I would like to share with you a Fourth of July blog entry from Lieutenant Colonel Clarence Bowser, who is currently serving with the South Carolina National Guard in Kandahar, Afghanistan:

"I am so proud of my service here and to this Nation. I don't know the politics; I'll leave that to the politicians. But it is my prayer for their leadership and that we as a Nation do the right thing for this country and Iraq."

Mr. Speaker, my hope and my prayer is that we as politicians have the courage to do the same: win this fight.

THE FARM BILL: URGING SUPPORT FOR THE KIND-FLAKE AMENDMENT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, there is a bipartisan instinct in Congress that has been evident for years. We all want to reform our farm policies in the "next" farm bill. That is why the bill that is coming forward from the Agriculture Committee couldn't find any way to reform the crop insurance program. Luckily, it looks as though the Rules Committee will make in order a rule that will force that upon the committee, saving up to 40 cents on the dollar.

There are no meaningful limitations on extraordinarily wealthy farmers. They talk about reform, but the limitation raises only $46 million a year from 3,175 farmers. And if the farmer can't get their adjusted gross income under $1 million, they ought to get a new CPA.

I strongly urge my colleagues to just read some of the news accounts like this morning's Washington Post that talks about what is in this bill. And if you do, I think you will join with us in supporting the Kind-Flake amendment.

URGING SUPPORT FOR THE STEARNS-BLACKBURN AMENDMENT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise to address the concerns of many of our small businesses in the Seventh District of Tennessee. The ongoing debate over illegal immigration has brought many issues to light. While this issue is trudging its way through Congress, small businesses are stuck trying to figure out how to confront the problems of illegal immigration that are created at the local level.

For instance, these businesses should have the right to refuse to hire or fire a person who cannot speak English. An employer who signs the paycheck and pays payroll taxes, and their customers, should be able to communicate with an employee. But under current law that small businessman can be sued by the Federal Government for refusing to hire or in some cases firing a person who cannot communicate in English. As ridiculous as this sounds, it is true.

That is why today I will offer a commonsense amendment to the Commerce-Justice-State approps bill that will close the ridiculous loophole and offer some protection to the businesses that drive our economy and employ our citizens.

I urge all of my colleagues to join this effort to protect our mom-and-pop businesses, not because it is a hard line against illegal immigration, but because it is the right thing to do.

☐ 1015

LET'S NOT ALLOW GENOCIDE TO CONTINUE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the words "never again" ring hollow today. It was exactly 3 years ago that we declared that what was happening in Darfur was genocide, and yet we have basically stood on the sidelines for these last 3 years. Lots of words, but no meaningful action.

What we said was that we would deny the Government of Sudan access to oil revenues and extend American business sanctions on Sudan. But we haven't done either in any meaningful way. Hundreds of thousands of people, innocent people, killed; millions made homeless while we have sat on our hands.

Oil accounts for 70 percent of Sudan's total exports. And do you know that 70 percent of Sudan's oil profits fund their military? And China buys much of their oil.

In fact, China is Sudan's largest trading partner. We could have enormous leverage over China if we chose to use it, but we choose not to. So when the Chinese Premier goes over to Sudan, instead of telling him this is wrong, he offers to build more palaces for President Bashir. Let's get serious. Let's not allow genocide to continue in the 21st century.

NEW TEXAS SHERIFF IN TOWN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in Bastrop County, Texas, there is a new sheriff in town. Over a dozen candidates were interviewed, and at the end, the last man standing was a woman. Becoming the third female sheriff in Texas, Rosanna Abreo became the first female sheriff in county history.

Rosanna is anything but an ordinary candidate. She has 17 years of experience in Texas law enforcement. Throughout her law enforcement career, she served at the Lubbock Police Department in west Texas and the Texas Department of Public Safety, where she served as a State trooper, a special crimes investigator, and a member of the DPS SWAT team, rising to the rank of lieutenant.

This Texas lawwoman is educationally accomplished as well, achieving a bachelor's degree, a master's degree and now a law degree, having passed the bar exam last May. Criminals and outlaws should be aware of this new Texas sheriff that is the enforcer of the law in her county.

Today, I congratulate Sheriff Abreo on her sound dedication to public safety, making her a role model for all peace officers in our State. Texas is proud of its new Lone Star sheriff.

And that's just the way it is.

WE NEED TO WIN THE WAR ON DRUGS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, last night, this House had a proposal before it to prohibit the DEA from enforcing Federal laws on medical marijuana patients in the 12 States where the public has legalized medical marijuana. Unfortunately, it failed.

I voted for the proposal. Why did I vote for the proposal? Yes, I'm compassionate about people who have multiple sclerosis and AIDS and cancer who can benefit, Parkinson's disease and glaucoma who can benefit from medical marijuana. Yes, I voted for it because I believe in States' rights and I believe in Justice Brandeis and the laboratories of democracy and to see how things work in other States and be able to adjust and see how they should work in other States, but also because I believe the DEA shouldn't be busting medical marijuana houses and stores in Los Angeles. They should be working in my community to eliminate and eradicate methamphetamine, crack and other drugs that are ravaging my community and causing a crime problem in Memphis, Tennessee, and throughout this country.

The DEA has not been effective at controlling the war on drugs. We need to win it. I would like that to happen.

IN SUPPORT OF H.R. 3026, THE MILITARY SPOUSES MEMORIAL ACT

(Mrs. DRAKE asked and was given permission to address the House for 1 minute.)

Mrs. DRAKE. Mr. Speaker, I come today to honor those who have sacrificed so much in the defense of the freedoms we Americans often take for granted.

We are all appreciative of the heroic sacrifices made by our men and women in uniform. However, there was little recognition given to the military spouses who provide the backbone of our armed services.

Recently, I introduced H.R. 3026, the Military Spouses Memorial Act of 2007, which provides the authority to establish in our Nation's Capitol a memorial commemorating the selfless sacrifice of military spouses from 1776 to the present day. This memorial will honor the husbands and wives that tend to the home front and lend our servicemembers the support they need as they serve in the defense of freedom.

I encourage all my colleagues to lend their support to H.R. 3026 and ensure that the sacrifices of our military spouses are recognized.

WE MUST SAVE DARFUR

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, 3 years ago this week, Congress formally declared that genocide was taking place in Darfur, and Congressman DON PAYNE is owed a debt of gratitude for leading this effort.

While much has been done since then to push pressure on Khartoum, the genocide still rages. Our young people and the faith community have tirelessly reminded us of this.

I was in Darfur earlier this year for the third time, and let me tell you, it is getting worse. We passed a number of bills in Congress imposing sanctions urging our allies like China and the League of Arab States to get involved, but we must do more.

Today, with the help of our good friend and great leader, Chairman BARNEY FRANK, the Financial Services Committee Chair, we will take another step toward marking up my bill, H.R. 180, the Darfur Accountability and Divestment Act, which authorizes States to divest from Sudan and bans new Federal contracts with companies doing business with the genocidal regime in Khartoum. We must keep the pressure on President Bashir and insist on unfettered access for the United Nations and African Union, and we must save Darfur.

PRESIDENT BUSH, PARDON COMPEAN AND RAMOS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of border agents Ramos and Compean, and I believe we should know why U.S. Attorney Johnny Sutton has thumbed his nose at a House panel and refuses to testify on why he protected a Mexican drug smuggler over our own border agents.

Johnny Sutton gave a confirmed drug runner free access to cross our border on condition he would not smuggle drugs again, but he has. Johnny Sutton found out the witness was running drugs, but still let him testify as an innocent victim. By allowing the drug runner to testify, Johnny Sutton let a known liar testify against our own border agents. Johnny Sutton must testify under oath why he did this.

In view of this new evidence, President Bush should pardon Compean and Ramos today. They did not get a fair trial, and the punishment did not fit the crime. This case is a travesty to our justice system. Fix it, Mr. President.

COMMEMORATING THIRD ANNIVERSARY OF CONGRESSIONAL DECLARATION OF GENOCIDE IN DARFUR

(Mr. CAPUANO asked and was given permission to address the House for 1 minute.)

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the third anniversary of the congressional declaration of genocide in Darfur. It's not a happy occasion; it's a sad one. And I hope we don't have to do this again next year or any time after that.

I also want to thank the American people, the American taxpayers and the American activists in this country who have kept the pressure on us, on the administration, on the United Nations and on the world to try to stop this genocide.

I have been to Darfur, and I will tell you that as an American taxpayer you can't be more proud than when you look out, and unfortunately these poor people have been chased out of their homes, and families killed and massacred, but at least when you look out, all of their shelters are covered with U.S. flags. Now, it's because we have to send all the aid to feed and take care of them. But those shelters are made out of the bags that carry the wheat and the rice that feeds them.

The American people are doing our job. The administration is doing something, but not enough. The U.N. is doing way too little. And I hope that next year we won't have to come back and do this.

FARM BILL DOES DISSERVICE TO AMERICANS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as a Member of Congress from the heartland, I have supported the farm bill in the past. Regrettably, the 2007 farm bill that we will consider this week is a deeply flawed piece of legislation. It combines traditional agricultural programs with the misplaced priorities of the Democratic Congress. Tax increases, budget gimmicks, workplace restrictions, and a public union provision that offends States' rights, and I cannot support it.

This farm bill is a disservice to American farmers and an attack on hurting families in the State of Indiana.

At the behest of one of the Nation's largest public employee unions, the Democrat Congress added language to this bill that will prohibit States from working with private companies to improve the administration of welfare services. Since Indiana is leading the Nation in improving welfare services through these partnerships, this bill is bad for Indiana, bad for hurting families, and bad for Hoosier taxpayers.

In the interest of federalism, it's imperative that Congress give State governments the freedom to innovate in the delivery of food stamps and other welfare programs to benefit recipients and improve services.

I will vote against this farm bill because it raises taxes, busts the budget, and does a great disservice to our most hurting Americans.

LET THIS BE LAST TIME WE MARK ANNIVERSARY OF GENOCIDE IN DARFUR

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, 3 years ago, the Congress named the humanitarian crisis in Darfur as genocide. Naming is really important, because once we've acknowledged the hundreds of thousands of innocent lives that have been lost there, we have a responsibility to act. And yet the disastrous crisis continues on today.

I visited Darfur. I've seen the situation on the ground. And now the high-tech GPS satellites and mass media allow everyone to bear witness to the tragedies in Darfur; the burnt holes where villages used to be, the mass migrations of internally displaced, starving children, victims of rape.

I want to thank the student groups, the faith organizations and the Americans around the country who have worked to raise this issue's profile and to keep Darfur on the agenda.

Last month, the Sudanese Government allowed a combined U.N.-African Union peacekeeping force. The Democratic majority approved $949 million in humanitarian aid, but we have to go further. Let this be the last time we mark the anniversary of genocide.

RECOGNIZING JIM NUSSLE'S NOMINATION AS DIRECTOR OF OMB

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I am pleased that President Bush has selected a man of great integrity and one of our former colleagues who served in this Congress to lead the Office of Management and Budget, Jim Nussle. His chairmanship of the House Budget Committee gave us an opportunity to witness the expertise and responsible use of taxpayer dollars that he will bring to the OMB.

During his tenure in this body, Chairman Nussle's work made a positive impact on countless Americans. Without his hard work and leadership, the Family Opportunity Act, which provides badly needed medical care to children with disabilities, would never have become law.

To recognize Chairman Nussle's incredible talents, one should look no further than the very kind comments made by Chairman Nussle's former colleague across the aisle, my friend, Chairman JOHN SPRATT. He said, "Jim was a fair and honorable chairman. In selecting Jim Nussle to succeed Rob Portman, the President is replacing one able and knowledgeable man with another."

I congratulate President Bush on this astute choice. I wish Chairman Nussle the very best during his confirmation hearing today at the Senate Budget Committee.

ANNIVERSARY OF DECLARATION OF GENOCIDE IN DARFUR

(Mr. DOYLE asked and was given permission to address the House for 1 minute.)

Mr. DOYLE. Mr. Speaker, 3 years ago, Congress declared the atrocities in Darfur to be acts of genocide. Since acknowledging this genocide, we have implemented unilateral sanctions against the Sudanese Government. We've authorized funds for peacekeeping and humanitarian assistance in the region. We've called for concerted international action to end the abominations in Darfur, yet the genocide continuous.

There have been 400,000 people killed, 2.5 million have been forced out of their homes, and 1 million continue to live under the constant threat of bombing, rapes, murder and torture by government troops and the janjaweed militias.

International diplomacy has failed to force Sudanese President al-Bashir to stop pursuing his genocidal policies.

We cannot afford to fail anymore. Every possible means must be employed to pressure the Sudanese Government to allow the rapid deployment of an international peacekeeping force large enough to protect the civilian population in Darfur.

EXPRESSING OUTRAGE AT CONTINUED VIOLENCE AND GENOCIDE IN DARFUR

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I would like to put a statement in the RECORD expressing outrage at the continued violence and genocide in Darfur.

Mr. Speaker, I rise today burdened by many emotions—sadness, disappointment, frustration and most of all, anger. Anger because it has been three years since Congress declared the atrocities occurring in Darfur to be genocide—and yet the violence continues. Anger because 2.5 million people are still displaced—living in camps, unable to return to their homes. Anger because humanitarian workers are even more endangered today—unable to deliver vital services to large swathes of the population. And anger because not a single individual has been brought to justice for these crimes.

The crisis in Darfur requires sustained diplomatic action—including international pressure on those nations that support the Sudanese regime and allow President Bashir to equivocate on his promises.

It is unacceptable that 3 years have passed and there is still insufficient protection for civilians on the ground.

The AU/UN force must be deployed immediately. There is no time to waste. The people of Darfur have waited long enough.

□ 1030

METHAMPHETAMINE KINGPIN ELIMINATION ACT OF 2007

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today as we consider the Commerce, Justice, Science, and Related Agencies Appropriations Act. According to the DEA, 33.3 kilograms of methamphetamine were seized in my home State of Nebraska in 2006. For this reason, I would like to commend the leadership and Appropriations Committee for including $85 million in funding for grant projects to address the manufacture, sale and use of methamphetamine. However, we must send a stronger message to those who are smuggling and distributing the drug, which is why I have introduced the Methamphetamine Kingpin Elimination Act of 2007.

The number of methamphetamine labs in the U.S. has declined since Congress enacted the Combat Methamphetamine Epidemic Act last year to restrict the sale of pseudoephedrine, the key ingredient in methamphetamine. Unfortunately, a reverse trend has occurred south of our border.

Mexico is the largest foreign supplier of methamphetamine destined for the U.S. It is estimated that as much as 80 percent of the methamphetamine on U.S. streets comes from Mexico. Unlike the small U.S. kitchen labs, Mexican drug cartels are creating superlabs, which produce huge quantities of cheap methamphetamine and then smuggle it north to U.S. users.

Mr. Speaker, it is time we stop this flood of methamphetamine coming across our border.

The "Meth Kingpin Elimination Act of 2007," increases penalties for meth kingpins. The bill also authorizes $20 million for multi-jurisdictional methamphetamine task forces.

Meth devastates not only those who abuse the drug, but their families and their communities as well. The drug has a phenomenal rate of addiction, with some experts saying users often get hooked after just one use. Recent studies have demonstrated that methamphetamine causes more damage to the brain than heroin, alcohol, or cocaine.

Mr. Speaker, I ask you to join me in keeping this destructive drug off America's streets and ensuring that meth kingpins and traffickers receive harsher penalties.

Mr. Speaker, we must work together to address this severe problem.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

☐ 1032

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 25, 2007, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 85, line 24.

AMENDMENT NO. 1 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

Mr. STEARNS. Mr. Chairman, as mentioned, the EEOC, which is the U.S. Equal Employment Opportunity Commission, has accused the Salvation Army of allegedly discriminating against two of their employees in a Boston area thrift store for requiring them to speak English on the job.

Mr. Chairman, the amendment would prevent the EEOC from using any appropriated funds to initiate a civil action or file a motion in any courts on the grounds that the organization, in this case the Salvation Army, requires an employee to speak English while engaged in work.

The question I have is, how do you discriminate against a person who speaks English on the job? This amendment was prompted by this lawsuit filed in April by the EEOC against the Salvation Army, which has helped thousands of people in countries all over the world. Can't you hire people today who speak English? The two employees were given 1 year to learn English in order to speak the language you and I are speaking in the House today and the language spoken by our coworkers; however, these folks failed to try to learn even some basic English and were fired.

Even though the Salvation Army clearly posted the rule and gave the two employees a year to learn English, the EEOC lawyers filed a lawsuit seeking hundreds of thousands of dollars in monetary damages to compensate the employees for "the emotional pain, suffering and inconvenience" they suffered by being asked to speak English to the best of their ability while on the job.

In 2003, a Federal judge in Boston upheld the Salvation Army's policy requiring workers to speak English while on the job. However, the EEOC did not like this ruling, so they are continuing to harass the Salvation Army.

Now, the Salvation Army, as we all know, is a Christian evangelical organization whose sole mission is to help the downtrodden, the blind, the sick and anyone else in need. Their personnel standing on cold street corners during Christmastime is something to behold, ringing a bell on behalf of the poor. They collect and sell donated clothes and household items in their thrift stores to raise money for the poor, operate soup kitchens, and hire people that no one else will.

Since 1865, this organization has lived by Christ's teaching that as we do unto the least of our people, we do unto the Lord. Now this organization is in trouble for insisting its employees learn to speak English in order to better serve these lofty goals. Remember, the Salvation Army was trying to help their employees by encouraging them to simply learn the English language.

EEOC has crossed the line in its overzealous pursuit of companies that require English in the workplace. Only Congress can bring this organization back to its intended mission. If we don't, the continued proliferation of English-related lawsuits will cause employers facing close hiring decisions to hire defensively, to the detriment of new immigrants with marginal English proficiency. While the children of immigrants typically learn English in our school system, adult immigrants are most likely to learn or improve language skills for work-related reasons often through programs that are simply hosted by the employers themselves.

This arrangement is ordinarily a win-win situation. The immigrant is encouraged to gain a full knowledge skill that improves his work efforts and civic engagement, and the employer benefits from having employees that can communicate with one another. So the EEOC's policy takes a mutually beneficial situation and injects the constant fear of litigation on employers. Most importantly, since the EEOC's funds are fungible, every dollar it uses to pursue these cases is a dollar not being spent on pursuing the kind of discrimination that the EEOC was originally created to combat.

These are our tax dollars, my colleagues, yours and mine, paying the salaries of the EEOC lawyers, who file endless lawsuits, while the Salvation Army must use its own funds, funds that would be better used helping the poor, instead of hiring more attorneys to fight these kinds of cases in court. The EEOC should instead focus its limited resources on the current backlog of 54,265 complaints, instead of wasting time and taxpayer money on policies that serve to achieve unity in our country.

I encourage my colleagues to support this amendment and help protect the charities like the Salvation Army.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I think everybody ought to speak English in this country, and I think we ought to have policies that encourage it. What I don't believe is I don't believe that the Congress of the United States has any business whatsoever predeciding a court case, and when the Congress ahead of time tells the EEOC that they cannot even bring a suit, that means that Congress is substituting political judgment for legal judgment on an issue that ought to be decided in a court of law.

Congress has the right to pass legislation saying whatever it wants about immigration and about who is going to get Federal aid, things like that. But it is dead wrong, it is wrong morally, it is wrong constitutionally, for the Congress to prejudge what the outcome of a court case is going to be. And if they deny funds to the Equal Employment Opportunity Agency in this government, the agency that is supposed to enforce civil rights laws, if they deny funds to that agency on a hit-or-miss basis based on what can get a majority on this House floor, God help us all.

Mr. Chairman, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I do rise in support of the Stearns-Blackburn amendment to protest the actions of a rogue government agency that really is out of control, and I thank Mr. STEARNS for his good work and his good efforts on this with us.

The EEOC, as we have heard, it is taxpayer funded, and it is tasked with eradicating discrimination in the workplace. Now, unfortunately, the organization's actions are speaking louder than their words, and certainly they are not in step with the mission that they are instructed to meet. What we see is an agency that is waging war against private employers who have English-speaking policies and English-only language policies in their workplace and with their workforce.

Now, as my colleague from Florida has said, the situation we have discussed is in 2004, we had two employees from a Massachusetts Salvation Army Thrift Store. They were instructed to learn English within 1 year to comply with that organization's English-only language policy on the job. The employees refused to comply or even to make a good-faith effort. I think that everyone would like to see them make a good-faith effort to learn the language. And they were summarily dismissed in December of 2005. So they had that full year.

Interestingly enough, the two employees were able to navigate their way through the bureaucratic system and get the EEOC to file a discrimination lawsuit against the Salvation Army in April 2007, despite their limited command of the English language. The turn of events would be laughable if it were not true, and if the consequences were not as grave as they are.

Yet, in 2006 alone, roughly 200 charges were filed alleging discrimination due to English-language-only policies in different workplaces. This explosion of claims against workplace English is a 612 percent increase since 1996.

Mr. Chairman, I think that is one of the things that is of concern to us; 612 percent. That is the increase in these claims against American small businesses, against the businesses that are employing our citizens. We have gone from 32 cases in 1996 to 228 in 2002, according to the EEOC alone, and what we see is those misplaced priorities of the EEOC.

As my colleague previously mentioned, the U.S. Equal Employment Opportunity Commission has a backlog of 45,265 cases right now. They expect that that backlog will grow to 67,108 complaints in fiscal year 2008.

Mr. Chairman, it does not take an organizational genius to figure this out. What we see is people are not getting their workload done. What we see is the EEOC is putting their energy on something that they don't need to be putting it on, and they have those misplaced priorities, so therefore the items that they are supposed to be addressing in order to meet their mission are languishing in their in-box. They are never getting around to addressing those files. So those are continuing to pile up.

What we see is that they should be taking their resources; they have plenty of employees, they have plenty of funds. This is not an issue of them having more money or more resources. This is an issue of them putting their work and making their priorities where they need to be, of addressing these problems, kind of getting their nose to the grindstone, if you will, and getting in behind those cases and getting them done not over here suing U.S. small businesses that are employing our citizens, not over here suing the mom-and-pops who have the right, because they are signing the paycheck, they are paying the payroll taxes, they establish their workplace policies.

□ 1045

And they have the right to say we would like you to learn English. We should be incentivizing them to insist on having those employees learn English so that they better communicate with their employer and so they know how to communicate and they are learning by that interaction with those customers.

We know so well, those of us who have so many small businesses in our districts, many of these small businesses see these people as true friends.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the policy that this amendment addresses is obviously authorizing the policy that the EEOC has followed in this area through Democratic and Republican administrations. They have had a consistent position on the employer English-only policies throughout both Democratic and Republican administrations. This amendment would undermine that long standing policy. If the gentlelady and the gentleman want to change that, they ought to take it to the authorizing committee where they can have hearings and have a full-blown discussion, rather than trying to change this policy that has been in place for a long period of time, through both Democratic and Republican administrations. The amendment should be opposed.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in support of the Stearns amendment. In the interest of transparency, for a dozen years I was on the board of the Morristown Salvation Army in New Jersey, and anybody who has been associated with this organization knows that they work in the trenches for the poorest of the poor. They do a remarkable job, and they work with those that are English speakers as well as those who would not speak English.

It seems to me that the EEOC has been somewhat shopping for another venue here, while the Salvation Army, I think, is truly doing the Lord's work. And for them to expend, as apparently they have, tens of thousands of dollars in some sort of a lawsuit as a result of this EEOC litigation, I think quite honestly is an absolute travesty.

I am pleased to yield to the gentleman from Florida (Mr. STEARNS), the sponsor of the amendment, and I commend him and others for supporting this amendment.

Mr. STEARNS. I thank the distinguished chairman, and let me answer some of the criticism from that side of the aisle.

The gentleman from West Virginia (Mr. MOLLOHAN) talked about that this is not a recent problem, that all administrations before with regard to the EEOC have been following this pattern, and that is not true. The gentlelady from Tennessee pointed out there has been a 612 percent increase since 1996. In fact, there has been a large increase just recently. So this is not something that has been going on for the past 40 years; it is a more recent phenomenon.

So we here in Congress should realize that we have every right to prejudge. We have three equal branches of government. We have the executive, judicial and the legislative or Congress. We have the right to say to the EEOC, which is a government agency, the priorities you are establishing are wrong. I mean, as I pointed out earlier, this particular agency has a 54,000-case backlog, and it looks like it is going to go to 64,000. It is going to be a 10,000-case increase.

Should they be spending all of their time trying to intimidate employers? Employers simply want to hire employees that speak English. Are the employers going to be so scared that when they hire this employee they are going to be sued by the EEOC because they are saying to the employee, "We think it will be helpful for you to speak English to our customers"?

But as the Salvation Army did, they said, We will send you to a class for 1 year and you can learn English. So we will hire you, let you be trained, and hopefully after a year you will be conversant in English. These people didn't follow through and didn't even go to the classes. So what did the Salvation Army do, they simply said, We will have to fire you.

They talked to them, they counseled them, and then they said, We will have to let you go because you are not speaking English proficiently enough so that our customers can understand you, and we are an organization that simply has a mission to help and serve people, and we can't communicate with these people because you cannot speak English. So please go to this class that we are going to pay for and help you with this training. These people would not go, and so they were fired.

So now the EEOC lawyers are saying to its agency this case is of the highest priority. We are going to forget these 54,000 cases backlogged in America, and we are going to go after the Salvation Army.

"God help us" is the words that Mr. OBEY used. I say God help us if employers in this country cannot hire employees who speak English. We have every right to judge. This is not morally wrong, as Mr. OBEY said, or constitutionally wrong. This is simply Congress saying set your priorities EEOC. Let the employers hire people who speak English. And we support the concept of what the EEOC is trying to do, to enact civil legislation against people who are discriminated against in the workplace. We understand that. We accept that. But this is a case of priorities. This is a case where Congress has every right as an equal branch to say this is wrong. I commend the chairman from New Jersey for his support.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the Lobster Institute at the University of Maine in Orono, Maine.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" is hereby reduced by $200,000.

Mr. FLAKE. Mr. Chairman, this amendment would strike funding for the Lobster Institute at the University of Maine. We will be debating later today subsidies for corn, cotton, rice and sugar. This is about subsidizing lobsters. I frankly think we subsidize corn, cotton and sugar far too much, but lobster subsidies seem to be out of line as well.

I think taxpayers are already feeling the pinch, if you will, with high gas prices and huge deficits, and all of the other things that they are asked to pay for. But providing hard-earned taxpayer dollars to the lobster industry should make Members of this body a little red in the face.

According to the bill, the New England lobster industry will be receiving $200,000 in Federal taxpayer dollars. The certification letter does not offer much in explanation of what it would be used for except to provide resources for the New England lobster industry. What kind of resources, I think we are justified in asking. This is a private industry that makes millions and millions of dollars annually. What possible support should the Federal taxpayer be offering to this particular industry?

Again, this is one area where Congress, through earmarking, is circumventing the regular process that we typically go through. It is a process that I don't like very much. I don't think we ought to be providing funding to the Federal agencies to give subsidies this way either. But there are programs at the Federal agencies, programs that are usually open to competitive bidding where people will submit grant proposals. But through earmarking like this, we circumvent that process and we say we know better what we're going to give what amounts to. It seems like a no-bid contract to a particular industry or business or group of industries.

So I would think that this simply isn't the way to go. I would submit that no amount of drawn butter can make this kind of subsidy taste any better. We simply shouldn't be doing this kind of thing. We need to get rid of these kinds of earmarks, again, when we know so very little about what it will go to. We are just told it will provide resources for the New England lobster industry. This is an industry, like some of the others we will be discussing later today, that do quite well on their own. They make millions and millions of dollars. What possible justification can we have for using Federal taxpayer dollars to subsidize or to support an industry like this?

Mr. Chairman, I yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Maine is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. FLAKE. This amendment would strike funding for the Lobster Institute CORE Initiative for the University of Maine, a program vital to the continuation of the lobster industry.

I will say a few words in a moment about the importance of the lobster industry, not just to Maine, but to New England and to the entire Northeast, but I want to go straight to this particular program.

The Lobster Institute's CORE Initiative provides for conservation, outreach, research and education in order to sustain the lobster. This is one of the most successfully managed fisheries along the Atlantic coast. When you look at this from the point of view of the private sector, this is not a case of a big corporate fishery. The lobster industry is primarily a small fishery with individual lobstermen who cannot possibly afford to do the research on the scale that this institute does. I would say that the institute is funded primarily by contributions from the industry itself, some people who are contributing to the research, and through private donations by the Friends of the Lobster Institute.

But fundamentally, this kind of research done by our land grant universities is absolutely essential. The University of Maine does work on wild blueberries. It does work on potatoes. The industry itself could not possibly sustain industrywide research because those industries, like the lobster industry, are made up primarily of small businessmen and -women.

Frankly, it is exactly this kind of public-private partnership that makes our economy stronger than it ever could be without this support.

Let me give you some examples. The CORE program aims to establish a unified logical progression of research to address lobster health, stock assessment and environmental monitoring issues. For example, in southern New England, we have some very serious disease issues with some lobsters. We have to be able to track those diseases and make sure that we understand what is going on.

The program will also develop infrastructure to support lobster health and habitat research.

□ 1100

The information that is gathered by the institute is communicated to the public in many ways. Outreach education conducted by faculty, students and industry members, as well as conferences, seminars and workshops throughout the region spreads information developed by the institute. The institute is also home to a lobster library which holds nearly 2,000 journal articles, research reports and informational pamphlets.

Basically, what we're saying is that one of the reasons the lobster industry is one of the most successfully managed fisheries in the Northeast is precisely because of this research. And some Federal contribution, a small contribution, $200,000 is what's at stake here, is the linchpin that holds this organization together.

A few final concluding comments. The private sector, which is supported by this research institute, includes jobs for 8,000 fishermen and countless other jobs for additional businesses such as dealers, distributors, boat builders, marine suppliers and a variety of tourism-related businesses.

Throughout the Nation, the lobster industry has an economic impact of somewhere between $2.4- and $4 billion a year, with 10,000 commercial lobster licenses issued each year. It's ranked, American lobster, I would say Maine lobster, but, you know, who's quarreling here, American lobster is ranked third on the U.S. seafood export list, proving that it's essential to our economy.

In Maine, we have 5,800 licensed lobstermen, and the catch from Maine lobstermen makes up approximately 70 percent of all U.S. landings.

I would just say in conclusion, this may seem like a small amount of money to a small research institute, but it holds together a private industry of great economic importance not just to Maine, but to the Northeast and to all of our oceans-related industries.

That's why I strenuously object to this amendment. I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to support the gentleman from Maine's program. This funding supports scientific staff who monitor the health of Maine lobster fisheries, a crucial industry in his area and a crucial resource for the whole country.

The funding provides infrastructure to improve science research efforts in this regard. Funding is crucial to understanding the health of the lobster fishery industry, and he stresses that in his remarks.

This amendment is supported by the subcommittee. It's a good earmark, it's a good project, and this Member has concluded that it's essential in his area and to support this very important industry in his area. The subcommittee strongly supports this Member's project in this regard.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment, but certainly know where his heart is because he's been diligent and persistent.

The directed spending included in our committee's report augments and, in some cases, enhances the administration's own earmarks with congressional priorities, which is entirely appropriate. Funding recommendations included in our report were made in full compliance with the applicable rules and procedures of the House. So there's total transparency.

On a bipartisan basis, I've worked with Chairman MOLLOHAN in reviewing all of the requests before the Commerce, Justice and Science Subcommittee, all of the Member requests, and we recommend funding for this and other projects which people will try to take out.

We believe these projects have merit, and what's most appropriate is that Members are willing to come to the floor to defend their projects, and that's necessary because we need to hear from them as to their merit. They know their States, and they know their districts, and that's why we're supporting this process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" is hereby reduced by $720,000.

Mr. FLAKE. Mr. Chairman, this is a rather large earmark, $720,000. It's for Federal funding for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

Growing up, I was told the best way to tell the weather was to stick your arm out the window of the vehicle as we were going down a farm road. This seems to me to be Congress's way of sticking their arm into taxpayers' back pocket and getting their wallet.

The earmark description in the certification letter submitted said the earmark would fund the equipment as a teaching tool for the university's meteorology department and provide weather information to entities in northwestern Indiana and surrounding areas.

This university is a coed, 4-year, private university located, as I said, in northwestern Indiana. It's ranked by the U.S. News and World Report as one of the top universities in the Midwest. Its endowment is in excess of $143 million.

Again, why do we fund earmarks for institutions that are as flush as this one? Why do we dole out any Federal money to any private institution such as this, with a generous endowment already there?

When we approve earmarks like this, we as an institution are bypassing the competitive grant process that already exists for funding educational and research institutions.

In 1950, the National Science Foundation, an independent Federal agency, was created by legislation with the intent of promoting the progress of science and advancing national health and welfare by supporting research and education in all fields of science and engineering.

In the past, the Federal Government has awarded more than $400 billion in the form of competitive grants; $400 billion has been given out by the NSF over the years. This agency was created with a specific purpose of giving out grants like this.

Over the course of this year, the Division of Atmospheric Sciences, an office within NSF, has awarded more than $2 million to fund research for meteorological experiments. Federal funding exists for the sponsor's earmark. This grant process should be respected.

Again, we are going outside of the process. There's a process that we have established, that we have caused to be established in the Federal agencies to give out money in this regard, and here we're saying, well, we're not going to go through that. Perhaps this university, I don't know, perhaps it applied for a grant and didn't get it. Perhaps it has received other grants, I just don't know, but what I do know is we are giving what amounts to a no-bid contract where one member of the Appropriations Committee is going to say, I'm going to designate or earmark money for this institution and bypass the process that we have set in place. And I just don't think that's right.

If we don't like the process that's been established, let's change it. Let's tell the Federal agencies, you need to have a broader pool, you need to give more grants out to small colleges, you need to do this, you need to do that, but let's establish a process and then follow it rather than circumvent it. And this, I see, is circumventing the process.

This bill, the underlying bill today, funds the National Science Foundation at a level of more than $6 billion. What is the purpose of funding an agency like this and telling that agency to give out grants on a competitive basis if we're going to go around it and give out our own grants from Congress? It just doesn't seem right.

I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and I rise in opposition to the gentleman's amendment to strike funds in this bill for the meteorological equipment for Valparaiso University.

I first want to thank the chairman of the subcommittee Mr. MOLLOHAN, as well as the ranking member Mr. FRELINGHUYSEN, for their consideration of this important project.

Mr. Chairman, this earmark is relative to two issues. The first is the safety of people who live throughout the Upper Midwest.

A key element to strengthening Valparaiso's meteorology program, as the gentleman from Arizona is correct that Valparaiso is an exceptional university, is the acquisition of Doppler radar. Doppler radar at VU will be very beneficial to the millions of people living along the southern shore of Lake Michigan because that area is currently underserved by pinpoint weather forecasting. In addition to Doppler radar, VU will begin daily weather balloon launches. As the only balloon site in Indiana, Valparaiso University will supply critical data to the meteorological community.

The notoriously unpredictable weather conditions in this area, lake-effect snow in the winter and severe thunderstorms and tornados in the spring and summer months, make the presence of Doppler radar and data gathered from the balloon station critically important to the region.

The amendment also deals with the issue of strengthening our future by investing in science and the young people in our Nation. The global economy is nothing if not competitive, and in order for the United States to remain at the forefront of scientific innovation, we must work with our universities to develop and maintain world-class scientific programs.

Valparaiso is currently home to a nationally ranked meteorological program, and we must leverage this resource to advance our national scientific interests, and I believe the university is well positioned to use the funds to continue to be a national and global leader in this field.

The procurement of the latest industry standard equipment by VU's meteorological program is also vital to helping students become familiar with the technology they will encounter after graduation as they go on to pursue careers that include the Air Force, NASA and the National Science Foundation. The purchase of new equipment will enable Valparaiso students to conduct more undergraduate research, as they will have access to a greater variety of data and the ability to archive it.

I strongly oppose the gentleman's amendment, and again thank the Chair and ranking member.

Mr. Chairman, I will yield back my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. First of all, let me compliment the gentleman from Indiana on his project. We are here arguing, debating, describing, justifying, and questioning the merits of this particular project. However you want to describe it, the gentleman who offers the amendment, his basis of offering these amendments is, on the one hand, that we shouldn't be doing this. We talk about that on almost every amendment, the fact that indeed it is the job of the United States Congress and particularly the House of Representatives in the first instance under Article I of the Constitution to do just exactly this. This is our job. This is what we do—we provide funding for the United States of America.

The gentleman, I'm paraphrasing, said one Member of the body or of the Appropriations Committee or one Member of the Congress brings a project forward. Well, there's nobody in the Congress who would bring a project forward for this gentleman's congressional district if it were not this gentleman.

And then we get to the merits of the particular project. This one seems eminently justifiable; funding for equipment to train young people in forecasting. If you believe in government participation in education, that's what we do, and this is how we can empower this institution, this educational institution, so that they can bring excellent training for weather forecasting, which I think we all have to stipulate is extremely important for the Midwest in light of the kind of weather conditions they have.

So let me compliment the gentleman from Indiana for his project, and for bringing it to us. We have looked at it carefully, and perhaps we should say thank you to the gentleman who raises the amendment for giving the gentleman from Indiana an opportunity to stand up and discuss and describe his amendment for us and for his constituency.

□ 1115

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to the gentleman from Arizona, let me associate myself with the remarks of Chairman MOLLOHAN.

I have every confidence, and even more so, from hearing from the gentleman from Indiana, that this project has merit. He has had the opportunity to expand on what we saw in a digested form, and I think he has made a strong case for this project. He is willing to put his name on the project, which means his integrity is backing that project.

I salute him for what he is doing. I oppose the amendment.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Let me simply say that it's often said through earmarking we are simply asserting our right and the responsibility we have as Members of Congress under article 1. Under article 1, we certainly have the power of the purse.

The problem is, I think the contemporary practice of earmarking, when you bring a bill to the floor that has over 1,500 earmarks, you diminish that responsibility that you have, because we go around or circumvent the careful process of authorization, appropriation, and oversight that is a time-honored practice and hallmark of this institution. When we earmark, we get away from that and not enhance it. That's the reason for bringing these amendments forward.

Mr. FRELINGHUYSEN. Reclaiming my time, and just for the record, the bill has approximately 1,100 earmarks, which is about one-fourth of what we had last year. We are, indeed, making some progress in reducing the number.

In any case, Members come forward to defend their earmarks, which I think is entirely appropriate. There is far more transparency, far less in the way of earmarks. I think the process has been vastly improved.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used for the National Textile Centers.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the National Textile Center. The earmark description in the various certification letters submitted to the committee by various sponsors, and this is one that is sponsored by a number of Members, I understand, says that the earmark will fund the development of a National Textile Center; specifically, the funds will be used to conduct research and development and improve technologies.

The Web site for the National Textile Center states that it is a consortium of eight universities, Auburn, Clemson, Cornell, Georgia Institute of Technology, North Carolina State University, University of California Davis, University of Massachusetts Dartmouth and Philadelphia University, that share human resources, equipment and facilities. This consortium serves the U.S. fiber-textile-retail complex industries.

It's not at all clear what amount this program is to be funded. The committee report language says funding for two textile-related programs, but the proposed funding amount is nowhere to be found in the text of the bill or the committee report.

The manager's amendment recommended that the U.S. foreign and commercial service account be increased by $5 million to $245,720,000 in order to fund "two textile-related programs." We can only infer that this increase will fund this program and another program, but there is no way for us to be certain. Inquiries made to the relevant subcommittee failed to clarify the matter.

Members of Congress as stewards of the taxpayer's dollars, as stewards, need and deserve more information to make informed decisions.

Beyond the transparency issues here, I simply don't agree here, again, with this picking winners and losers here. I understand the textile industry has undergone great transformation with jobs, a lot of jobs going overseas. There is great difficulty there. I don't minimize that. That is true with a lot of industries.

In my district and elsewhere, a lot of people would like to receive funding to help their industries transition. We simply can't do it everywhere.

Some Internet searching on the National Textile Center indicated the center already exists and has received generous funding in the past. A press release from the center touted that more than $9 million in Federal funds were received in 2001. That, again, is a little confusing when we are told that this will fund the development of a national textile center that seems to already exist.

But anyway, again, here, this is an example of a program we have over the Department of Commerce that we have used that funds programs like this. I simply don't see the need to earmark additional funds to supplant or to replace or to augment funds that have already been appropriated and for which there is a process that has been established for competitive grants to be given.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I am joined by 11 colleagues from North Carolina, as well as colleagues from several other States, in requesting fiscal year 2008 funding for the National Textile Center. I want to say to the gentleman introducing this amendment that if there is, in fact, any lack of transparency or any confusion about our intent, I would be happy to clear that up.

We do indeed intend for this funding to go to the National Textile Center, which has been established, as the gentleman acknowledged, for a number of years. In fact, it has received funding since fiscal year 1992. It is a center that involves a number of universities and has expanded since that time. And it's a center that has a well-established track record.

The National Textile Center is just what the name suggests. It's a national program for a national industry that affects our national competitiveness. There is a consortium of eight leading research universities that participate: Auburn, Clemson, Cornell, Georgia Tech, North Carolina State, Philadelphia University, University of California Davis, and University of Massachusetts Dartmouth.

Now, any of us from North Carolina or other traditional textile-producing States are all too accustomed to news of textile operations closing their doors. Some may be shortsighted enough to suggest that the textile industry is unworthy of investment, given the loss of manufacturing jobs over the past decade.

I and my colleagues come to exactly the opposite conclusion. The textile industry is a major player still, and will continue to be a major player in the U.S. economy. It employs 600,000 workers nationwide, and it contributes almost $60 billion to the national GDP.

It's true that many lower-skilled and lower-paid jobs have left our States, but the domestic textile industry is undergoing a remarkable transformation. The research provided by the National Textile Center is an initial factor in that transformation. It's helping advance the industry in new directions, providing new, higher-paying jobs, increasing U.S. competitiveness in the process.

As the chairman of the Appropriations Subcommittee on Homeland Security, I know firsthand about the new fabrics and fibers that are protecting our first responders in new and threatening situations. That's just one example. The suits worn in this Chamber, the next generation of suspension bridges—there is a long list of products and technologies that this research consortium is going to help shape.

The new textile products and the processes created by this research are valued at three times the Federal investment to date, so it's certainly not the time to pull the rug out from under these vital projects.

Mr. Chairman, the National Textile Center is needed by a national industry. The National Textile Center is wanted and welcomed by the Department of Commerce. And the National Textile Center was requested by more Members than any other project in this bill. It's a worthy recipient of Federal funding, and I urge defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COBLE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. COBLE. Mr. Chairman, when it comes to earmarks, it's easy for me to embrace my earmark as good government and reject your earmark as wasteful pork. By the same token, it's easy for you all to embrace your respective earmarks as good government and reject mine as useless, wasteless pork. That probably amounts to hypocrisy, but it is nonetheless a political fact of life.

Now, when you talk about the textile industry, I become very subjectively involved. My late momma was a machine operator in a hosiery mill. She later worked for the Blue Bell Corporation, which was the predecessor to the Wrangler and the VF Corporation. Her job was to sew pockets on overalls, a tedious, demanding job, before the days of air conditioning, I might add. So when people gang up on the textile industry, they are ganging up on my momma. It bothers me.

We could talk all day here. Many of my friends from North Carolina, we represent what was recognized as the buckle of the textile belt. It's a beleaguered industry, and we don't need to be piling on at this juncture.

My friend from North Carolina (Mr. PRICE) has already suggested the significance, but let me repeat it.

The National Textile Center, NTC, and the Textile/Clothing Technology Corporation, [TC]2, play a critical role in helping the U.S. textile and apparel industry, which currently employs over 600,000 workers nationwide and contributes nearly $60 billion to the Nation's gross national product on an annual basis to compete with textile manufacturers in other countries.

It should also be noted that the industry is a primary supplier of employment to women and minority workers, with many of these jobs located in depressed and rural areas as well as major inner cities.

The NTC is proven and provides a highly effective structure for maximizing fundamental research and development efforts of value to the textile and apparel industrial sector. The value of new textile products and processes that have been created by NTC research is over $300 million, nearly three times the Federal investment in NTC to date.

[TC]2 is engaged in helping to transform the U.S. textile and apparel industry into a highly flexible supply chain, capable of responding to rapidly changing market demands. During calendar year 2006, 60 percent of [TC]2's annual budget was supplied by the private sector. [TC]2 expects at least 55 percent of its 2007 funding to be provided by the private sector. To date, the public investment alone in [TC]2 has produced technology advancement valued in excess of $375 million, a return of more than 400 percent.

These programs do not specifically benefit any particular congressional district. They are an important element of our national textile industry which once led the world but, as has been noted, is now struggling to keep pace.

The textile industry needs these programs and our support, which have proven to be a wise investment in the past. This is why this amendment should be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. WATT. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I think we come to the floor not because we feel like Mr. FLAKE's amendment is likely to pass, but he provides a unique opportunity for us to talk to each other and the American people about some of the problems and stresses that are taking place in our country. There are three points that I want to make.

First of all, this is not a local issue for me. The appropriation, the consortium, is of eight leading textile research universities in Alabama, California, Georgia, Massachusetts, New York, North Carolina, Pennsylvania and South Carolina. Not one of those universities is located in my congressional district. This is not a local pork barrel request for those of us who are rising.

Second, I want to make the point that Mr. COBLE and I, on a bipartisan basis, have been the co-Chairs of the furnishings caucus, which the textile industry provides a major base for in North Carolina and in other parts of the country. This is not something that's just about textiles. It is about a broader-based loss of jobs and employment opportunities and a severe impact on our economy and various economies in multiple States that goes well beyond just the textile industry. I hope Mr. FLAKE recognizes that.

□ 1130

The third point I want to make is a broader point, because it is raised by the gentleman from Arizona in a sequence of amendments. He has made the argument that somehow we are better off to let the Federal Government be making these decisions rather than trying to direct these appropriations through this process to local communities.

Now, that's an interesting argument for a person to be making who in most cases makes the counterargument that States rights are more important than Federal rights. If anybody knows what the priorities ought to be in North Carolina, Massachusetts, Alabama, South Carolina, it should be the people who are representing those areas, and I would have to say Presidents, administrations, Democrat and Republican, have not paid sufficient attention to the plight of the textile industry, the furnishings industry, the loss of manufacturing jobs that we pay in our local communities.

So for somebody to make the argument that we shouldn't be involved in the process when the decisions that are being made are impacting our local communities, I don't understand, especially a gentleman who has consistently and long term supported the notion of States rights.

So I think this is an appropriate thing for us to be doing, not only in this amendment context, but in most of the contexts, in essentially all of the contexts. I even supported his Republican colleague's Christmas tree amendment because I thought he knew more about the Christmas tree industry in his local community than anybody was ever going to know on a national basis about the importance of Christmas trees to his local economy. These are things that we are uniquely situated to understand and advocate for, and I would hope that our colleagues would strongly and resoundingly defeat this amendment, for those three purposes and others.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Thank you, Mr. Chairman.

I rise in opposition to the amendment. Some people may have thought that since I have supported Mr. FLAKE on a number of amendments, that this was sort of a centrifuge way for me to help defeat the amendment because it might lose support, given the fact that I have supported some of his amendments and not supported others. But, rather, I did request an earmark. It is one of the seven or eight earmarks that have been combined together in this in support of the textile center because the textile center exists in about eight different locations around the country, eight institutions, one of them the University of California at Davis. That part of UC Davis which is part of this is actually not in my district. It's in the gentleman, Mr. THOMPSON's, district. But I am convinced of the worthiness of this request for a slightly different reason than has been mentioned on the floor to this time.

One of the key areas that the textile center funds go to support in the work and research that's done at the UC Davis center is in the area of personal protection, research improving the functional clothing for homeland security and occupational safety. What do we mean by that?

Well, there are what are known as biocidal Nomex fabrics, which have been developed for firefighters, for first responders and for military personnel in collaboration with the National Personal Protective Technology Laboratory. In collaboration with the California Department of Forestry and Fire Protection, research has enhanced the safety and comfort of firefighters' uniforms by improving and redesigning the fabrics and clothing. Biocidal textiles, and biocidal means that there is something that is in the textile itself, the product itself, which can kill certain kinds of things, substances which would be harmful to those who are wearing them. This is dedicated research for this specific purpose. Biocidal textiles, including protective masks, have been designed and developed for health care and other workers, resulting from interdisciplinary research teams, which include social and physical scientists, public health and environmental researchers.

So while there are many reasons to support this amendment from the standpoint of those that are attempting to help an industry that has had difficult times, I rise in support of the very specific research that's being done as part of the textile center operation at the University of California at Davis which goes to protecting those folks who respond as first responders when we have explosions, when we have fires. It is not just being said to come up with some extraordinary reason to support this. This is actual research being done that has produced products that has made it safer for our first responders.

One of the things I have requested from anybody who has asked me to put forth an earmark request is show me the Federal nexus. This to me is clearly a Federal nexus. This is research that supports first responders all over the country. It's concentrated research that means it is done on a far better basis than otherwise would be possible. It enhances the final product. And in that way, it seems to me, it is a substantial, reasonable application of Federal funds for a Federal purpose.

For that reason, even though I have great respect for the gentleman from Arizona, whom I think has done a great job, and I have referred to him publicly because of his pleasant demeanor as he approaches this difficult task as Don Quixote with couth, I still would have to say with all due respect, I must oppose his amendment.

Mr. ETHERIDGE. Mr. Chairman, I stand in opposition to the gentleman's amendment and move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. ETHERIDGE. Thank you.

For many of my colleagues this is just another earmark. For me this is somewhat personal because the first job that I ever held right out of high school before I went to college was in a textile plant. That was when they were plentiful in North Carolina and really across the Southeast. Hard work, in a lot of cases it was dirty work, but it was honorable work, and it made a difference in people's lives.

The National Textile Center, or NTC, as you have already heard, really is a national initiative. It's not a localized project. It's a project that has already made a difference. It will continue to make a difference. And as you have heard, it's a consortium of eight leading textile research universities. One of those is in my State. Actually one of the universities happens to be in my district, an outstanding university, North Carolina State University. But each of these States making a contribution, or the universities in these States. They're working to advance every aspect of the textile industry, from fiber production to marketing, through research, education, and, more importantly, industrial partnerships.

That's the kind of thing we ought to be promoting here. We ought to be about getting people to work together. That's what this is about. Yet we have an amendment that says, no, we don't want you to work together. We'd just as soon you have those silos. We argue on this floor daily about knocking down silos and getting people to work together.

The National Textile Center was established really to achieve that one goal, but three others:

It was to develop new materials, innovative and improved manufacturing procedures and integrated systems essential to the success of a modern fiber, fabric and fabricated products manufacturing enterprise.

Secondly, to provide trained personnel. It's important today as the industry changes to have people who can affect the new industry, because it is a high-tech industry today, and to develop those industrial partnerships and technology transfer mechanisms.

And, finally, to strengthen the Nation's textile research and education efforts.

Just yesterday I had a large manufacturer of textiles in my office. Twenty-four plants. He closed one in the western part of North Carolina. Now, for some people that might not make a difference, but for about 300 people that lost their jobs, that's trauma. Their lives have been changed. This is a way we can help that situation. We've lost our shoe industry overseas. Much of our textiles have gone. We are now about trying to reclaim some of it.

Now in its 14th year of activity, the center has made numerous contributions to its constituents, helping to keep the textile industry economically viable by providing a knowledge-based, competitive, cutting-edge opportunity. It enjoys widespread industry support and a partnership across the States.

As has been stated already, this industry is still alive. Six hundred thousand workers in America are still employed in the textile industry, contributing nearly $60 billion to the national gross domestic product on an annual basis. Research has already provided, as you have heard, uniforms and opportunities for our first responders. They're in the process in a broader sense of creating fabrics that are self-decontaminating to protect against biological and chemical hazards.

These are things we ought to be doing. And, yes, we ought to be doing them in a way that we work together so that at multiple universities and the bright minds we have across this country today can work together to make a difference.

I oppose the gentleman's amendment, and I ask this body to defeat it resoundingly.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise today to oppose the amendment, and I'm sure that my friend and colleague from Arizona means well in this endeavor. But I must say that I support the National Textile Center.

As you know, Mr. Chairman, our domestic textile manufacturers are facing tremendous competition from around the world, and much of that is due to the way that our trade laws in this country are structured. And it's not the fault of our domestic manufacturers. The only way we can remain competitive against cheap labor in these foreign countries is through cutting-edge technology.

The National Textile Center strengthens our Nation's efforts by bringing together diverse research and also those in the industry so that our textile producers can produce to lead the world in technology. So the end results, therefore, will be workers in the United States can continue to produce the highest-quality products and in the most efficient manner.

This center that we're discussing today, the National Textile Center, provides real-world applications that are needed to make sure that the textile industry in America survives. For that reason, Mr. Chairman, I rise to support this center and to oppose the amendment that is being offered before us at this time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRELINGHUYSEN. While I am opposed to the gentleman's amendment, I would like to yield him time because there have been a number of other speakers.

Mr. FLAKE. I thank the gentleman for yielding. I'll be very brief.

One of the gentlemen mentioned that we in Congress simply shouldn't let the Federal Government spend this money. The last time I checked, we are the Federal Government. We're one branch of it, and it's our job to appropriate money to another; that is, to actually spend that money. We don't spend that money here. We don't write the checks. That's done by the Federal agencies. Our role is to provide oversight and to authorize the programs.

□ 1145

And so I'm not advocating at all that we step back. I'm advocating that we actually go to the time-honored practice of authorization, appropriation, and oversight. And that allows us to actually go into these Federal agencies and really provide good oversight.

But I can tell you, it's very difficult to provide oversight for example for the Defense bill. Last year or the year before, I believe, we provided an earmark in the Defense bill for a museum in New York, in the Defense bill.

How can you provide good oversight with any straight face, go to the Defense Department and say, we think that you should have spent more money on body armor for our troops in Iraq. Oh, but by the way, we directed you to spend $2 million on a museum in

New York. It just doesn't seem right to me. And so I think, frankly, we cheapen our role when we, the contemporary practice of earmarking, I think, has cheapened the role of Congress and moved us away from authorization, appropriation, and oversight. So that will be my response, and I would urge support for the amendment.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The gentleman alludes to the Defense Department. He could save a lot more than $2 million for the United States Government if he turned his attention to the Defense Department and some of the contracting activities that are certainly going on in Iraq. And perhaps that's something he will want to look at.

But let me say with regard to the textile-designated funding in this bill, I don't know a project that has actually had more scrutiny, or more broad-based support than this project. And in a time when our industries are competing internationally, the textile industry is particularly under siege around the world. This initiative has probably saved the textile industry that continues to struggle to exist in this country. To the extent that this program has been able to save it, the research and development that has come out of the textile industry's research can largely take credit for that.

I want to commend the Members who represent these areas. And it's not one area. It's not two areas. There are eight universities involved in this, focusing on this and being ahead of the problem enough in order to be able to fund, promote, and facilitate the research that has allowed the textile industry to be as competitive as it is around the world. It is only research, it is only new discoveries, it is only new materials, new ways of manufacturing that have allowed the textile industry in this country to survive. So actually, these gentlemen are to be commended, each and every one of them for their foresight in supporting this project. I think I heard the textile industry has 60,000 employees across this country, and is a $60 billion industry. This is really a small amount of money which has had a huge pay-off for the textile industry and the economy of the country. It's a good project, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 25 offered by Mr. PENCE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce the amendments made by subtitle A of title II of Public Law 107–155.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Mr. Chairman, I rise today to offer a very straightforward amendment. It would prohibit funds appropriated in this bill from being used by the Department of Justice to enforce the criminal penalties provisions of the Bipartisan Campaign Reform Act of 2002, commonly known as McCain-Feingold. It would, essentially, prevent the Justice Department from using funds to enforce criminal penalties against organizations that make electioneering communications under that bill.

The electioneering communications section of McCain-Feingold prohibits the use of corporate or labor union funds to finance broadcast advertisements that include the name or depiction of a Federal candidate within 30 days of a primary election and 60 days before a general election. Basically, it restricts the first amendment rights of Americans, whether they be in right-to-life organizations or the AFL–CIO or other labor organizations, from lobbying their Representatives and using the airwaves in those days before elections.

Happily, on June 25 of this year, the United States Supreme Court, in the case of FEC v. Wisconsin Right to Life, ruled unconstitutional this provision of the McCain-Feingold law that prohibits the broadcasting of such issue advertisements prior to an election, even if those advertisements reference a Federal candidate, and even if the advertisements have some electoral effect. It was, in a very real sense, Mr. Chairman, a huge victory for the first amendment because it's a major step in restoring the free speech rights to grass-roots lobbying organizations, left, right, and center.

The ruling allows advocacy groups around the country, like Wisconsin Right to Life, the freedom to run ads to encourage citizens to contact their legislators on issues of importance to them. And it reasserts the principle that the presumption under the law should be in favor of free expression rather than the muzzling of speech.

Those of us who hailed this ruling and welcomed it as a first step toward the reversal of McCain-Feingold were encouraged, but we knew this was not the end of the story. As the sole House plaintiff in the McConnell v. FEC case that challenged McCain-Feingold, I believe we must maintain our effort, which is to ensure that that about McCain-Feingold that intrudes on the first amendment rights of every single American are challenged. And that's why I'm on the floor today.

The Pence amendment reaffirms the Supreme Court's ruling in Wisconsin Right to Life. It simply states that no funds under this bill can be used to enforce criminal penalties against any organization airing such an issue advertisement. It further prevents criminal penalties attendant to the reporting requirements associated with the airing of such ads. We should not allow criminal penalties to be imposed on citizens for engaging in protected speech and for not reporting to the Government about their protected speech.

That is the crux of the Pence amendment.

Mr. NADLER. Would the gentleman yield for a question?

Mr. PENCE. I'd be pleased to yield.

Mr. NADLER. Is your amendment limited to saying you can't use funds to enforce criminal penalties against what the Supreme Court ruled unconstitutional, or does it have broader effect against other provisions of the McCain-Feingold bill?

Mr. PENCE. Reclaiming my time, I appreciate the gentleman's question.

In fairness, my amendment says that no funds may be used to force amendments made subject to title A of title II of Public Law 107–155, which, according to some, is slightly broader than the Supreme Court decision. But this is the provision of the law that the Supreme Court essentially struck down. That's the crux of the Pence amendment.

All of those who claim allegiance to the first amendment, I believe, should be thrilled with the Wisconsin Right to Life decision and support the Pence amendment.

I think we still have much to do to reinstate full first amendment protections to the American people. But I continue to believe we're badly trampled by McCain-Feingold.

But passing the Pence amendment today in the Congress would simply reaffirm the essential elements of the Supreme Court's decision in the Wisconsin Right to Life case. It's an important first step on this floor. It's one I encourage my colleagues to support.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the FEC is planning to issue new regulations to comply with the Supreme Court ruling that the gentleman reference. That issue, with regard to mentioning candidates, may be seen in the run-up to elections. This amendment would not interfere with that process. Mr. Chairman, we'll accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 83, after line 6, insert the following new section:

SEC. 529. For "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" for the Jessica Gonzales Victims Assistance program, as authorized by section 101(b)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), and the amount otherwise provided by this Act for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES" is hereby reduced by $5,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. Mr. Chairman, this amendment will increase the Violence Against Women Prevention Programs by $5 million intended to fund a specific provision, namely the Jessica Gonzalez Victim Assistance Program. To offset this cost the Department of Justice general activities accounts will be reduced by the same amount, $5 million.

The Jessica Gonzalez program places special victim assistants to act as liaisons between local law enforcement agencies and victims of domestic violence, dating violence, sexual assault and stalking in order to improve the enforcement of protection orders. It develops, in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized.

Victims of domestic violence need the Jessica Gonzales program because the current system has undermined the effectiveness of restraining orders. In Castle Rock v. Gonzalez, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order to protect a woman from her violent husband. This case came as a result of an incident in 1999 involving the kidnapping of Ms. Gonzalez's children by her estranged husband. Despite her numerous pleas to the police to arrest her husband for violating a protection order, including providing them with information on his whereabouts, the police failed to do so. Later that night, Mr. Gonzalez murdered their three children.

The Jessica Gonzalez Victim Assistance Program restores some of the effectiveness of restraining orders that the Supreme Court took away with its ruling.

This is the first opportunity we have had to grow the Jessica Gonzalez Victim Assistance Program since it was first funded last year after its initial authorization in the Violence Against Women Act reauthorization of 2005 in order to strengthen the effectiveness of restraining orders.

This program strengthens the efficacy of restraining orders against the prevalent matter of domestic violence. Tragically, as we know, violence against women is a pervasive problem which goes beyond class, culture, age or ethnic background. Every 9 seconds a woman is battered in the United States, and every 2 minutes someone is sexually assaulted.

According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2½ million women are victims of violence each year, and nearly one in three women experience at least one physical assault by a partner during adulthood. Many more cases go unmentioned as women, fearing to come forward, leave the assaults unreported.

The Jessica Gonzalez Victim Assistance Program helps to enforce restraining orders and protect women who are victims of domestic violence, and it is a great step forward from when we authorized it 2 years ago and when we first funded it last year.

Mr. Chairman, we need more funds for this program. I am aware that this bill, because of the good work of the chairman and the committee members, includes approximately $430 million to support grants under the Violence Against Women Act which is $47 million more than the current budget and $59 million above the President's meager request for fiscal year 2008.

I'm also aware that in amendments we passed last night, we increased funding for the Violence Against Women Act by about 40 or $45 million, and I hope that some of that will survive in conference.

And in light of that, I will now withdraw the amendment, but urge my colleagues to support the CJS appropriations amount granted to programs that protect women and their families, especially the Jessica Gonzalez Victim Assistance Program, and hope that in conferences all of these matters are hashed out, that a little more money can be spared for this program, especially in light of the amendments approved last night.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). Without objection, the amendment is withdrawn.

There was no objection.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. SAXTON. I would like to engage my distinguished colleague, Chairman MOLLOHAN, in a colloquy regarding the importance of supporting ecosystem-based monitoring to better understand water quality and ecosystem effects on our fisheries.

U.S. fisheries are experiencing increasing pressure as the near-shore marine ecosystems that sustain them deteriorate due to human activity and as blooms of jellyfish and other organisms that compete for food with juvenile fish like summer flounder grow in frequency and abundance.

□ 1200

The present trend may well be the cause of significant economic harm to coastal communities in various areas along the coast. The lack of rebuilding in one of our most important coastal fisheries, summer flounder, may be an example of the downside to managing a fishery without taking into account the ecosystem impacts on its ability to rebuild. An ecosystem-based approach to management requires ecosystem-based monitoring. The use of innovative, cost-effective, place-based data collection systems would provide continuous high-quality data on a number of important water quality and biological parameters that will greatly improve the data which fisheries are managed.

I hope, Mr. Chairman, you will consider allocating some of the programmatic resources in this bill to support the use of such new technologies that hold great promise.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank my colleague from New Jersey for bringing this important technology, place-based data collection stations, to my attention. I am pleased to consider this funding need as we move forward to conference should funds become available.

Mr. SAXTON. Mr. Chairman, I thank the chairman very much for his attention to this matter.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce section 505 of the USA PATRIOT Act until the Department of Justice conducts a full review and delivers to Congress a report on the use of National Security Letters to collect information on U.S. persons who are not suspected to be agents of a foreign power as that term is defined in 50 U.S.C. 1801.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

Mr. NADLER. Mr. Chairman, I commend the chairman of the committee for including in this act a provision that no funds shall be made available to authorize or issue a National Security Letter, NSL, in contravention of current law. That should go without saying, but as we have seen, apparently not with the current administration.

My amendment asks for an accounting by the Department of Justice of the FBI's collection and use of information on U.S. persons who are not suspected of being terrorists or agents of a foreign power before we provide further funding for the issuance of more National Security Letters.

This amendment prohibits funds from being used to issue a National Security Letter under the provisions amended by section 505 of the PATRIOT Act until the Department of Justice conducts a full review and delivers a report to Congress on the use of NSLs to collect information on U.S. persons who are not suspected of being agents of a foreign power, or terrorists, as that is defined in 50 U.S.C. 1801.

The underlying bill asks for the FBI to conduct a report within 2 months on what has been done to implement the inspector general's recommendations with respect to NSLs. This would simply ask that that report be more specific and more inclusive and include the following information:

How many National Security Letters have been issued; what standards are used to determine when to seek information on a person who is not suspected of being an agent of a foreign power; the current guidance as to what is "relevant" to an investigation when the targets are not suspected of being agents of a foreign power; how that information is stored; how the information is used; whether the information is used; whether that information is ever destroyed; whether that information has led to any substantial leads in terrorism cases; whether that information has ever been used in criminal cases; and whether that information has led to any adverse government action against people not suspected of being enemy agents, agents of a foreign power, or terrorists.

Almost limitless sensitive private information from communication providers, financial institutions, and consumer credit agencies can now be collected secretly by simply issuing a National Security Letter on an FBI field director's simple assertion that the request is merely relevant to a national security investigation. These communications and records can be of people who are U.S. citizens who are not suspected of being agents of a foreign power or terrorists. These communications and records can be demanded without any court review or any court approval. Worse yet, the target of the NSL will never know that his communications and records were inspected by government agents because the company, the financial agent, the service provider, the bank is barred by law from telling him or anyone else of the demand. And as we know from the FBI inspector general's audit, this broad discretion has been abused by the FBI, whose agents may have violated either the law or internal rules more than 1,000 times while misusing the authority to issue National Security Letters.

This recent IG report heightens the clear need for more adequate checks on the FBI's investigatory powers with respect to NSLs. The FBI has far-reaching compulsory powers to obtain documents in terrorism investigations without NSLs. In criminal investigations the FBI can obtain a search warrant if there is a judicial finding of probable cause or a grand jury subpoena issued under the supervision of a judge and a U.S. attorney. And in international terrorism cases, the FBI has sweeping authority to obtain records under section 215 of the PATRIOT Act, all this separate from NSLs.

I intend to introduce this week, with Congressman FLAKE, the National Security Letters Reform Act of 2007 to address more fully the issues presented by section 505 of the National Security Letters.

The bill would restore a pre-PATRIOT Act requirement that the FBI make a factual, individualized showing that the records sought pertain to a suspected terrorist or spy. It also gives the recipient of a National Security Letter an opportunity to obtain legal counsel. It thus preserves the constitutional right to their day in court.

Already courts have found part of the NSL authority to be too broad and unconstitutional. The provisions that state that NSL recipients are forbidden from disclosing the demand to the targeted individual and are forbidden even from consulting with an attorney have already been struck down. Another court found the NSL authority to be unconstitutional on its face because it violates the fourth amendment's protection against unreasonable searches and seizures.

The National Security Letters Reform Act of 2007 would allow the FBI to continue issuing National Security Letters by correcting the constitutional deficiencies in the law. This bill would enable the FBI to obtain documents that it legitimately needs, while protecting the privacy of law-abiding American citizens.

I ask that my colleagues vote for this amendment so that we can protect the privacy of U.S. persons who are not terrorists or agents of terrorists before we provide funding for those broad and sweeping powers provided under the PATRIOT Act.

I urge my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do insist on my point of order, Mr. Chairman.

Mr. MACK. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MACK. Mr. Chairman, I rise to briefly lend my support to the conservative goal of congressional oversight.

I have heard from many individuals and business leaders about section 505. It has caused the financial services sector to work overtime in complying with the section, and it has laid the foundation for an explosion in the use of National Security Letters.

Section 505 allows the executive branch to bypass the Constitution's procedures for search warrants and grants authority that Congress has a legitimate interest and role in monitoring.

This amendment simply asks the DOJ to conduct a review of their activities and ensure that the civil liberties of law-abiding Americans are not getting swept up in the process of keeping our Nation safe.

Mr. Chairman, we all agree that protecting this country is a top priority, but alongside that should be ensuring that our freedom is not threatened along the way. The best way this body can do that is through smart and direct oversight. This amendment calls for that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from New Jersey continues his reservation.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, and I reserve a point of order.

The FBI's use of National Security Letters is a very important issue. It should be addressed by authorizing committees. I would like to point out, which I know the sponsor knows, that it is his Judiciary Committee that is the authorizing committee, and I respect that, and I know he exercises a very powerful position on that committee.

This amendment requires the Department of Justice to report on its use of National Security Letters before they can issue any new National Security Letters. As we all know, the Department of Justice Inspector General released a report on the FBI's abuse of the National Security Letters in March. I hope the Judiciary Committee has been asking the Department of Justice questions. I am sure they have. Perhaps they should even mark up a bill to reform the FBI's use of National Security Letters after they have further studied this issue if they feel the reforms made by the FBI are not sufficient to date.

Despite past abuses of National Security Letters, we know that they are an important intelligence tool. We also know that al Qaeda has reestablished its central organization, training infrastructure, and lines of global communications, and that the National Intelligence Estimate has put the United States, in the words of that estimate, "in a heightened threat environment status." Taking away this important intelligence tool, these National Security Letters, from the Department of Justice while they compile a report, given this heightened threat environment, is not prudent. The use of National Security Letters is a very important issue that should be considered carefully and not debated for a few minutes on an appropriations bill.

I urge rejection of the amendment, and I insist on my point of order.

POINT OF ORDER

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be made in order if changing existing law imposes additional duties."

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. NADLER. Yes. Upon reflection upon the rules, the gentleman is quite correct in his reading of the rules, and I cannot object to his objection.

I do express the hope that in the report that the underlying bill demands that they will include the information requested by this amendment.

The Acting CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment imposes new duties on the Secretary to conduct a full review and deliver a report. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. Mr. Chairman, Congressman PENCE offered an amendment to the fiscal year 2008 Commerce, Justice, and Science Appropriations Act, the bill we are debating today, just an amendment before, to prohibit funds in the bill from being used to enforce the criminal penalty provisions of the bipartisan Campaign Reform Act of 2002, provisions dealing with electioneering communications. This was debated and accepted by a voice vote.

It is my intention to ask that that vote be vacated so it can be part of the 2-minute voting process. And failing that, I will just ask that the vote be heard in the full Chamber, which would take 15 minutes. I am not trying to slip one by someone. I just simply want a rollcall vote on the floor of the House.

Why do I want a rollcall vote? I want a rollcall vote because the Supreme Court did not rule against the provision of Title II. It did not say that BCRA was unconstitutional as it related to Title II. Rather, it stated the provisions were unconstitutional as they applied to certain advertisements. This ruling means Title II will still be applied on a case-by-case basis.

Now, what did the campaign finance reform bill seek to do? It sought to do two things. One, it sought to prevent Members of Congress from raising money from corporations, labor unions, and unlimited sums from individuals in what we call "hard money."

☐ 1215

That meant to enforce the 1907 law that banned corporate treasury money; the Tillman Act, the 1947 law banning union dues money; the Taft-Hartley Act; and the 1974 act, the Campaign Finance Reform bill, that made it clear you could not get unlimited sums from individuals. That was one part of the legislation.

The other part of the legislation attempted to deal with hard money contributions. These are monies from corporations, from unions, dues, from individuals, unlimited sums. And the way we sought to do that was we sought to do it by saying that a candidate's name mentioned 30 days before an election, a primary, and 60 days before a general election would be deemed campaign expenditures; therefore, no so-called "soft money," the unlimited sums from individuals, corporations and labor unions, and it sought to say it had to be hard money contributions. So, Right to Life would have to raise $5,000 from each individual, put it in a political action committee, and it could spend unlimited sums based on whatever it raised in their PAC. For instance, the NRA, it has 4 million members, raises $10,000 from each. It could spend $40 million up to an election. It would be hard money, not soft.

And so my point is the Supreme Court has found the campaign finance law constitutional. It had a second issue looking at these election-nearing provisions, 30 days before a primary and 60 days before general legislation, and determined the case before it, the Wisconsin Right to Life case v. the FEC, was, in fact, permitted, and, therefore, the FEC needs to rewrite its regulations.

It is my intention, Mr. Chairman, to ask for a rollcall vote, and let me just state again why I'm doing this.

I will ask for a rollcall vote. There will be a rollcall vote. The question is, should it be a 15-minute rollcall vote or a 2-minute rollcall vote. I would prefer it be part of the whole system.

Mr. Chairman, at this time, I'm asking unanimous consent that the adoption by voice of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. FRELINGHUYSEN. Reserving the right to object, Mr. Chairman, I would like to ask Mr. SHAYS of Connecticut, who has done a good job of articulating his concerns, if we could reach out to the gentleman from Indiana as a courtesy before he proceeds.

Mr. SHAYS. I think that's fair. And I would be permitted to reoffer my motion as soon as Mr. PENCE or others have been consulted. May I have the right to reintroduce this?

The Acting CHAIRMAN. The gentleman may renew his request.

Mr. SHAYS. Mr. Chairman, I would withdraw my request at this time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the East Coast Shellfish Research Institute at the East Coast Shellfish Growers Association, Toms River, New Jersey.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" is hereby reduced by $250,000.

Mr. FLAKE. Mr. Chairman, I will be very brief here.

This amendment would simply strike $250,000 for the East Coast Shellfish Research Institute.

We just debated an earmark a few minutes ago with regard to the textile industry, and we were told that we needed this earmark because the textile industry is in such dire straits and has been affected by international competition and incomes are down and jobs have been lost.

With regard to the shellfish industry, you have the opposite; you have an industry that is actually doing quite well. According to the East Coast Shellfish Growers Association, this is the administrative organization that would receive the earmark, there are 1,300 members of the association with a combined revenue of approximately $80 million this last year. This revenue averages more than $60,000 per shellfish farmer, far more than the median household income in the country. According to the U.S. Census Bureau, the median household income is around $44,000. So we have $60,000 in this industry as opposed to $44,000 nationwide.

It brings up the question, if we fund earmarks to study industries or to help industries that are in dire straits and we fund earmarks to fund industries that are doing quite well, why not everything in between? What is to stop us from going ahead and funding every private industry and their associations that are represented here or elsewhere? It simply doesn't make sense to me.

According to the National Oceanic and Atmospheric Administration, the Federal agency that manages the conditions of the oceans and the atmosphere, the U.S. seafood harvest has produced increasingly higher yields since 2000. This is in addition to increased consumer demand for seafood based on new dietary guidelines.

I grew up on a cattle ranch on a farm, and I don't want anybody to accuse me of favoring beef over seafood or shellfish. I don't. I like both. But in this case, it seems to me the Congress is again picking winners and losers here. We're saying we're favoring one particular industry, be it textiles, be it shellfish, and the only way to not do that is to give earmarks to every industry out there. And I just don't think that we can. We simply can't afford that. The taxpayer needs a break here.

So, with that, Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise to strongly oppose the Flake amendment.

This year, the Congress has worked diligently to reform the earmark process and significantly increase transparency. We targeted a decade of abuse, while still protecting Members' ability to direct critical funds to important projects and to ensure they remain in the public interest. This earmark meets that obligation.

The East Coast Shellfish Research Institute is a nonprofit entity. It distributes funds to the National Oceanographic and Atmospheric Administration's Fisheries Lab in Milford, Connecticut, to conduct vital research about the shellfish industry.

I understand that the gentleman from Arizona is from a State that is landlocked. For those of us who are in Connecticut, Louisiana, South Carolina, Texas and other areas that this lab meets the needs for, we rely on a healthy shellfish industry. This is a small investment. It goes a long way and pays big dividends for this entire country. We keep the industry competitive, spurring significant sustainable growth, and strengthening communities around the country.

The Milford Lab and others performing similar research, such as Stony Brook University and the Virginia Institute of Marine Science, are national assets. They provide shellfish hatcheries with pioneering research and the tools to fight predators and disease, keep business profitable to promote efficient, environmentally sound farming techniques.

The shellfish aquaculture industry is an economic powerhouse and a potential source of tremendous growth. The east coast, which relies on this industry, is home to more than 13,000 small shellfish farmers. Yes, the annual harvests are valued at nearly $80 million. The per-acre yields from shellfish aquaculture are among the highest of any form of agriculture. And I might add, this is agriculture; we just farm fish. And the industry provides thousands of jobs in rural areas. It supports related industries such as boat building, outboard repair, tourism and shellfish processing.

You know, today the U.S. now imports 80 percent of the seafood that we consume. Some of the worst food safety scares in recent weeks have come from seafood shipped from foreign shores. We should be building American businesses and providing an environment where more home-grown, safe seafood can reach the American public. These funds will turn research into results, making scientific information and innovation possible, benefiting shellfish producers nationwide, not only in Connecticut, but Louisiana, Texas, South Carolina, Washington State and, yes, other northeastern States.

You know, if my colleagues truly believe in supporting families and farmers, harnessing innovation, strengthening our economy, this policy is common sense.

I urge my colleagues to oppose the Flake amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, under this project, funds would be used to support the East Coast shellfish aquaculture industry. I think the gentlelady has eloquently stated the merits of this request. The committee has looked at it, vetted it, spent hours going over all projects, including the gentlelady's, who serves as a distinguished member of our subcommittee, and we strongly support this project and oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, let me say I am in accord with Chairman MOLLOHAN in terms of supporting the mark we have in the bill, and I also support Congresswoman DELAURO.

From a New Jersey perspective, in the interest of transparency, I rise in support of the work of the East Coast Shellfish Research Institute of Tom's River in Congressman JIM SAXTON's district. They do some good work. They work with other institutes around the Nation. And so I strongly support the retention of the language on this project in the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in strong opposition of the Flake amendment, and I wish to associate myself with the remarks of the distinguished lady from Connecticut (Ms. DELAURO). I think she has articulated and laid out very eloquently the argument, an argument that is put forward on this floor that makes all the sense in the world, especially as we seek, in the ensuing days and next week, to talk about farmers and, in essence, fishermen.

I don't think there is any greater representation of the American way and the American way of life and rugged individualism than through the eyes of people that labor in agriculture or aquaculture.

And so, when you take a look at this very modest earmark so eloquently defended by Ms. DELAURO, it is surprising to me, especially as someone who is the co-Chair of the Congressional Shellfish Caucus, that this amendment would be drawn against such a regional way of looking and promoting and fostering aquaculture and making sure, especially in light of the concerns that Ms. DELAURO raises with regard to foreign entities importing into our country without the kind of care and caution that we know comes from home-grown fisheries, and in this case, shellfish, and the science behind this and the coming together.

Government operates best when it operates as a collective enterprise, and this process here, contrary to what the gentleman is saying, is most democratic in terms of representing those fishermen and those farmers who rarely get a chance to come to this floor themselves. But through their representative process, whether it's Puget Sound or whether it's Long Island Sound, from coast to coast, we make sure that their concerns get represented and that there is an opportunity, through this earmark, to make sure that we provide them with the necessary research to continue to foster and grow.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to carry out the decision of the United States Court of Appeals for the Second Circuit in Lin, et al. v. United States Department of Justice rendered on July 16th, 2007.

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Chairman, my amendment is designed to prevent the Department of Justice from enforcing a decision made recently by the Second Circuit Court of Appeals in New York. Many of us know of the policy in China of forced sterilization and forced abortions, and this decision recently really ties into that.

As we also know, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 clearly stated that Chinese nationals are eligible for asylum if they're subjected to forced abortions or sterilization procedures in China.

□ 1230

A decade of Department of Justice policy has held that spouses or unmarried partners of those subject to brutal treatment are also eligible.

Recently in Lin, et al., v. The United States Department of Justice, the second circuit overturned years of that policy and previous judicial decisions allowing Chinese men to claim asylum if their wife or partner is subject to a forced sterilization in China.

Less than 1 month before the second circuit handed down their decision, the third circuit came to the exact opposite assertion in Jiang v. The Attorney General of the United States, where they clearly upheld the decade-old policy of the Department of Justice granting asylum to spouses of those physically harmed by China's policy.

The chilling effect of the second circuit's decision is already being felt in States covered by the second circuit. Just 1 day after the second circuit handed down its decision, an immigration judge in Manhattan was bound to order the removal of an individual because her claim of asylum was based on the fact that her husband was a victim of the forced sterilization.

The lady had 3 children in violation of China's barbaric population control policies, keeping the first 2 hidden from the government. Upon the birth of her third child, the Chinese Government became aware of her violation of the law and came to her home to force her to undergo sterilization. Due to the complications from her third birth, the doctor was unable to perform the sterilization, so the government simply seized her husband and sterilized him.

The judge in her case was sympathetic to her story and indicated his wish to grant her asylum; however, he felt that his hands were tied by the second circuit's decision just 24 hours prior.

Mr. Chairman, I will include the entire story for the RECORD.

We also have heard from many immigration lawyers. In light of this decision, many immigration lawyers are actively recommending to their clients who are seeking asylum based on such inhumane treatment to leave the States covered by the circuit in order to avoid expulsion.

Chinese nationals make up the largest number of asylum seekers in the United States. Between 2000 and 2005, 35,000 of the 157,000 asylum seekers came from China. It is unclear how many were petitioning solely due to China's brutal population-control policies.

In her dissenting opinion in the second circuit case, Judge Sonya Sotomayor made the point well when she wrote, "The majority clings to the notion that the persecution suffered is physically visited upon only 1 spouse. But this simply ignores the question of whom exactly the government was seeking to persecute when it acted. The harm is clearly directed at the couple who dared to continue an unauthorized pregnancy in hopes of enlarging the family unit."

To me it is clear that the effects of China's brutal forced sterilization procedures do not harm only the mother, but also the father, or vice versa. If the Second Circuit Court of Appeals can't recognize that, then I feel it is our responsibility to protect such asylum seekers either until there is a consistent national policy, or Congress considers a legislative remedy if necessary.

The second circuit's opinion, as we mentioned, recognizes the split. There are contrary decisions in the third, sixth, seventh and ninth circuits between 2002 and 2007.

Mr. Chairman, I include for the RECORD the statement on Jiang Meijiao.

STATEMENT

My name is Jiang, Meijiao. I was born on August 19, 1967 in Lian Jiang County, Fu Jian Province, P. R. China. I started school at the age of nine and stopped going to school after the second year of junior high. I stayed home to help with family chores afterwards.

My husband and I were junior high schoolmates. We held a traditional wedding ceremony on January 1, 1991. We were only allowed to have only one child according to the family planning policy because my husband belonged to city household and worked in a government work unit.

I found myself pregnant in early 1993. We wanted to have more children so I went to stay in my brother's home. I gave birth to a girl named Chen, Xi and another girl named Chen, Yu on September 18, 1993 and December 10, 1996 respectively with help of midwives in my brother's home.

I was pregnant again in October 1999 and during the late term of the pregnancy, I often experienced pain in my abdomen area. I dared not to seek medical examinations in hospitals so I went to a private doctor but was refused treatment by the private doctor. The private doctor suggested that I should go to a hospital. In the morning of June 12, 2000, around four o'clock in the morning, my water broke. My husband rushed to locate a midwife for help. When the midwife learned about the frequent pain I had during the last phase of my pregnancy, she refused to deliver my child but urged us to go to the hospital. My husband had to take me to Fu Zhou City No. 1 hospital immediately. I gave birth to our third child, a son named Chen, Qi on June 12, 2000.

During the delivery of my third child, I had bled severely. I had to stay in the hospital for about a week. I was diagnosed with hysteromyoma and the doctor gave me medicine and injection as well. I was told to return to the hospital to check up half year later.

I brought my newborn baby to my mother's home to stay after being released from the hospital and left our two daughters to my brother and his wife to take care of.

On October 9, 2000, six family planning cadres came to my mother's home and forcibly taken me to Lian Jiang County Family Planning Service Station and when the doctor tried to perform the sterilization operation, they found out the leiomyoma in my uterus was too big and they dared not to continue with the operation.

The family planning cadres detained me at the family planning office and went to my husband's work unit. They took my husband to Fu Zhou No. 2 Hospital and sterilized him. I was released afterwards. We were fined 20,000 on February 3, 2002.

I came to the U.S. on April 11, 2001 and returned to China on October 3, 2001. I came to U.S. again on February 9, 2006.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection. We accept the amendment.

Mr. NADLER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I entirely agree with the gentleman from New York. I entirely agree with the purpose of this amendment. The problem I have with this amendment is that, as I understand it, it says no funds may be spent to enforce a court decision.

If that is what this amendment says, and I just heard it briefly, then it is the wrong way to do it. We have to put in a bill. I am sure the Judiciary Committee will entertain, I assume would entertain it quickly, to clarify the law and say that that is not what the law is, and that what the gentleman seeks to do we ought to do legislatively.

But the idea of saying we will not permit funds to be used to carry out an order of a court destroys, undermines, and subverts the rule of law in this country. We cannot subvert the rule of law in this country by denying funds to carry out an order of the court.

If we don't agree with the order of the court, and I agree, I certainly don't agree with the order of the court in this case, it is terrible, we ought to change the law. That is why we have a Congress. That is our job. Let's change the law.

If the court interprets the law wrongly, as it has, in my opinion, along with the gentleman, we ought to put in a bill, change the law and clarify it. I think that bill would sail through here pretty quickly in all likelihood. That is the way to do it.

But to make an amendment to say no funds appropriated may be used to enforce the court order, what's next? A different court order that we dislike? That subverts the rule of law. It is the wrong way to go.

Mr. Chairman, I hope this amendment is not agreed to.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I totally agree with the gentleman with regard to the appropriate forum to deal with this issue. We will count on the gentleman to move that and get it to the floor even before we get to conference so that it will be a good result.

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, we are all on the same page as to the decision itself. The consequence of what we are trying to offer this amendment for is to delay the deportation that is already occurring in the second circuit.

Mr. Chairman, the gentleman from New York and I share the second circuit as members of the New York City delegation, but what we are trying to do is at least provide a stopgap measure. We know quite clearly that just 24 hours after this decision was reached, a young lady, and perhaps her whole family, will be sent back to China. We are looking for a consistent policy.

Mr. Chairman, I would be happy to work towards a legislative remedy, but until that time, we are trying to keep people here who want to seek and enjoy the American dream.

Mr. NADLER. Mr. Chairman, reclaiming my time, I will be happy to work with the gentleman and anyone else who will try to effectuate this policy. I would hope that the gentleman and others and I can address the administration and urge them for the next few weeks that it may take for the Congress to act, for the administration to withhold action, that they should not engage in deportations.

Now, I hope that comity with the administration would allow them to delay a little on enforcing. After all, the court didn't say, "You must." The court didn't say, "You must deport these people." It said, "You may deport these people." It is up to the administration to determine that.

So I would hope that the administration would delay for the few weeks it may take for Congress to show our will on this matter and that we don't agree with the court. But, again, I hope this amendment doesn't pass because it sets a terrible precedent. It may even be unconstitutional. I am not sure.

But clearly we don't want to start passing bills that say you can't enforce a court order, because once you start down that road, where do you end? But I certainly do anticipate working to make sure that nobody is deported under this. I hope the administration will delay that, and we can move legislation quickly on that.

The Acting CHAIRMAN. The question is on the amendment by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

Mr. SHAYS. Mr. Chairman, I would like to renew my unanimous consent and say to my colleagues that I have spoken to the author of the amendment, and he agrees with it. My unanimous consent is that the adoption by voice vote of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move very slowly to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are awaiting the arrival of the unanimous consent, which has been a long time coming, and it is still slow in arriving. Once it gets here, it will facilitate and speed up our business for the day. It will allow us to, in an orderly fashion, finish our business on CJS, not as expeditiously as we would like. If he hadn't just arrived, I would have been asking my ranking minority member to get up and contribute to this.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MORAN of Virginia) having assumed the chair, Mr. HASTINGS of Florida, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3093 in the Committee of the Whole pursuant to House Resolution 562, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. PRICE of Georgia regarding funding for the Executive Office of Immigration Review;

An amendment by Mr. CAMPBELL of California reducing funds in the bill by 0.05 percent, which shall be debatable for 30 minutes;

An amendment by Mr. CAPUANO regarding funding for young witness assistance;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. GARRETT of New Jersey limiting funds for attendance at international conferences;

An amendment by Mr. INSLEE regarding Federal law enforcement on tribal land;

An amendment by Ms. JACKSON-LEE of Texas regarding the early release of prisoners;

An amendment by Ms. JACKSON-LEE of Texas regarding transit workers' access to interoperable communications;

An amendment by Ms. JACKSON-LEE of Texas regarding the safety of the International Space Station;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 3 percent, which shall be debatable for 30 minutes;

An amendment by Mr. MACK or Mr. FLAKE limiting funds for certain FBI letters unless certain reporting requirements are met;

An amendment by Mr. MCHENRY limiting funds to award a grant or contract on the basis of race, ethnicity or sex;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding earmarks;

An amendment by Mr. PRICE of Georgia reducing funds in the bill, which shall be debatable for 30 minutes;

An amendment by Ms. LINDA T. SÁNCHEZ of California regarding the State Criminal Alien Assistance Program;

An amendment by Mr. TANCREDO or Mr. HUNTER limiting funds for the Security and Prosperity Partnership;

An amendment by Mr. UPTON, Ms. HARMAN, Mr. LIPINSKI, or Mr. INGLIS of South Carolina regarding use of Energy Star certified light bulbs;

An amendment by Mr. WELDON of Florida limiting Community Oriented Policing funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. WELDON of Florida or Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments unless certain reporting requirements are met;

An amendment by Mr. KING of Iowa regarding a study of aliens in prison;

An amendment by Mr. KING of Iowa limiting funds to employ workers described in section 274A of the Immigration and Nationality Act;

An amendment by Mr. KING of Iowa limiting funds for the Institute for Scientific Research, the West Virginia High Tech Consortium Foundation, the Vandalia Heritage Foundation, the MountainMade Foundation; or the Cahaan Valley Institute; and

An amendment or amendments by Mr. MOLLOHAN regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Commerce, Justice, Science, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 85, line 24.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for the Department of Justice, not more than $50,000,000 shall be available for the Attorney General, after consultation with Indian tribes pursuant to Executive Order 13175, to appoint attorneys to assist United States Attorneys when the public interest so requires, as authorized by sections 542 and 543 of title 28, United States Code, to litigate cases involving the enforcement of Federal law on Tribal lands, including domestic violence, dating violence, sexual assault, and stalking, and to allow reimbursement out of existing Federal funds, if available, to compensate appointees whenever such appointments facilitate the efficient, thorough enforcement of Federal law on Tribal lands.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise to offer an amendment to ensure that the U.S. Attorney General appoints attorneys to assist in enforcing Federal law when it comes to public interest as outlined in 28 U.S.C. 542 and 28 U.S.C. 543. It is in the public's interest to prosecute crimes committed against Native women, including domestic violence, sexual assault, stalking and dating violence. As they take on this task, I also urge them to consult with tribes as practiced and required under Executive Order 13175.

As we know, there are 4 million American Indian and Alaska Native people throughout the United States, and jurisdictional questions today are preventing the enforcement of Federal laws. Indian women suffer 2½ times more domestic violence and 3½ times more sexual assaults than the rest of the American population. An Amnesty International report showed that 86 percent of these crimes are committed by non-Indian men, and the law prevents Tribal courts from prosecuting them.

As a former prosecutor, I was shocked that the majority of criminals go unpunished. Justice Department data compiled by Syracuse University showed that in two decades, only 30 percent of tribal land crimes referred to U.S. Attorneys were ever prosecuted. I would like to see U.S. Attorneys consult with the tribes and work to enforce Federal law, especially when it comes to crimes of domestic violence, stalking and sexual assault. And ensuring that U.S. Attorneys appoint special attorneys to assist in prosecuting these Federal laws is imperative.

I will include for the RECORD information from a Wall Street Journal article entitled, "Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps." It is time we close those gaps, and I urge U.S. Attorneys to act with dispatch in this regard.

[From the Wall Street Journal, June 12, 2007]

ON U.S. INDIAN RESERVATIONS, CRIMINALS SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

"We put him away twice for a year, that's all we could do," says James Kilbourne, prosecutor for the tribe. "Then he got out and committed the same crime again."

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

"Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?" asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. "We would not allow this anywhere else except Indian country."

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

"If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty," says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. "My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it."

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. "I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation."

Often cases don't rise to the level of felony federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases. Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

"It requires stitches, almost a dead body," says Mr. Davis. "It is a high standard to meet."

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of $6,286 at the time. Only Buffalo County, S.D., was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1996, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74-year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

"All I could do was to escort him off the reservation," says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. "He kept coming back. After a while I just left him alone and let it go. It was just a waste of time."

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and $13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and "terroristic threats" related to his wife, in Dawes County, Neb. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival— all of whom died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

"The holes in the system are more practical than legal, and the victims of crime pay the price," says Larry Long III, the South Dakota attorney general. "The crooks and the knotheads win."

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the "Trail of Tears." Today the tribe is spread across five counties and is economically well off: It takes in more than $200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that "we'd need 50 kilograms in a typical federal case" to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. "What I remember is his domestic-violence incidents. He just wouldn't stop," Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. "He said I was using the miscarriage as an excuse," says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

"One year," says Ms. Hicks. "He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long."

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. "He had threatened her, and dug a grave, and said no one would ever find her. We believed him," Mr. Reed said. "Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up." At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

CORRECTIONS AND AMPLIFICATIONS

The attorney for James Hornbuckle, a Cherokee who was cited in this article, couldn't be reached for comment. This article incorrectly says his attorney didn't return calls seeking comment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACK:

At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to carry out the composition and delivery of exigent circumstance letters, that indicate that a grand jury subpoena is forthcoming where none has been convened or where there is no reasonable likelihood that one will be convened, to United States citizens, businesses, banks, firms or any other entity that retains personal identity information about citizens.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, a wise man said, "Freedom is the core of all human progress." It is my belief that he is right.

Since coming to Congress, I have often been an advocate of oversight. My colleague from Arizona routinely comes to this floor urging us to make oversight a larger part of the congressional process, and I agree with him. It is an area where we all need to pay more attention.

Unfortunately, when we turn our attention away, it is often at the expense of our own liberty and freedom. This amendment seeks to spotlight a particular area of concern, the so-called exigent circumstances letters sent out from the FBI to obtain highly sensitive information.

While I support using the proper tools to keep our Nation safe, particularly in the war on terror, these letters seem to fall well short of constitutional checks and balances. My colleagues and I fear that innocent citizens are being netted in the process.

But, Mr. Chairman, how are we to know that? The very limited justification that comes from the Department of Justice stands on shaky ground. The rest of the time they hide behind national security as a reason for not telling us more. While I am pleased the FBI is taking internal steps to clarify the scope and use of these letters, I believe we should raise the process up by codifying it to ensure there are no questions that civil liberties are not being violated and the information that is coming from these searches is not being used for wrongful purposes.

Thankfully, article I of the Constitution says we are a coequal branch of government charged with cooperation and oversight of these types of activities. Mr. Chairman, when it comes to our freedom, we all need to be diligent. We all need to exercise care and we all need to be cautious of government. Though it often seeks to protect us, it always ends up capturing more of our precious liberties.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

In 2005, while on the House Judiciary Committee, I, along with some others, offered a series of reforms to the process of issuing national security letters. These reforms came about during the reauthorization of the PATRIOT Act. These reforms didn't go as far as I would have liked, but we took the administration at their word when they said that civil liberties would not be violated.

During the reauthorization process, I and others were told by administration officials that the reforms we sought were not needed, that the Department of Justice and FBI would never do the hypothetical worst-case scenario that some of my colleagues and I worried about.

After a long investigation by the Inspector General of the Department of Justice, I can regrettably say many of the worst-case scenarios actually came about and that our hypotheticals were not so farfetched.

The FBI has abused its power both in terms of National Security Letters and exigent letters. In the case of exigent letters, it appears the FBI repeatedly asserted exigent circumstances where none existed in order to obtain telephone records. The Inspector General's probe also concluded that there sometimes was no open nor pending national security investigation tied to the request. This directly contradicts the requirements of U.S. law. Letters went out stating that a grand jury subpoena was forthcoming when none was forthcoming.

The Inspector General's report was just a small sampling of the use of these letters, and we have not been given a larger picture yet. I want to commend the gentleman from Florida for bringing this forward. He has worked hard on this issue, and we are not speaking anymore in hypotheticals. We have seen abuses. They have been documented. This is very important, and I commend him for bringing this forward, and I join him in his effort.

Mr. MACK. Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to say that I think this is absolutely a justified effort to bring to light something that I think all of the American people deserve, and that is to understand truly what is going on at the Department of Justice insofar as the use of these letters.

Unfortunately, this is legislating on an appropriations bill. I do hope that in the course of this session we will bring up legislation that will get at the PATRIOT Act so that we can bring to light how far the Justice Department has gone in overriding the initial intent of the PATRIOT Act and overriding the sense of Congress in terms of the abuse of issuance of both National Security Letters and exigency letters. For that reason, I think the intent of this is very well placed.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. SCHIFF) for whom this is a very important issue.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I thank Mr. MACK for his strong work on this issue and his protection of civil liberties in this regard and many others.

Most disturbingly, from my view, from the Inspector General's report was the fact that the FBI issued at least 739 exigent letters to obtain telephone toll records in violation of internal Justice Department guidelines.

These exigent letters are used in emergency situations when an attack can be imminent and information is required immediately. They said things like this: "Due to exigent circumstances, it is requested the records for the attached list of phone numbers be provided. Subpoenas requesting this information have been submitted to the U.S. Attorney's Office, who will process and serve them as expeditiously as possible."

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The problem with these letters, in at least 739 cases there was no grand jury meeting. There were no subpoenas requested, and none would ever be delivered. And so here you have the prospect of the FBI going out to a phone company or other provider and saying, this is an emergency, we need this information, subpoenas to be forthcoming, and none were.

Now, as a telephone company, you get the FBI knocking on your door asking for records, saying, this is an emergency, someone's life may be at risk, we may be at risk of an attack, you're going to want to comply. And then after the fact, after the FBI discovered that it had issued all these letters erroneously, unlawfully, it then issues an NSL, National Security Letter, asking for the information that was provided for in these exigent letters, basically to cover up, to try to give a patina of legality over an illegal practice.

This is deeply disturbing, and my friend's amendment, that I was pleased to join him in cosponsoring, would prohibit the expenditure of funds on these exigent letters when the claim is made that a grand jury subpoena is forthcoming when there's no grand jury even impaneled on the issue.

We need to put a stop to this practice. I very much appreciate my colleague raising this issue. I'm proud to support it.

Mr. KENNEDY. Reclaiming my time, Mr. Chairman, I think that this issue is an issue of due process. This country was founded on the basis of due process and on law, and that is why this strikes at the very heart of our system of government and why this is such an important issue to be raised.

And for that reason, I think that while this is a point of order, I do believe this is going to be an issue for this Congress to address in the course of this session. I commend the gentleman from Florida for raising it.

Mr. Chairman, I yield back the balance of my time,

Mr. MACK. Mr. Chairman, I would like to thank my colleagues as well. I think this demonstrates that there is bipartisan support on this issue, and at the heart of this is to preserve and protect the citizens of this country's freedoms and liberties.

So I want to thank again my colleagues and the staff on both sides for working this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided in this Act are revised by reducing the amount made available for the "DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance" and by increasing the amount made available for the "DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance4" by $10,000,000 and $10,000,000, respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chair.

Let me first of all, as I bring my amendment to the attention of my colleagues, thank the chairman of the subcommittee Mr. MOLLOHAN, and the ranking member of the subcommittee Mr. FRELINGHUYSEN, for your leadership on a number of these issues of which I will discuss today.

Let me, first of all, acknowledge the Department of Justice funding, particularly the State and local law enforcement and crime prevention grants and the COPS program, of which many of us have supported for an extensive period of time.

I rose to the floor of the House yesterday and indicated that I believe that the father of community-oriented policing was both the mayor and chief of police in my city of Houston, Lee P. Brown, who served as the chief of police in New York and Atlanta.

I rise today to emphasize for my colleagues the importance of providing resources to public safety officers so that they can provide the service to the community in this increasing period of rising crime statistics, and let me share with you the vastness of the public safety officers' responsibility.

What I want to suggest in this amendment is that public safety officers are needed in schools. They're needed on the highways. They're needed in our neighborhoods. They're needed on our buses and our trains. Many times incidences will occur on our trains and buses with citizens who are using those facilities, and the quick response of public safety officers can lead to the saving of lives. That is why it is important for them to have appropriate commitment and the appropriate equipment.

Let me cite in my own community, which we're seeing statistically across the Nation, having just heard the FBI report that says crime statistics are increasing all over America, not only in the urban centers like Houston, which is the fourth largest city in the Nation, but it is also increasing in our rural hamlets and villages and farmlands. We have a crisis in crime. Part of it has been because we have not provided, I think, the extra resources that we see in this bill.

But let me just cite for you why people traveling on transportation need the quick access of a public safety officer. One article says, a second metro bus driver attacked. Two men attacked a metro bus driver Tuesday after they argued with her about a fare. That means all of those riding the bus were in jeopardy. A quick response by a public safety officer was clearly a need.

And so my amendment is simple. It provides for the reemphasis of the need of this equipment, whether they are walkie-talkies and others, to ensure that we have safety, and as well to ensure that these dollars are used effectively for safety in our community.

I'd ask my colleagues to support this amendment.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 3093. My amendment is simple. It seeks to assist public safety officials in the United States in communicating with one another across jurisdictions and disciplines, to enhance the public's safety and prevent unnecessary loss of lives and property.

My amendment recognizes immense importance of hand-held communication devices to the transit workers and other public officials who play a key role in responding to disasters and terrorist attacks. It seeks to ensure that they may be provided with fully interoperable equipment, maximizing their effectiveness and working to ensure their safety as they work to protect our communities.

Throughout the United States, public safety agencies—law enforcement, fire fighters, emergency technicians, public health officials, and others—often cannot communicate effectively with one another, even within the same jurisdiction, or with other public safety agencies at the Federal, State, or local level, when responding to emergencies.

As a senior Member of the Committee on Homeland Security, I have worked tirelessly to ensure that our communities' first responders are equipped with the best possible equipment, including communication devices that allow them to effectively communicate with each other and with their Federal counterparts across jurisdictions and disciplines. Interoperable communications would allow our Nation's first responders to communicate in real time, in the event of an emergency.

Mr. Chairman, the lack of sufficient hand-held communications devises may have contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with firefighters prior to the collapse of the Twin Towers. Similarly, the lack of adequate equipment exacerbated the difficulties in evacuating people during hurricane Katrina, where many could have been saved if effective communications equipments were available not only to safety workers but to transit authorities and others in a collective effort to save the lives of those who were stranded and injured that tragic day.

Recent national catastrophes, including the terrorist attacks of September 11th and Hurricanes Katrina and Rita, clearly illustrate the need to ensure that safety responders have interoperable communications systems. Emergency response systems must be able to function under extreme and unpredictable conditions. We can learn from our past that when those responding to emergencies cannot communicate effectively, the danger to public safety officials and the public increases.

The Department of Homeland Security has recognized the importance of providing effective and real-time communication capabilities. Secretary Chertoff stated in November 2006 his intention to make sure that major cities "have interoperable communications in effect by the end of this coming year." Interoperable communications provide tangible benefits to places like my home City of Houston, with its 5.3 million residents and concentration of critical infrastructure.

Mr. Chairman, my amendment simply aims to ensure that high risk areas, like Houston, have sufficient communications devices to enable our Nation's first responders and transit workers to communicate in real time, in the event of an emergency.

I urge my colleagues to support this amendment.

[From the Houston Chronicle]

SECOND METRO BUS DRIVER ATTACKED

(By Lindsay Wise)

Two men attacked a Metro bus driver Tuesday after they argued with her about the fare, making it the second attack this week of a female driver.

The men, who appeared to be inebriated, got into a dispute with the driver over fares and threatened her, said Metro spokeswoman Raequel Roberts. The men initially retreated into the bus, but about 10 minutes later, they returned to the front and punched her, Roberts said.

The driver was taken to Memorial Southwest hospital, where she was treated for a cut on her nose, Roberts said.

Some passengers on the bus took pictures of the two men with their cell phones, and Metro police are now looking for the suspects, Roberts said.

The assault took place on the same bus route and in the same area as the reported robbery and sexual assault of a Metro bus driver early Sunday.

In that case, a man boarded a Metro bus on Hillcroft at Bellaire and remained on board for several miles, waiting for the last passenger to exit before dragging the driver to the back of the bus and assaulting her at gunpoint, Metro officials said.

According to statistics provided by Metro, 28 violent crimes—ranging from robberies to aggravated assaults—occurred so far this year on their buses. Last year, 50 violent crimes were reported on Metro buses, up from 38 in 2005.

Roberts said Metro has increased security patrols in the area as they search for the attackers.

"We've been out there with officers in force," she said.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we commend the gentlewoman for bringing this to the attention of us, and we have no objection to the amendment.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I'd like to thank the distinguished gentleman and the ranking member.

And let me just say to all those individuals impacted by crime, particularly these bus drivers that I'm speaking of today, help is on the way.

I ask for support of my amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided in this Act for "Department of Justice" is hereby decreased by $10,000,000 and increased by $10,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me also thank the chairman and ranking member for their infusion of dollars in the Federal prison system, $179 million above 2007.

There needs to be an infusion of funding because we have an overcrowded system in the Federal Bureau of Prisons. We, as the authorizing committee, the Committee on the Judiciary, have heard repeatedly of the concerns of both the management of the Federal Bureau of Prisons, but also the inmates. I have visited institutions in my own area. I've seen the overcrowding. I've seen the conditions and paid attention to some of the elements that we could improve.

Many may hear this debate and suggest that incarcerated persons should be treated in a certain way. This is a very simple amendment. It asks for a study to look at the possibilities of early release for nonviolent prisoners who are over the age of 45.

How does that help our community? One, it sends individuals back home to their families to provide resources. We know that we are watching a second chance bill make its way through this Congress. We hope that it will move quickly. Many of these offenders are middle age. Many of them are sick. This costs a great deal for the Federal Bureau of Prisons.

It is noted that 1.1 million nonviolent offenders are currently locked up. Many of them are African Americans, and in the 1930s, 75 percent of the people entering State and Federal prison were of the majority population. That is not the case now.

So it's a simple premise. It has been adopted in the authorization bill. It asks the hard question, why are we incarcerating for decades and decades nonviolent individuals who pay their debt to society, when they could come out and provide the comfort and nurturing and financial support to their own families and also address the question of Federal prison overcrowding?

I'd ask my colleagues to support it.

Thank you, Mr. Chairman for this opportunity to explain my amendment. My amendment provides for the early release for nonviolent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

My amendment seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A secondary benefit of my amendment is that it would relieve some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Mr. Chairman, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, non-violent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's Les Miserables, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the American value that no nonviolent offender is beyond redemption.

Mr. Chairman, the number of federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from $330 million to $4.6 billion since 2004.

At a time when tight budgets have forced many states to consider the early release of hundreds of inmates to conserve tax revenue and when our nation's Social Security system is in danger of being totally privatized, early release is a common-sense option to raise capital.

The rate of incarceration and the length of sentence for first-time, non-violent offenders have become extreme. Over the past two decades, no area of state government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with states like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in states of Alaska, North Dakota, and Wyoming combined.

Over one million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents five times the number of people held in India's entire prison system, even though its population is four times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75% of the people entering state and federal prison were white (roughly reflecting the demographics of the nation). Today, minority communities represent 70% of all new admissions—and more than half of all Americans behind bars.

This is why for the last several years I have introduced the Federal Prison Bureau Nonviolent Offender Relief Act. The bill I introduced earlier this year, H.R. 261, forms the basis for the present amendment.

Over 2 million offenders are incarcerated in the nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that this amendment will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138, and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

As I stated at the outset, my amendment will ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. My amendment will also relieve the some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

For these reasons, I ask that all members to support my amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment. The gentlelady's insights into this issue are clear. The committee actually welcomes the thought, the amendment, and we accept the amendment.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman, and I ask my colleagues to support this amendment. This will go a long way to this very strong and harsh question of Federal prison overcrowding and how we use our resources for nonviolent prisoners.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in violation of Subtitle A of Title VIII (International Space Station Independent Safety Taskforce) of the NASA Authorization Act of 2005 (Public Law No. 109–155).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the Chair, and again, I thank the chairman and ranking member of this subcommittee. Let me also add my appreciation to the appropriators and the chair and ranking member of the full committee.

Mr. Chairman, I also want to acknowledge the hard work of the Science Committee. I had the pleasure of serving on that committee for almost 12 years. My issue there was the question of safety during the tenure that I was in that role or a member of that committee. Of course, we had the backdrop of *Challenger* and then *Columbia*.

Safety is a crucial component to the continued support of Americans of the International Space Station and America's space program. When I have an annual Christmas party in Houston, the most popular visitor is not Santa Claus. For children, it is the astronauts, and I rise today to offer an amendment that will reinforce the importance of safety in the NASA program.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the space shuttle *Atlantis* and the International Space Station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

The amendment, Mr. Chairman, that I offer refers to the National Aeronautics and Space Administration Authorization Act signed into law by President Bush, which provided for the establishment of an International Space Station Independent Safety Commission, that I authored, to discover and assess any vulnerabilities of the international space station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

We will launch on August 7. That launch will head to the International Space Station. People will be on that international space station, which is the ultimate goal, that scientists will find the place in space to be able to do the research that will carry America forward.

That safety task force provided valuable observations on the strengths and weaknesses of the International Space Station safety systems. It went on to say that we should have strong congressional support for the space shuttle and International Space Station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks, then we must have a Congress that reinforces safety for NASA.

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We shouldn't have the individual there who is afraid to speak up. We should have whistleblower protection. And we should have a director who cares about safety and does not reject Congress' interest in safety.

I hope that we will keep our eye on this international space station commission on safety, even though its report is in, to ensure that the individuals we sent on the space shuttle, the work that we are doing on space has the element of safety to save lives and create the opportunity for men and women to live and work in space.

I ask my colleagues to support this amendment as we support NASA and my appreciation for the funding that is in this bill for NASA and aeronautics and research and ask my colleagues that NASA should equate to safety, NASA should equate to science. That is an important aspect.

Mr. Chairman, I rise today in strong support of this amendment. It states that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the NASA Authorization Act of 2005 (Public Law No. 109–155), particularly those regarding the International Space Station Independent Safety Commission.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the Space Shuttle *Atlantis* and the International Space Station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

Mr. Chairman, the National Aeronautics and Space Administration Authorization Act of 2005, signed into law by President Bush, provided for the establishment of an International Space Station Independent Safety Commission, to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

This congressionally mandated International Space Station Independent Safety Task Force offered its recommendations in the form of a final report, which was submitted to NASA and the United States Congress in February of 2007. This report offered a number of valuable observations on the strengths and weaknesses of the International Space Station's safety systems, and it went on to make several important recommendations. The report called for strong congressional support for Space Shuttle and International Space Station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks to the International Space Station, Congress, together with the Administration, must firmly reaffirm its commitment to pursuing safety as a top priority. My amendment speaks to this clear need to emphasize the importance of safety standards by ensuring that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the recent NASA Authorization Act.

We must continue to work to ensure that adequate safety standards apply to all NASA endeavors, and particularly to manned space exploration. As I previously stated, I am a strong supporter of the International Space Station, and I hope that we can move forward with its mission. However, our mission for discovery can not be done in haste; instead we must ensure that all steps have been taken to minimize the risk to astronauts onboard.

I hope that my colleagues will join me in supporting this important amendment.

U.S. AND RUSSIA VIEW SPACE STATION SAFETY DIFFERENTLY

(By Mike Schnelder)

CAPE CANAVERAL, FL.—It was just four high-energy batteries, the kind that are found in a lot of military equipment such as walkie-talkie sets and night vision equipment. Similar batteries already were being used on the International Space Station.

But when NASA officials discovered last year that Russian space officials were allowing the four batteries on-board the space station without the proper testing, they objected strenuously. The batteries could be toxic and had a small potential to explode. The Russians went ahead anyway.

Nothing ever happened. But the friction caused by the batteries underscores the divide between the now hyper-safety-conscious Americans and what the Russians describe as their "more flexible" approach.

It's a different philosophy, explains Shirley McCarty, former head of NASA's safely advisory board: In the U.S. program you must prove it is safe. The Russian approach is "prove it's not safe."

After the Columbia space shuttle disaster, safety is getting even more attention by the U.S. Space program,

Tensions over the two countries' approaches are being played out in Houston and Moscow as both programs debate whether to allow a spacewalk by the current space station çrew of just two men—astronaut Michael Foale and cosmonaut Alexander Kaleri. A spacewalk would leave the space station temporily empty. Previous spacewalks at the international space station have depended on a third crew member inside.

The Russians, however, are comfortable with the risk and carried out spacewalks on their Mir space station with just a two-man crew. They are pushing for a spacewalk in late February to do minor work involving payloads and preparatory work for a new type or cargo ship.

The Russians consider themselves less rigid and more inventive than the Americans, who tend to follow every letter in the technical manuals, said Sergei Gorbunov, a spokesmen for the Russian Space Agency.

"Here in Russia, we are more flexible in our approach to technical problems," Garbunov said. "The Americans are more conservative in dealing with technical problems, but this isn't a fault."

It may not be a fault but the different approaches contribute to communications problems that could lead to dangerous situations, NASA's safety advisory board warned in a report last year.

"They share safety concerns," Michael Suffredini, the station's operations and integration manager for NASA, said last week of the Russians. "Sometimes we have a different view."

Jerry Linenger, a former astronaut who lived aboard Russia's Mir in 1997, said there has to be a "happy medium" between the two approaches.

"The Russians are probably on one side of the balance, and the Americans are probably too much on the other side," Linenger said.

During Linenger's stay on Mir, the Russian space station suffered the most severe fire ever aboard an orbiting spacecraft, a near collision with a cargo ship, failures of onboard system including an oxygen generator, loss of electrical power and an uncontrolled tumble through space.

The current space station crew also is experienced with close calls. Foale was on Mir when it collided with a cargo ship. Kaleri was on Mir along with Linenger when the fire broke out.

The differences between the Russian and U.S. approaches to safety are as much from cultural as economic factors, said Linenger.

Russian industry, for instance, doesn't have the commitment to worker safety that the United States has adopted in recent decades through agencies such as the Occupational Safety and Health Administration. In addition, workers in the Russian space program haven't shaken off the Soviet-era habit of following orders without question, Linenger said.

"The Russians don't want to lose a cosmonaut any more than we want to lose an astronaut," he said, but suggested that perhaps they were "less used to protecting the worker . . . They're probably more willing to overlook a lot of things that we're not."

The limited budget of the Russian space program also contributes to how it approaches safety, Linenger said. The cash-strapped space agency, after all, has allowed U.S. millionaire Dennis Tito and South African Mark Shuttleworth to pay for the privilege of being space tourists on the station despite the initial objections of NASA officials.

Most recently, the Russian space program disclosed that government funds allocated for building crew capsules and supply ships for the space station are only about half of what's needed.

"When you have a limited budget like they did when I was there, you can't afford to go to option B," Linenger said. "Maybe we misinterpret that they're cavalier about things when they have no options."

Linenger noted that NASA recently decided to send the current crew to the space station despite concerns from a NASA physician and scientist that exercise equipment and some water and air monitoring devices weren't working properly.

"When you're between a rock and a hard place. I'm not sure we would act any differently," he said.

Ed Lu, who returned from the space station last month after a six-month stay, said any differences in approaches to safety aren't noticeable.

It's really one big program right now," he said during an interview from space before his return. "You can't really separate the organizations too much anymore."

But members of NASA's Aerospace Safety Advisory Panel felt otherwise. They resigned en masse in September after being described as ineffective in a report by the Columbia Accident Investigation Board. Before resigning, members cited two other recent incidents in which miscommunication between the Russians and Americans on the ground had caused problems with how the space station was positioned.

"It just seems all the required operating procedures, the ground rules aboard the station, really hadn't been completely planned out between the various international partners," said Robert Schaufele, a former member of the safety panel and a professor of aircraft design at California State University.

But the two programs have learned from past problems, and new procedures have been put in place, said Bill Gerstenmaier, the space station's program manager for NASA.

Since the batteries incident, complaints or concerns can be taken up the command chain more quickly, said Arthur Zygielbaum, a former safety advisory board member.

And in recent years, eight NASA specialists have worked in Russia while 10 Russian specialists have worked with NASA in Houston to smooth out potential communication issues, said Joel Montalbano, lead flight director for the current space station mission.

With this communications foundation, Montalbano said, "we can work better and stronger."

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

NASA has been on the forefront of safety on the NASA side, these provisions she has worked on in 2005 to incorporate into authorizing. She is reaffirming these safety procedures in this amendment, and we certainly have no objection on that.

We accept the amendment and compliment her on her efforts to improve and insist upon safety in NASA operations.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his courtesy, I thank the ranking member, and I thank the Congress for accepting the importance of safety as we explore the beyond.

I simply say thank you to the staff of these committees, and I ask my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, we don't intend to take very much of our time. We have debated this amendment on each of the appropriation bills thus far. We have been very fortunate to have the support of Mr. OBEY and Mr. LEWIS and all the subcommittee chairmen and ranking members.

I offer this with my friend and colleague, Ms. HARMAN, along with Mr. ENGLISH and Mr. LIPINSKI. It is a bipartisan amendment simply requiring that the Federal Government, beginning on October 1, purchase only ENERGY STAR light bulbs.

This will be a savings of hundreds of millions of dollars to the taxpayers over the course of the year, and it is something that has enjoyed, again, wide bipartisan support. I don't need to debate it further.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwises made available by a provision of law is hereby reduced by 3.0 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, we have offered this amendment for the eighth time.

Let me just help set a framework before I talk specifically about the amendment. Today we have approximately a $200 billion annual budget deficit. We have an $8 trillion national debt. We have a budget that we have been debating over the last several weeks and will complete the spending process of that next week, but we have a budget of $3 trillion annual budget.

We have an entitlement spending crisis looming, when we think about what's going to happen in the next 10 to 15 years relative to Social Security, Medicare, Medicaid. We have got a crisis that we have to begin to deal with.

Today, today the Federal Government spends approximately $23,000 per household. Now, with that as a frame work, I think it's fair to ask, is government too big or too small? If you ask that question of the average American family, my guess is when they think about those facts, $200 billion deficit, $3 trillion annual budget, $8 trillion national debt and an entitlement crisis that is looming, and a Federal Government that spends $23,000 per American household, if you asked the average American family if government is too big, my guess is they would probably say yes.

All this amendment does is begin to take that first step, that modest first step into getting our spending under control.

It says this: instead of in this appropriation bill, instead of spending $53.5 billion, let's just spend $52 billion, which happens to be the amount that we spent last year. So it's not a cut, as our friends on the other side will most assuredly say when it's their turn to speak. It's not a cut; it's simply level funding, holding the line on spending. It's a 3 percent reduction from what's in the bill, simply going to spend what we did last year.

That's not too much to ask when you think about the context we find ourselves in today in the United States of America. Here is why it's important, and I have said this every single time.

Again, every time I bring this amendment, I always articulate to the Chair of the subcommittee and the ranking member and the Chair and ranking member of the full committee that, you know, I don't do this to be a pain.

I really believe we have to begin to focus on reducing spending. I appreciate the work that the Appropriations Committee does. I appreciate the work of the subcommittee. But if we don't begin to get a handle on spending, we are going to have problems economically in the future.

The way it works is spending inevitably leads to more taxes. The American family is already overtaxed. That's why it's important. We start to get a handle on spending, so we can reduce the tax burden that the families across this country face.

Mr. Chairman, I would urge a "yes" vote on the amendment.

Mr. Chairman, I reserve the balance of our time.

Mr. ISRAEL. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, with violent crimes increasing for the first time in 15 years, with more pressure on the Federal Bureau of Investigation, less resources and less investments in keeping our communities safe is not the answer. Cutting programs to the FBI, cops on the streets, anti-meth programs is not the answer.

Our communities want safer streets. They want a vigorous response against crime. That's what this bill does.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield as much time as the gentleman would like to consume to the Chair of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman from Ohio, again, for his leadership in bringing this terribly needed amendment to the floor, his diligence in authoring this amendment on a number of these spending bills.

Again, although I wish we were debating other facets of the Federal budget today, I think it is very, very important to illuminate once again where we stand as a Nation on spending.

I was in a hearing earlier this morning in the Financial Services Committee. In that committee, we are talking about the possibility of a whole new Federal wind storm insurance program. I am not here to debate the merits of that, but it brought to mind that this Nation is facing a fiscal storm, and it's a storm that we see off our shore; but it is one that unfortunately, this body continues to ignore.

It continues to ignore this problem by growing the Federal budget at a huge multiple over inflation, growing the Federal budget way beyond the growth of the family budget. Ultimately, it's the family that has to pay for this, hardworking American families that are trying to pay for their transportation programs, trying to pay for their health care programs, trying to pay for their education programs.

I have no doubt that every single dollar in this bill can be used for a good purpose. There is not a doubt there, but when do we look at what happens in the aggregate? We have had spending debates going on for weeks and weeks now. Unfortunately, they do become somewhat similar.

But there are very important points that still need to be illuminated in this debate. Again, in every single spending bill brought to the floor, somebody can say, well, this is a good idea. But who goes back and looks at it in the aggregate? Whoever adds it all up and sees what we are doing to the least of these in our society, those who do not vote, and those who have yet to be born. I am speaking about future, future generations.

So all this amendment is asking to do, notwithstanding the language of the other side, this amendment seeks to cut nothing. This amendment seeks to level fund this particular appropriations bill, using the same funding last year that it will use this year.

Mr. Chairman, there are many people, many families all across America who would love the opportunity to make it on the same income they had last year, this year, this year to next year. So somehow we are trying to be convinced that something terrible and draconian is going on.

Frankly, our friends from the other side of the aisle always accuse us of cutting something. I wish, occasionally, that might be true.

But all spending is not created equal, and there needs to be priorities. There is no doubt that many items within this bill are a priority. But I don't believe it's a priority to impose an even greater tax burden on the American people, as the Democrats seek to do in their single largest tax increase in history. That shouldn't be a priority.

Nor should it be a priority to pass on debt to future generations, which ultimately I believe this bill will do. It shouldn't be a priority to raid the Social Security trust fund, which, by definition, if we are running a Federal deficit, then any excessive spending continues to raid the Social Security trust fund.

So all we are asking is, is it easier to be on the road to fiscal responsibility and keep faith with future generations, or are you going to be on the road to fiscal irresponsibility and not keep faith? If you follow that road, here is what you are looking at. Listen to the words of our Federal Reserve Chairman, Ben Bernanke, who said: "Without early and meaningful action" to address government spending, particularly entitlements "the U.S. economy could be seriously weakened with future generations bearing much of the cost." Those aren't my words. Those are the words of the Federal Reserve Chairman.

Now listen to scholars at the Brookings Institute, widely known as a liberal institution, no bastion of conservative thought: "The authors of this book believe that the Nation's fiscal situation is out of control and can do serious damage to the economy in coming decades, sapping our national strength, making it much more difficult to respond to unforeseen contingencies and passing on an unfair burden to future generations."

Yet week after week after week we have spending bills coming to this floor, growing government way beyond the rate of inflation, growing government way beyond the growth of the family budget, and it's the family budget that has to pay for Federal budget.

So here we have just one more chapter in this book of fiscal irresponsibility.

Now, again, I know there are many good programs in this bill. But why were so many of the other bills costing billions and billions and billions and growing these budgets 3, 4, 5, 6, 7 percent more than last year? Again, too often people are focusing on one individual aspect of this budget, and they are not focusing on the budget as a whole.

Let's listen to the words of the Comptroller General, the chief fiduciary officer in America, who said that the rising cost of government, again, particularly the entitlement spending, is a "fiscal cancer," fiscal cancer that threatens "catastrophic consequences for our country and could bankrupt America."

Again, these aren't my words. These aren't the words of one lone Member. These aren't the words of the Member from the Fifth District of Texas. These are words of the people who most know about the fiscal condition of this Nation.

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The Comptroller General has gone on to say, and I paraphrase, that we're on the verge of being the very first generation in America's history to leave the next generation with a lower standard of living.

Mr. Chairman, like many others on this floor, I'm in the next generation business. I've got a 5-year-old daughter and a 3-year-old son, and I am not indifferent as to leaving my children and the children of America with a lower standard of living. I can't sit idly by while this House week after week after week spends our children's future, spends them into bankruptcy, threatens to double their taxes. That's the magnitude we're looking at, doubling their taxes.

And so this is a very reasonable amendment. Frankly, I wish the gentleman from Ohio had done even more on his amendments. But level funding, that's all we're asking, Mr. Chairman. When you look at the consequences, can we at least take a bill and get a little smarter, a little wiser and spend the same amount of money next year that we did this year? And, frankly, it's the future of our children and our grandchildren that are on the line.

Mr. ISRAEL. Mr. Chairman, the gentleman said that we can afford to cut or shave budgets for anticrime programs like COPS. The gentleman did not support attempts to cut or shave the $90 billion in tax shelters that allow offshore companies to shelter their profits, open up P.O. boxes in Bermuda so that they don't have to pay their fair share of taxes. We invest a fraction of that $90 billion tax shelter, $693 million, to add 2,800 cops to the streets of neighborhoods. We want to make neighborhoods safer by adding more cops. The gentleman wants to make corporate offshore profits safer. That's a difference in priorities between our bill and theirs.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, just a couple of things. I want to pick up on what the gentleman from Texas was talking about, families, and a lady from a family from our district, Theresa from West Liberty, Ohio, a small town in Ohio, said, when talking about spending, talking about taxes, talking about the growth of government, talking about the fact we've got an $8 trillion national debt, a $3 trillion budget, the government spends $23,000 per household, and all we're asking for in this legislation, all we've been asking for in each of these amendments, is to fund government at the same level we did last year, which all kinds of families have to do just like this family in West Liberty, Ohio.

"We're in the middle class, and we're the ones the tax hikes hit the hardest. We're trying to put our kids through college. Can't government live within their means?"

I mean, pretty straightforward. It's amazing how the American people get it. If you ask the American people in this framework, all this spending, all this debt, all this deficit, is it too much to ask to say, you know what, Government, just spend what you did before. And the playbook from the other side never changes. As the gentleman from Texas articulated, we want to spend what we spent last year in this appropriations bill. Not a cut. We want to spend what we did last year. Yet the other side will say, if we do that, the sky's going to fall, the world's going to end, everything will be terrible. Oh my goodness, we won't have cops on the street.

That's just baloney. We want to spend exactly what we spent last year, because if we don't, the ramifications, the consequences for future generations, as the gentleman from Texas pointed out, are huge. And it starts with the entitlement programs that everybody knows, Republicans and Democrats know, everybody knows those are going to be problems in the future.

That's all this amendment does. It's not Draconian cuts. It's not devastating. It's not the end of the world. It's not the sky is falling. It's saying, you know what, instead of spending $53.5 billion, which is what this legislation wants to do, let's spend $52 billion, exactly what we spent last year.

Mr. Chairman, that doesn't seem to be too much to ask when we're thinking about the context we find ourselves in, and, frankly, when we're thinking about the competition we face today in the international marketplace.

As the gentleman from Texas pointed out, our Comptroller has pointed out the problems we face. It's critical that we begin to get a handle on that. That's why we bring the amendment forward, that's why it makes common sense, and that's why I urge a "yes" vote.

With that, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, violent crimes increased 3.6 percent in the past 2 years for the first time in 15 years. The gentleman's response is to cut spending for police officers, child abuse programs, domestic violence programs and antidrug programs by 3 percent.

With that, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN), a member of the committee.

Mr. RYAN of Ohio. I thank the gentleman.

I would just like to make a couple of points. The gentleman from Texas mentioned entitlements. I think it's important for the Members to recall that it was the Republican majority that passed a trillion dollars in spending on the Medicare part D program and had zero, zero ability for the Secretary of Health and Human Services to negotiate down drug prices to keep them under control.

And my good friend from Ohio made the point about families, this family in his district, a middle-class family. This new Congress raised the minimum wage which will help that middle-class family. This Congress in the Labor-H bill passed an increase of $600 or $700 million in the Pell Grant. They're trying to send their kids to school. That will help. And we cut student loan interest rates in half. So that same family who has to borrow money will have to pay back $4,000 less over the course of the loan.

We're helping that family, and I'm glad we can agree on that.

Mr. JORDAN of Ohio. Can I inquire, Mr. Chairman, how much time our side has remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 2½ minutes. The gentleman from New York has 12 minutes.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman for bringing this amendment.

It's interesting to hear about all the savings that the majority party, Mr. Chairman, claims that they have saved. I'm interested to get to the debate on the farm bill so we can hear of all the savings that's in it, and we will see how the next tax increase is going to be explained as some type of offset, or, as they have done so well this whole 110th Congress, is the smoke-and-mirror thing. They do a great job with it. I believe when people do a good job, they should be complimented. I've never seen an illusionist as good, especially convincing people that they are actually getting something accomplished.

If this Congress really wants to get something accomplished, we'll pass the amendment from Mr. JORDAN, because it's real savings to the taxpayers of $1.6 billion. Now, in the scheme of things, and I never thought I would be up here long enough to say that that's a small amount of money compared to the amount of money that we spend in Congress, but it is a reasonable savings. And not only that, but it's an important first step, the first time in the 110th Congress, and really, I think, probably one of the first times up here that we've actually saved some money, and there's nothing wrong with that. And even though it's a small start, it's a good start.

This bill is $3.2 billion above last year, or a little over 3 percent more than it was last year. And while it's a modest increase, a 3 percent increase, I think that we would do much better going back to last year's level and learning to live within that means, Mr. Chairman, than trying to expand the programs.

Mr. ISRAEL. Mr. Chairman, I have the right to close; is that correct?

The Acting CHAIRMAN. The gentleman does have the right to close.

Mr. ISRAEL. Mr. Chairman, I will reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I know we have just 30 seconds, and the gentleman from New York will close.

Again, it's a straightforward amendment. It's not a cut. It's level funding. All kinds of families have to do it every single year across this country. Again, I don't think it's too much to ask for government to do the same, particularly when you look at the facts and the financial situation that we're facing.

With that, I yield back the remainder of our time.

Mr. ISRAEL. Well, here we go again. We've been here week after week after week and entertained amendment after amendment after amendment. I respect my colleagues for trying. Unfortunately, a majority of their caucus disagrees with them, as does a majority of Congress. These amendments keep coming up, and they keep getting defeated, and there's good reason for that, particularly with this bill.

Let me share some statistics with you, Mr. Chairman. I alluded to them before. Violent crime is increasing in the United States today for the first time in 15 years. In 2005, violent crimes increased 2.3 percent. 2006, violent crimes increased another 1.3 percent. From 2002 to 2005, Mr. Chairman, there were an additional 100,000 new meth users over the age of 12.

Now, there is a dangerous correlation, because at the same time these violent crimes are increasing, Federal investments in safe communities have been cut. From 2001 to 2006, funding for local law enforcement grants was cut 42 percent. This isn't just a cut in the rate of increase, this is a wholesale cut in Federal support for anticrime programs, 42 percent, from $4.4 billion to $2.5 billion. And not only is crime going up as a result of these Federal cuts, but local taxes, which in many cases are the most regressive form of taxation, are going up as well. Because the fact of the matter is that when you cut Federal law enforcement resources, the criminals don't go away. They stay on the streets. They keep robbing banks. They keep beating people up. They keep stealing. They keep conspiring. And so while the Federal Government has abandoned its commitment to keeping our streets safe, it's the local governments who are now responsible for trying to keep those streets safe. And so all this Federal cut is is a transfer of the obligation to local taxpayers. So what sounds like a cut on the Federal level ends up costing taxpayers even more and more to protect their communities.

Mr. Chairman, let's analyze some of these cuts while crime increases. Safe communities. This small group of Members, who disagree with every Republican on the Appropriations Committee who supported this bill, had no problem supporting a $90 billion tax shelter for the biggest offshore companies on Earth to protect their profits. We in this bill invest a fraction of that, $693 million, to add 2,800 police officers to our streets to protect our neighborhoods.

The State Criminal Alien Assistance Program. We can have differences on how to protect our borders. We all want to keep our borders safe, but if someone crosses our borders here illegally and then commits a felony, or several misdemeanors, and is arrested and incarcerated, most of us believe that the Federal Government ought to assume the financial obligation for incarcerating those people.

This small group of Members had no problem spending $14 billion on tax cuts for the biggest oil companies on Earth in the history of profit-making. We invest a fraction of that, $405 million, to reimburse local taxpayers for the costs of the incarceration of criminal aliens. What makes more sense to America?

The war on drugs. We learned in Iraq that you can't win a war when you underfund the troops. Well, guess what, Mr. Chairman. You can't win a war on drugs when you underfund cops on the streets. This small group had no problem spending billions and billions of dollars on Vice President CHENEY's no-bid contracts. We invest a fraction of that, $40 million, to fight illegal drugs with mobile enforcement teams; not mobile enforcement teams in Iraq, Mr. Chairman, mobile enforcement teams here at home.

Child exploitation. We fund 93 additional positions in U.S. attorneys' offices to fight child exploitation and enforce obscenity laws; 38 new positions in U.S. attorneys' offices to fight gang crimes. Gang crimes are proliferating. Gangs are a national problem. They cross not only State borders, they cross town lines and county lines and village lines. It requires a national investment to stop these gangs from preying on our children. We invest in stopping those gangs. This small group says, let's cut gang enforcement by 3 percent.

Domestic violence. We invest $430 million for the Violence Against Women Act for prosecutions. This small group says, we can protect the profits of big drug companies, we can protect the profits of corporations that register themselves at P.O. boxes in Bermuda, but we have to save the investment in protecting women from domestic violence?

Finally, Mr. Chairman, and this is the real kicker, to coin a phrase by my friend from Ohio several days ago, the war on terror. For the past 7 years, the FBI counterterrorist caseload has increased more than 100 percent, from 1,150 to nearly 2,400. How do they make the argument, Mr. Chairman, that as the counterterrorist caseload is going up 100 percent, we should shave resources by 3 percent to the FBI? I think most Americans understand that they can't go out and investigate terrorists, that that's the job of the FBI. We want the FBI to have those resources.

If there is money for oil companies, if there is money for offshore corporations, if there is money for Halliburton, how is it that we can't afford additional resources for the FBI in the global war on terror?

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Mr. Chairman, I'll conclude by suggesting that this really is about priorities. And this is the debate we've had. The sponsors of this bill have legitimate philosophies, and I understand their philosophies. Their philosophies are wrong.

They say government wants more of your money and that you should decide how to spend it. That's not true. They've spent the people's money on tax cuts for oil companies. We want to invest in COPS for neighborhoods. They've spent it on no-bid contracts for big companies. We want to spend it on investigators for the FBI. They spent it on protecting the profits of offshore companies. We want to invest it in protecting the safety of our neighborhoods.

That is why, Mr. Chairman, Republicans and Democrats, were united on this bill in the Appropriations Committee. Every Republican on the Appropriations Committee joined Democrats in passing this bill because it was common sense, the right investments, the right priorities. And that's why when this amendment is offered again on the floor for a vote, it will follow the same course and the same fate as every similar amendment before it. It will be defeated, not just by Democrats, but by Democrats and Republicans who understand that America would rather have their neighborhoods patrolled by more cops than have the offshore profits of companies at P.O. boxes in Bermuda protected by this small group of Members.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. SERRANO) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $750,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the chairman, and I'm pleased to come to the floor today and offer this amendment. And it's a little different vein and spirit than we've offered other appropriate fiscally responsible amendments for other appropriations bills, but it's similar. But I urge my colleagues to listen closely, because the nuance has changed greatly.

Before I do begin, though, I want to make certain that any Member listening, or anybody who has heard the previous discussion and the assertion that the amendments that are offered by this group of fiscally responsible individuals can't even get a majority of our own conference, that's not true. But there's a lot of untruth spoken on this floor. For a significant majority of the Members of at least the Republican side of the aisle clearly support fiscally responsible amendments. I'm hoping and praying for the day that our friends on the other side join us in that.

I do agree with my friends who spoke previously that this is about priorities. It is indeed about priorities. This amendment before us today would reduce the increase in the spending in this portion of the appropriations bills by $750 million a year, or $7.5 billion over 10 years. Mr. Chairman, I would ask that you remember that number, $7.5 billion over 10 years, because it's there for a reason.

But before I get into the specific reasons of that, I want to talk a little bit about the process and the disappointment that so many of us on this side of the aisle have in this process, and so the disappointment that many folks who have to be muted on the other side have in the process.

There were grand promises of bipartisanship as we began this session of Congress earlier this year. And bipartisanship is the least that we have had on virtually every single issue. And I understand at the beginning the new majority felt that they had to move forward with many of their issues, and that's appropriate. That's appropriate. That's their due, given the results of last November.

However, what we've seen recently has buried any guise of bipartisanship. And, in fact, the last 2 weeks have been astounding and actually point to more astounding activities over the next 10 days.

The SCHIP bill, the State Children's Health Insurance Plan, which was adopted in a bipartisan way 10 years ago, is up for reauthorization; and now this new majority plans in a unilateral and anti-bipartisanship way to cut Medicare to aid State bureaucracies; cut Medicare and give that money to State bureaucracies in an anti-bipartisan way.

The flood insurance bill we've got in the committee right now that passed last year never got through the Senate but passed the House last year. It passed, over 400 individuals to 4. And now we have in our committee today an anti-bipartisan bill that belies any attempt at bipartisanship by the other side.

And then the farm bill that was alluded to by my good friend from Georgia just a little bit ago. This farm bill that's going to be on the floor apparently tomorrow or today, depending on when the majority decides to bring it, came out of committee virtually unanimously, virtually unanimously, both sides of the aisle, bipartisan. And yet over the past 24 hours what we have seen is an anti-bipartisan bill that puts in that bill a tax increase of $7.5 billion.

Mr. Chairman, you remember the $7.5 billion that I mentioned before.

So this amendment before us today is an amendment to reduce the increase from 3.1 percent over last year's bill to 1.6 percent. So it would take that reduction in the increase and would utilize $750 million a year, or $7.5 billion to, attribute to the farm bill that would then make it so there wouldn't have to be any tax increases that my friends on the other side so love, but there wouldn't have to be any tax increases for that portion of the farm bill.

This is a fiscally responsible way. This is the kind of flexibility that I believe our constituents desire when they ask Congress and they ask Washington to be responsive to their needs, to respect their pocketbook, to make certain that they are able to keep more of their hard-earned money and not be subject to the kind of remarkable tax increases that we've seen by the other side of the aisle.

So I would encourage my colleagues to adopt this amendment, utilize those extra monies that the majority is so adept at finding, make it so that the farm bill needs no tax increases whatsoever.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 15 minutes.

Mr. SCHIFF. I thank the chairman, and I'll be brief at the outset and intend to reserve our time for the conclusion of the debate.

But we're here again to really talk about what the priorities of the Nation are and the competing philosophies of the bipartisan majority and the small minority that has taken to the floor here today.

The value of the bipartisan majority is to invest in this country, to make sure that what we have been able to enjoy, the struggle and the sacrifice that our parents and their parents made, is a tradition that we continue in the sense that we want to leave an America that is stronger and that is safer than the one we inherited.

And efforts like this, to cut our investment in law enforcement, to cut our investment in trying to keep our communities safe, our police officers safe, are very shortsighted.

Now, we all believe that the budget has to be wrestled to the ground in the sense that over the last 6 years my friends in the Republican majority borrowed and spent into oblivion. We now have a massive national debt. As a result of that fiscal responsibility, we've got a problem on our hands that we need to wrestle to the ground, and we are. In the majority we have instituted pay-as-you-go rules, something that the prior majority, my friends in the GOP, were unwilling to do. That has been along the philosophy of when you're in a hole, stop digging. So we've stopped the digging.

At the same time, we can't stop investing in our country, we can't stop investing in our future, we can't stop investing in the security of our neighborhoods; and that's what this bill is about.

The cuts that my friends in the opposition are proposing here today have only one merit, and that is they're indiscriminate. They cut the top priorities along with the lower priorities, all at the same time.

My friends in the, not the minority party, because frankly, we have a great many Republicans who have joined us. All the Republicans on the Appropriations Committee support the work product. But the minority that's speaking here on the floor today isn't willing to do the hard work and to say this is a high priority; we can't afford to cut it. This is a lower priority; maybe we can trim this here. No, they're not willing to do that. They're willing to say let's cut everything equally, the essentials with the non-essentials. And let's not raise the revenue we need to support our law enforcement by ending corporate welfare. They've been unwilling to do that.

These are some of the philosophical differences we'll hear during the debate on this amendment.

Mr. Chairman, I'm going to reserve the balance of my time and look forward to an opportunity to address the House in a few minutes.

Mr. PRICE of Georgia. Mr. Chairman, I'm somewhat amused by my friend's comments. It brings to mind what I have come to describe this Congress as, and that is the Orwellian democracy that we see day in and day out. The accusation is that this side of the aisle spent too much money, so that side of the aisle is going to "stop digging." Well, they're stopping digging to the tune of a 3.1 percent increase, billions of dollars of increase. So their response to don't spend that much is let's spend more. And that's where the Orwellian democracy comes in.

And the accusation from the other side that comes, that says, well, you don't want to spend this, you're going to cut this program, you're going to cut COPS, you're going to cut programs that are vital to our Nation, it's kind of like having your child come to you and say, I'd like to have an increase in my allowance. And say they were getting $5 a week. They wanted $10 a week, and you settled on $7.50 a week, and then your son or your daughter says, hey, you just cut my allowance by $2.50. That doesn't make any sense. But that's the argument. That's the argument on the other side.

So we endeavor to have fiscal responsibility. We endeavor to be responsible with the hard-earned tax money of the American worker.

I'm pleased to yield 2½ minutes to my good friend from Virginia, the chief deputy whip, Mr. CANTOR.

Mr. CANTOR. Mr. Chairman, I'd like to just first respond. I rise in favor of this amendment and respond to some of the remarks that were made on the other side of the aisle.

I think we can all agree that we must continue as a people to invest in our people, to invest in this country. All of us, all of us were elected by the constituents that we represent to leave an America stronger and more secure than the way we found it, stronger and more secure for our children and our grandchildren.

The problem is here, every time we get a chance, every time we turn around, we seem to be raising taxes. There is no way that we can leave an America stronger or more secure if we somehow cut off the economic engine that allows us to continue to make the investments in our people of this Nation and in our security.

There were remarks made about the national debt that we are now experiencing. Well, you know what? The national debt, frankly, is 1½ percent of GDP. And from all corners, from the economists to the former Federal Reserve Chairman to the current Federal Reserve Chairman, that 1½ percent of GDP is a lot lower than it has been recently, and it is due to the very forward-thinking economic and tax policies that we have in place which reward risk-based investment which, frankly, don't shun the notion that we should empower the families and the businesses of this country so that they can take care of themselves.

And you know what? The revenues in this Federal Government are up beyond that which we've seen before. That's the product of the economic policies. That's our key to success and security of this country.

Now, as far as the pay-as-you-go rules that the majority has adopted, you know what that means? That means never cut spending, always raise taxes.

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That is why we are here opposing this because, yes, this amendment allows us not to have to raise taxes to fund the expansion of the farm bill that the majority has proposed.

Again, I would just ask my colleagues to support the gentleman's amendment because the bottom line here is what we are talking about is the difference between raising taxes and raising spending or somehow getting ahold of ourselves, applying some fiscal discipline so that we can show the American people that we hear them when they say there is too much waste and spending in Washington.

Mr. SCHIFF. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

It has been said a couple times here today about money in people's pockets. And I would suggest that under the leadership of the Democrats and the Republicans, who have been great, on the Appropriations Committee, we are putting money back in the pockets of average American people.

Only half of the people in my congressional district got a tax cut. Only half. And the ones that got it only got a couple hundred dollars. So when you look at the big tax cuts that supposedly went to people who live in Youngstown and Akron, Ohio, that was a couple hundred dollars, and you compare that with what we are doing with the Pell Grants, an increase of $500 or $600, that is going to people in my district. So we are already $400 ahead of the tax cut that the Republicans were so generous to give.

When you look at cutting student loan interest rates in half, saving $4,000 over the course of a loan, that is money in the pockets of people who live in most of our congressional districts.

And I am thankful for the concern for the American families, but I wish our friends on the other side, at least most of them, were around when we tried to give them a pay raise and increase the minimum wage. They are talking about taking money out of their pockets. We are trying to put money in their pockets. That is what we are trying to do here.

And as the gentleman from New York made the point a few minutes ago, we are funding 2,800 cops. We can't pass police and fire levies in my district because the cities just don't have the money, and we don't have the local economy.

The Federal Government does have a responsibility to make our streets safer. That is what this bill does. That is what the chairman and the ranking member of the subcommittee have done. And that is why this amendment needs to go down. This is not the time to start cutting police officers going to our streets to make our communities safer so that we can grow our local economies.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to make just two quick points in response to my friend's argument that these are not real cuts, these are somehow imaginary cuts, and the illustration he gave of the allowance he gives his child. Two things, one factual and one philosophical.

On the factual side, my friend's across-the-board cuts will mean very real, very direct, very incontrovertible cuts, less money now than the year before in many vital programs; not every program, but many vital programs including some I will point out in my friend's home State of Georgia, things that law enforcement in Georgia and around the country care a great deal about. Real cuts. We will talk about some of them.

We can't hide behind an across-the-board amendment and say, we are not really cutting anything, because you are. Basically what you are telling your child in the allowance hypothetical is we are going to cut how much we are going to spend on your education, a real cut. We are going to cut how much we are going to spend on your health care, a real cut. Let's hope you don't get sick.

One of my friends in the opposition, in support of this same amendment, last week said, American families are just going to have to make the decision, we can't afford to have each of our kids go to college. Maybe we will have to choose one child who won't go to college. Well, philosophically the bipartisan majority of this House doesn't accept that for America. We believe every child who is bright enough to go to college ought to go to college. The fact that his parents may be rich or poor shouldn't matter. And we are willing to make the investments in our colleges to make sure that no parent has to say this child can go to college and this one can't because we are not willing to make the investment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, once again I am amused by the comments of my good friends and colleagues on the other side.

The fact of the matter is the departments that run these programs that we are addressing right here asked for $2.3 billion less than our good friends on the other side are proposing us to spend, which means that they believe they can accomplish the goals that have been given to them with $2.3 billion less.

And they talk about all this wonderful caring they have for families. Well, the largest tax increase in the history of our Nation that they passed in their budget, about $2,700 per family, is a peculiar way of showing you are caring for the American family.

With that, Mr. Chairman, I am pleased to yield 2 minutes to the minority whip, my good friend from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank my friend for yielding. I am pleased to be here as a part of this debate.

I continue to hear as these debates go on that somehow these increases are not real increases, and I continue to be mystified by that. I think if my good friend from Georgia's amendment was approved, and I voted for his cutting amendment on each of these bills, if that amendment was approved, we would still have an increase in this bill of a little over 5 percent.

Now, I don't know how that calculates out to not an increase, but I am continuing to try to figure out how that is not an increase. I do know that that increase of 5 percent anywhere that I talk to Americans is an increase. And I know, more importantly, in the course of today and tomorrow that what my friend from Georgia is suggesting is that if we let this one appropriations bill grow by 5 percent, as we move on later into the discussion of the farm bill, we would have saved enough money in this 1.4 percent cut not to have a tax increase that puts the farm bill in jeopardy.

The farm bill is a bill that I voted for in the past and hope to vote for this year, but it is a bill that doesn't have to include a tax increase. But the $7.5 billion over 10 years that the farm bill needs could be gained right here if we would save $750 million of the increase in this bill.

I just urge my colleagues to look at what we are doing here, realize that we are jeopardizing important things by moving forward in a way that spends more money than we have to spend this year.

Most of these programs are good programs. I was a college president for 4 years. I believe in college education, in everybody having one. I don't believe that the reality is as stark as our friends on the other side would suggest. I believe a 5 percent increase used wisely would make all of these programs work effectively and for the American people, and we would be making the decisions we need to make for the other things we need to do.

I support this amendment.

Mr. SCHIFF. Mr. Chairman, I am happy to yield 30 seconds to my colleague from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

It is very interesting and we need to continue to point this out: We had a measure within the first 100 hours we were here to cut $14 billion from the oil company subsidies, and my friends on the other side couldn't find the courage to vote for that, but they want to do it on the back of these COPS programs in our local neighborhoods. Ninety billion dollars' worth of tax shelters, they didn't vote for that, but yet they want to cut COPS programs in our local communities. They had the opportunity to stop funding these huge tax cuts and subsidies to the oil companies, refused to do that for fear of alienation, and now they choose to do it on the backs of these programs.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

A couple quick points. Of course we hear the mantra from my friends on the other side of this bill's representing a tax increase when there is no tax increase in this bill. We have now heard the same statement applied to the farm bill. There is no tax increase in the farm bill.

My friends seem to think that the corporate welfare that we provide, if you cut corporate welfare, that somehow we are increasing taxes on average Americans; if we do away with offshore tax savings, that we are somehow doing away with the income of ordinary Americans. But I think ordinary Americans would rather have the investment in our law enforcement. They would rather have safe streets than safe shelters overseas.

And one point I wanted to make with respect to a comment that my friend from Georgia made. He said the departments here aren't even asking for the resources we are providing them. None of the agencies want the resources that they would be provided in this bill.

Maybe my friend represents a very different district than my own, but I have never had police officers from my cities of Burbank, Glendale, or Pasadena come to me and say, Congressman, we have too much money for cops. We have too many cops on the street. We don't want any of your help. Thank you, but no thank you.

Now, maybe things are quite a bit better in Georgia. Maybe there is no crime in Georgia, and maybe your police departments are saying, we don't need vests, we don't need cops, we are doing great, thank you, but no thank you.

That is not what I am hearing. What I am hearing is they have got greater responsibilities in the war on terror. They have got higher gang violence. They need the resources. They need the people on patrol. That is what I am hearing.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, at this point I am pleased to yield 2 minutes to my good friend from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding, and I thank him for bringing this important amendment.

Facts are stubborn things, Mr. Chairman. The CJS bill spends $53.6 billion. This amendment would reduce that by 1.4 percent, but it would still allow for an increase in the Commerce-Justice, and Science spending. With the passage of this amendment that is being characterized as a cut in the CJS budget, this bill still increases by nearly $1 billion compared to last year.

And let me be clear on what we are trying to do, I think what the gentleman from Georgia is trying to do here, and that is we are trying to find a way to avoid having to raise taxes the way the Democrats are planning to do in the farm bill later today. I mean, the Democrat majority is planning to bring a $7.5 billion tax increase to the floor of the Congress in the context of the farm bill later today, and we are just trying to take this opportunity to make a cut in a single year that, if we did it over 10 years, we wouldn't have to raise taxes.

Now, that is being characterized as the work of a small minority versus a bipartisan majority. At least they are not calling us a fringe this week.

Well, I think if the small majority is the people that want to pay for increases in spending with budget discipline, and the bipartisan majority is the one that wants to pay for increases in spending by raising taxes, I am happy to be part of the small majority that I happen to think speaks for the overwhelming majority of the American people, who want this Congress to live within its means, who want this Congress in a bipartisan way to make the tough choices to put our fiscal house in order.

I commend the gentleman from Georgia. I thank him for his vision. I urge passage of the Price amendment, because if it passes, it will lay a foundation where we will not have to raise taxes by $7.5 billion in the farm bill later today.

Mr. SCHIFF. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I had not intended to speak on this matter, but the rhetoric has gotten my attention enough that I thought I should share with the American people as well as my colleagues my early experience in public affairs.

I will never forget running for a school board, and people were talking about the Federal Government's beginning to get involved in education. I remember saying to those people, let us be very, very careful about going to Uncle Sam to finance our schools when traditionally that is the highest of State responsibilities, and they cooperate with local districts to provide for our schools and control them.

Uncle Sam then gave only 10 cents on the dollar for education, and those who gave the 10 cents wanted to tell us more and more what to do in our local school districts.

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All these years later, I must say it's like 50 years later, we continue to want to tell people what to do in their local schools, and we're now giving them 90 cents on the dollar. Those who are talking about free gifts for people who are providing for educational activities, et cetera, et cetera, et cetera, eventually the folks who are sending their children for school, one way they will pay for that education, one way or another. For you could, in those days, I'm not sure what the figure is now, but in those days you could take every family that made $100,000 or more, and anything above that $100,000, tax it 100 percent, and you could run the government for 30 days.

The people are not stupid. They know, as you're playing games with them suggesting, oh, Uncle Sam has a free lunch here some way, the folks that you're talking to are having to pay the bills in the final analysis regardless, because all those rich people, you tax them 100 percent, and they will not run your government more than 30 or 60 days. And who pays for the rest of it?

Another point that is very important, in my view, the rhetoric that suggests that the Federal Government should do everything centers around the reality that the Federal Government has a responsibility to provide for the national defense, make an effort to provide security and freedom in the world, and then make sure our local government and our State governments are healthy. They are not healthy if you so discourage industry that they leave the country in order to be able to get their work done and produce the products that we need. Those rich oil companies that you're talking about, they're leaving the country. The light bulbs we were talking about earlier, they're all made in China. It's about time we recognize that Uncle Sam does not have every answer.

I'm going to vote "no" on this bill, in spite of what the gentleman from California said earlier. I have the privilege of being the ranking member on the committee, but I'm going to be voting "no" because it is about $2 billion over the President's budget request, and the agencies around know they don't need as much money as you folks want to spend on them.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. You know, Mr. Chairman, we've had a game going on in this Capitol for the last 6 years. It's called "Shift the Shaft," and nowhere is it more clear than in what has happened with law enforcement funding.

As I said yesterday, we've had a Kabuki dance going on in this Congress for years. What happens is each year the President comes up with a budget. He's looking for things he can squeeze out of the budget to make room for tax cuts for millionaires. And so what does he do? He cuts the guts out of our assistance to local law enforcement, and then we wonder why the crime rate has gone up the last 2 years. He cuts the guts out of law enforcement, and then each year the previously Republican-controlled Congress comes in, they restore about one-third of those cuts, they say, oh, what good boys are we. Look at what we've done to help law enforcement. And at the end of that time, we're $1.5 billion below where we were in 2001 in terms of our assistance to local law enforcement. Now, maybe that makes sense to some folks; it doesn't make sense to me, not with the explosion of meth problems all over the country, not with the explosion of drug problems.

The prior Speaker of the House had a big thing about going after drug production in Colombia. We're spending hundreds and millions of dollars in Colombia, but we're not spending nearly enough money here at home to reduce the demand for those same drugs that are being produced in Colombia, and this amendment would cut that further.

The same crowd talking is the crowd that didn't mind providing $600 billion in borrowed money in order to finance that misbegotten war in Iraq. It's the same crowd that is willing to provide $57 billion in tax cuts to millionaires this year, paid for with borrowed money. But then they divert the public's attention from the cause of those on-the-cuff expenditures by saying, oh, we're going to focus a 1 or a 2 percent cut on law enforcement, a 1 or 2 percent cut on the National Science Foundation so we can get people to think that that's the problem that's causing the deficit and not our profligacy for the last 2 years.

Now our friends on the Republican side of the aisle say, oh, we've got this terrible tax cut coming in the farm bill. Baloney. What we're trying to do in the farm bill is to increase support for domestic nutrition programs so that, in addition to having 44 million people in this country who are walking around without health insurance, we don't also have a lot more kids walking around who are hungry. And we're talking about paying for that not by raising taxes on middle-class Americans, but by closing the loopholes on offshore foreign corporations.

Now, I'm not at all surprised that the Republican leadership cannot tell the difference between closing tax loopholes on special interests and raising taxes on the middle class. The difference is that on this side of the aisle we can, and that's why we're voting against your amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 15 seconds to my good friend from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

I just want to clear up one thing. Let's clear the smoke out of the room here and put some facts in the discussion. The Clinton administration awarded the Halliburton contract. Mr. CHENEY only extended it. The Bush administration only extended it after trouble in the Middle East broke out.

Mr. SCHIFF. I thank the gentleman for his defense of the Vice President and Halliburton. I'm sure the Vice President has no connection, no history with Halliburton whatsoever.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to how much time remains on each side?

The Acting CHAIRMAN. The gentleman from Georgia has 1¼ minutes remaining. The gentleman from California has 5½ minutes.

Mr. PRICE of Georgia. Mr. Chairman, I do want to point out that there isn't a corporation in this world that pays taxes that don't come from somewhere other than the back pockets of the American people. There isn't a single corporation in this Nation that doesn't pay taxes where that money doesn't come from individuals.

Corporations don't pay taxes; it's passed through, it goes to the individual. So to say that any increase in taxes on corporations doesn't affect the American people is ridiculous. It's ridiculous. To talk about the oil companies that have their taxes increased, all that the majority has done is driven us to greater reliance on foreign oil.

This amendment would decrease the increase of spending in this portion of the appropriations bill by 1.4 percent, $750 million a year, $7.5 billion over 10 years, in order to cover what the majority says is the desire and the need to have a tax increase for the farm bill.

This is the kind of fiscally responsible spending and appropriations that the American people are demanding. They aren't interested in a government that is so large that it can take away everything that they need. They believe they can make better decisions with their money than the government makes with their money.

And so we strongly urge our colleagues to adopt this amendment to avoid a tax increase on the farm bill.

Mr. SCHIFF. I thank the gentleman for pointing out that corporations don't pay taxes. I don't think that's quite true, but that certainly is the aim of my friend from Georgia, and my friends in the majority have been working hard for that object for some time.

I am happy to yield 30 seconds to my colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

I just want to shed some light on some of the rhetoric we've heard. Ripe from the committee report, FBI field investigative resources used for criminal investigative matters have decreased 29 percent from nearly 6,200 agents to 4,400 agents over the same period. The committee is concerned over the decline in FBI criminal investigative resources, particularly in light of the recent announcement by the FBI that violent crime in communities across the Nation, murders, robberies, forcible rapes and aggravated assaults, rose for the second straight year.

Why would we want to cut the FBI $90 million when crime is increasing?

Mr. SCHIFF. I thank the gentleman for pointing out the cuts to the FBI and other law enforcement that would be occasioned by this amendment and others that my friends are offering.

The cuts go deeper. They cross the board in terms of everything that the Justice Department does. My friend's amendment would cut funding for victims of child abuse. My friend's amendment would cut funding for the COPS program. It would cut funding for violence against women, victims of violence against women. But let's hone in on a very specific, because my friend says, well, these aren't really cuts. Let me talk about one program specifically that my friend's amendment makes a very real cut to, not artificial, not Orwellian, not imaginary, and that's bulletproof vests.

Back in 2003, the Attorney General announced the Body Armor Safety Initiative in response to the failure of bullet-resistant vests. One in particular worn by a police officer in Pennsylvania was discovered that the xylan vests, when they were old and used, weren't stopping bullets the way they were supposed to, and so the Justice Department started a program to replace these vests.

The COPS program funds an effort to provide vests for local police departments. That program has been very successful. In my friend's home State of Georgia, for example, he can pick any city, Alpharetta City, the program bought 40 new bulletproof vests for the police officers in Alpharetta City. Across Georgia, there were 1,100 of these xylan vests replaced that needed to be replaced.

In the new COPS program that we're funding here, Alpharetta City got 25 new bulletproof vests. Cherokee County got 293 bulletproof vests. Cobb County got 566 bulletproof vests. DeKalb County got another 240. Georgia, in total, just in this particular year, I think 2005, got 4,789 new bulletproof vests.

My friend's amendment makes a real cut to the number of bulletproof vests we can provide cops, not a decrease in the rate of increase, but makes a real cut. Under my friend's amendment, the cops in Georgia are going to get fewer bulletproof vests than they would get without it and than they got last year.

Now, I can't go home to my district and tell the cops of Burbank, Pasadena and Glendale that I cut their funding for their bulletproof vests, but the indiscriminate nature of this amendment means that is exactly what it would do in my district, in my friend's district in Georgia.

My friend from Colorado, who has an amendment, I'm sure, for another across-the-board cut, Fort Collins, Colorado, they got five vests. Greeley City got 53 bulletproof vests. Longmont City got 28 bulletproof vests. Colorado, in this particular year, got 3,900 new vests. These across-the-board cuts mean fewer bulletproof vests for cops in Colorado.

My friend's amendment from Ohio, with even bigger across-the-board cuts, would be devastating in Ohio. Ohio, in this program, got 5,200 new vests. So what is that going to mean? A 6 percent cut. That means, what, several hundred fewer bulletproof vests? Well, that may not mean much to us here, but if you're one of those cops that can't get their vest replaced and that vest isn't going to work so well against one of those assault rifles or one of those other heavy-caliber munitions they're facing out there on the street, it means a heck of a lot.

And I don't know about my friend from Georgia, but I don't have the cops from my district coming to me and saying, we've got more money than we need. We don't need bulletproof vests. We don't need interoperable communications equipment. A lot of the cops out in the County of Los Angeles can't talk to each other because their communications equipment won't talk to each other. We fund that here. My friend's amendment cuts that here.

How can my friends, not on the bipartisan majority, but in the minority that has expressed themselves here today, say they're for law and order, say they're standing behind the men and women in uniform, and then make real cuts to what we provide? Or, as my chairman points out, if you don't just look at last year, compared to last year where we didn't do very well by them either, but if you look at where we were in 2001, we're going backwards, not forwards. We're not even at where we were 5 years ago.

This amendment is a mistake, and I urge my colleagues to reject it.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I just want to expand on the excellent debate and the points that have been made in opposition to this amendment.

The fact is we are in a period of rising crime. In the last 2 years we have experienced a rise in crime. We are looking at an amendment that proposes an across-the-board cut.

The first thing you all need to understand about this amendment is that it is indiscriminate. It doesn't look at what programs are being cut. It doesn't talk about cutting one program more because it's a lower priority or that program less because it's a higher priority, or excluding some programs from being cut because they are a tremendously high priority.

My colleague just talked about State and local law enforcement. The previous amendment would have cut the Justice Department by some $681 million. This amendment cuts the Justice Department by $335 million. Those are real dollars and real cuts to law enforcement. Those cuts translate directly to local law enforcement and the people that are actually fighting crime in the streets.

□ 1430

What the Federal Government has done to support those folks in the past is given them resources, as the gentleman just described. If you are the sheriff's department in rural America, or you are the chief of police in urban America, or if you are a local law enforcement coordinator, then you are hurt badly by this across-the-board cut amendment.

The last amendment was a $45 million cut to State and local law enforcement. That means, as the gentleman just eloquently described, a large cut to our State and local law enforcement.

I would like to describe another area of the bill that would be cut by this amendment. To emphasize how real these cuts are, let's look at NASA. We have acknowledged that NASA is not being funded at a level that allows it to meet its missions across the board. If you are at Glenn Research Center or the Ames Research Center, and you are out there listening to this amendment, you need to understand that across-the-board cuts are going to mean significant things to your institutes. It means you are going to have fewer resources when right now you have a mission that you already lack resources to perform.

Employees at Kennedy Space Center, Marshall Space Flight Center, Goddard Space Flight Center and Johnson Space Flight Center in Texas, or who live in the communities and depend on it will be impacted by this amendment.

Science. This amendment would cut $79.7 million out of the science account. In this bill we tried to increase the science account so they will be able to do their missions.

Aeronautics; $9 million. And out of exploration—Johnson Space Flight Center and Kennedy Space Flight Center ought to be really tuned in to this—$54.9 million.

A total cut for NASA, Mr. Chairman, of $246.7 million. NASA is concerned about that. NASA says, and let me read, "The consequence of these cuts is that NASA will not be able to make as effective or safe a transition to the new systems as originally planned. There will likely be significant workforce impacts as a result. Thus these budget reductions have ripple effects over many years due to the highly integrated nature of the shuttle and exploration systems. Many shuttle employees are at risk with these across-the-board cuts."

So, Mr. Chairman, this is just another reason of why we should be against these across-the-board cuts.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I rise and with all due respect would ask my colleagues to simply read the amendment. The amendment states, total appropriations made in this act are hereby reduced by $750 million. That is not an across-the-board cut. That allows the agencies to determine where best they are able to absorb a decrease in the increase that they would be provided by this underlying bill. What we challenge with this 1.4 percent reduction in the increase is for each of those agencies to find 14 cents out of every $10.

Mr. Chairman, I would suggest that is what families do all across this Nation every day. So our priorities are the American family. Our priorities are the American family. We take our responsibility seriously to keep it fiscally prudent and fiscally responsible.

Mr. Chairman, we believe this amendment moves us in that direction. We would urge our colleagues to support the amendment.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House is an amendment that I brought on at least two other appropriation bills. The section of the Code that it addresses, 274A(h)(3), is the section that defines those who are not lawful to work in the United States. It includes two categories of people. It would be those who are unlawfully present and those who are lawfully present without work authorization.

My amendment prohibits any of the funds that are appropriated under this act from being used to employ persons who are not lawful to work in the United States.

It is a standard amendment that I brought in the past. Should the gentleman ask me to yield, I would be open to that, obviously.

Meanwhile, the point that inspires me to come to the floor more than any other is a report that was released in June of 2006 by the Office of the Inspector General of the Social Security Administration that identified that approximately 11,000 employees were likely working for the government, 7 Federal agencies, 7 State agencies, and 3 local agencies, under nonwork Social Security numbers. All the Federal Government needed to do was run their databases against each other, the Social Security Administration and the Department of Homeland Security. They could have identified these employees.

The category that I have described only includes those who are lawfully present but not authorized to work, but there is another category of those that are not lawfully present that this amendment would address, as well.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, this amendment, as we understand it, is merely a restatement of current law, which already prohibits the employment of unauthorized aliens. We don't read into it that it imposes any new burden on those who are using funds appropriated under the act. It is fully consistent with current legal obligations imposed on all employers, regardless of whether or not they use such funds.

We would accept the amendment, Mr. Chairman.

Mr. KING of Iowa. Mr. Chairman, reclaiming my time, I thank the chairman. I concur with the analysis that he has delivered to the floor of this House, Mr. Chairman. I would encourage adoption of my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Appropriations made in this Act are hereby reduced in the amount of $267,755,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this discussion is becoming very familiar as we go through these appropriations bills. This bill is $2.2 billion over the President's request. That is a percentage of 4.2 percent. It is $1.6 billion over last year's amount with an increase of 3.1 percent over last year. My amendment would take the increase from 3.1 percent to 2.6 percent.

Mr. Chairman, I have thought a lot about this. This has especially been on my mind today as we are getting ready to vote on the farm bill in the afternoon.

When I think about raising taxes to pay for these programs, there is not anyone in here that is doubting the worthiness of the way we are spending dollars in this bill. I personally have a son-in-law that is a police officer, so when you talk to me about bulletproof vests, that is something that I think about when I think about the young man that is married to my daughter and the father of my three grandchildren. So I want to say these are worthy things that we are spending these dollars on.

But we have to realize there is not an infinite supply of money that just falls out of the sky. We have taxpayers that fund all of these programs. And while the programs are worthy, and I support an increase, I merely want to take the increase from 3.1 to 2.6 percent.

As we get ready to consider the farm bill today, during the markup of the farm bill I offered an amendment, and my amendment basically said we would have a sense of Congress that the programs in the farm bill would not be paid for by a tax increase. Unfortunately, the chairman ruled that my amendment was out of order and it was not germane.

Yesterday, while we had a discussion with the Secretary of Agriculture over the farm bill, he said that perhaps Mrs. MUSGRAVE's amendment was the most germane of all the amendments, because we are looking at an enormous tax increase to pay for the farm bill.

In the Fourth District of Colorado, we have about 2 million cattle. We are eighth in the country in total value of egg production. We have an enormous dependence upon agriculture in our district. The whole northeastern and southeastern part of the State depends on agriculture as the basis of their economy.

We were told all along during the farm bill discussion that we were not going to have a tax increase. In fact, if I may quote the chairman, when I offered my amendment, he said, "Nobody is talking about a tax increase here." Now, today, we have the farm bill coming up on the floor, and we have a tax increase.

I had to call the Farm Bureau today, my friends at the Farm Bureau. I talked to the Farmers Union. I talked to the wheat growers, the cattlemen, corn growers, telling the folks that now the rug has been pulled out from under us on this farm bill. We had an agreement. We no longer have an agreement. We are looking at a tax increase. Rural America, not just the Fourth District of Colorado, is looking in today to see what we do with the farm bill, and I am very disappointed that now we are looking at a tax increase.

When we think about the taxpayer out there, just average Americans, they work clear up into April to pay their taxes. April 30 is "tax freedom day." I would like to have each young person that is getting ready to enter the workforce think about that. You work all through January, you work through February, you work through March, you work through April before you get to quit paying for government. When you think about it, Americans work longer to pay for government than they do for food, clothing and housing combined.

We need to show some discipline here, just a mere 0.5 percent. Again, increase the spending for these worthy needs, but take it from 3.1 to 2.6 percent.

Mr. Chairman, I reserve the balance of my time.

□ 1445

Mr. ISRAEL. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentlewoman from Colorado for yielding.

As I listen to this debate, there are a number of things that race across my mind. One of them is the constant repetition of the statement, "This is a real cut. This is a real cut." It is a real cut in a real big increase. So if you want to describe it as a real cut, you have to say a real cut in a real big increase or you're not telling the American people what is really going on here.

There are a few areas of our budget that are discretionary spending, and there are a few areas of our budget that aren't discretionary spending. Those that are on auto pilot we can't do a lot about in the appropriations process. Yet those that are discretionary spending, we can do something about. Yet the majority seems to be determined to continue to accelerate the increases in spending in the discretionary sections of our budget. It is like you are driven to grow this government no matter the price to the taxpayers.

So I have come in a realization here in the first 6 or 7 months of this 110th Congress: You guys really believe in what you do. I didn't think so before. I thought maybe there were some people who were a little cynical, but I believe now you really believe in what you're doing. I believe you really do want to grow this government. I believe you want to raise taxes. I believe you want to take the responsibilities off of all the people all the time and take it into a maternalistic, socialist government. I now believe that. You've convinced me. And you've been constant and you've been repetitive and you have been consistent and persistent in driving this growth of government across this floor of Congress.

One day, the American people will rebel to this if they can get over their apathy. I'm for the Musgrave amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to direct their remarks to the Chair.

Mr. ISRAEL. Mr. Chairman, now we have been accused of supporting a socialistic government because we want to put more cops on the street and because we want the FBI to have more resources to go after terrorists who are trying to destroy democracy. For that we are a socialist government, Mr. Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I think it is funny that we got the socialism talking points back out, Mr. Chairman. Dusted them from 1992 and 1993, and now they are back out. But this is exactly right, Mr. ISRAEL. This is about putting agents, cops on the street. This is about national security. This is about protecting our country.

Now, I think it is important that we get a little bit into the details on a couple of these programs that the gentlelady's amendment is going to cut and that the previous two amendments were going to cut, too, because I think it is easy for us to say you are going to cut cops and cut the FBI. It doesn't sound like a whole lot.

But as the gentleman from New York stated earlier, there has been a decrease in FBI criminal agents by 29 percent from 6,200 to 4,400 agents. So what the committee did, in all its wisdom in a bipartisan way, said we need to hire more people. For what exact programs? Well, why don't we take a look here.

National security field investigations is one of the programs that would be cut under this amendment. Now, many of our friends on the other side of the aisle say, what, is the world going to end if we cut this by 0.5 percent? Is the world going to end if we cut this by 1 percent? Is the world going to end if we cut this by 3 percent? Let's look at exactly what you're cutting. Just in this one little program, national security field investigations, the committee wants to hire 245 positions, 150 agents, 95 support personnel to increase the level of field resources dedicated to national security investigations. This amendment will cut agents from being on the street protecting the United States of America.

Let's look at another one, surveillance. This committee wants to hire another 50 people, 50 positions under the surveillance program to provide additional resources for the FBI to conduct surveillance in support of priority national security investigations. Do you think this isn't going to affect anything? There are going to be less agents investigating. There are going to be less agents listening to the terrorists who already may be in this country. This amendment will ensure that these agents don't get in the field, they don't get hired, and that they don't listen to what the terrorists are saying and hopefully protecting the United States of America from the next terrorist plot.

This is a dangerous amendment that puts this country's security in jeopardy.

Mr. ISRAEL. Mr. Chairman, before I reserve the balance of my time, I just remind the gentleman who accused us of being socialists that I think just about every Republican, including very conservative members of the Appropriations Committee, supported this bill. I don't believe they would appreciate being called socialists because they believe in cops on the street and more resources for the FBI. They are not socialists; neither are we. We are commonsense, mainstream Members of Congress who want to protect America's neighborhoods.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise to support the Musgrave amendment. I think it is the wise move to make. It shows good stewardship to come in and look at this budget and say, where do we slow the growth and how do we slow the growth?

As we all know and as we have learned from so many of our States that have balanced budget amendments that have to curtail the growth of the budget, across-the-board reductions work. They work. And the reason they work is because you get to go in and manage. The Departments get to manage where they want to make those reductions. We all know you can make those half percent reductions. Mr. Chairman, they have been proven to work.

The thing that is so very interesting to me is, even if this were to pass, making a half percent reduction and saving the taxpayers $268 million, which is what Mrs. MUSGRAVE is seeking to do, you would still have an increase. You would still have an increase in Science, Commerce, Justice spending. That would be there.

But what we are seeking to do is rein in what the Federal Government spends. We can sit here and argue about the particulars of budgeting. We can talk about how baseline budgeting always sets us up for saying whatever is put on the table is a cut, and we can talk about how zero-based budgeting might be a better approach to how the Federal Government goes about setting its annual budget.

But one thing we know is this, that the liberal elites always want to come in and spend more. They never get enough of the taxpayers' dollar. We are seeing that this is proving to be the "hold onto your wallet" Congress. As I said last week when our friends across the aisle were calling us the "fringe," FRINGE does mean "fiscal responsibility includes no government excess."

Mr. ISRAEL. Mr. Chairman, while they talk about cutting the increase, criminals keep increasing. There has been a 3.6 percent increase in violent crimes. We believe at least we should keep pace with those criminals so we can put them behind bars and bring them to justice.

I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, we had an opportunity within the first 100 hours to cut $14 billion from going to the oil companies. We supported it. Our friends on the other side of the aisle rejected that approach; they would rather take it out of security. So I think it is important we go back.

My friend from Tennessee said where do we slow the growth. Well, we tried to slow it from going to the oil companies and we tried to slow it from going to corporations who harbor themselves in these far-off distant lands to avoid paying taxes. Our friends choose to take it out of security.

Let's look at a couple more of these programs because sometimes the details hurt. Crimes Against Children, which is a program we have, the committee wanted to have an increase of 14 positions to provide a coordinated investigative, operational and intelligence effort to combat crimes against children and to address child abduction, predators who sexually assault children, and child prostitution. There will not be 14 positions to protect our children if this amendment passes.

How about this one, weapons of mass destruction directorate. Sounds like a pretty good idea post-9/11, and in a bipartisan way it passed out of committee. Here is what it will do. The committee wants to hire 146 positions, 29 agents, 69 support personnel, to develop the essential baseline capabilities to build a dedicated weapons of mass destruction program designed to prevent, prepare for, and respond to the threat of weapons of mass destruction. If this amendment passes, we are going to have less agents trying to find folks who are in our country trying to unleash weapons of mass destruction.

How about the Data Intercept and Access program; 41 positions, 6 agents, 35 support to provide the technical expertise, training and necessary equipment to execute lawfully authorized electronic surveillance of data network communications facilities trying to protect us. This bill has some essential components to it.

This committee went to great lengths to make sure that they would make the proper investments. This is very well thought out. I think we would be hard-pressed to find any American who would read this and say no, you know what, we should not hire that many agents. We should give that money to the oil companies. I don't think there are many Americans who would say that.

One more before I yield back. Render Safe Mission, the RSM program; nine positions, three agents, six support personnel to address the White House directive, the White House directive, giving the FBI the mission to respond to devices involving weapons of mass destruction within the United States and its territories. Within the United States. This is not about Iraq. This is not about Afghanistan. This is about funding nine positions in this one specific field, people who are experts to keep this country safe.

I think the more we get into these programs, the more ridiculous some of these amendments seem. The American people would not support a 0.5 percent decrease in these programs, not a 1 percent decrease in these programs, not a 3 percent decrease in these programs. These are essential.

When you look at the money, Mr. Chairman, that has been wasted in Iraq on unbid, no-bid contracts, no oversight provided at all, when you look at the $14 billion we tried to get off the oil companies, that makes sense. Get that money. Don't get it on the backs of FBI agents who are going to be operating surveillance operations here in the United States.

Mrs. MUSGRAVE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank the gentlelady for yielding. I rise in support of her amendment.

Mr. Chairman, I want to tell a story for you and other people that might be listening about a gentleman who was a wide receiver for the Atlanta Falcons. His name was Alex Hawkins. One night he didn't come home. He had a history of maybe carousing around and staying out a little bit too late. He didn't come home one night, so he snuck in the door early the next morning, and his wife said, "Hawk, where have you been?"

He said, "Well, I got in kind of late last night and didn't want to wake you up, and I fell asleep outside in the hammock on the porch."

She said, "Alex, that hammock has been gone for a year."

He looked kind of puzzled and he said, "Well, Honey, that's my story and I'm sticking to it."

That is what the other side is doing. They have a story, and they are sticking to it.

I want to give you, Mr. Chairman, a math problem. Other people who want to work this math problem can, too, but I want to give you a math problem. If you take $53.6 billion and you multiply it times 0.025 percent, Mr. Chairman, will you get more than $53.6 billion? I think you will. I think it will be an increase over that number. So what this amendment does, it gives an increase over last year's spending.

Now, did the FBI come in and say, We don't need any more money? I doubt it. So really and truly, if you want to take the kind of logic that the majority is taking because they can't do math very well, then the FBI could have come in and said, You know what? We want $10 billion more. Well, I can't give you that. So in reality, they are cutting the FBI from the request that they made even though they are getting more money.

□ 1500

Now, this is fuzzy math, I know, and, Mr. Chairman, for any young people that might be listening to this, I hope you don't get confused. I know all these speeches are somewhat, Mr. Chairman, like an algebra problem, but we are asking, this is an increase? It is an increase over last year for these FBI agents and these police officers. It is not a cut. I don't know how else to explain it.

And, you know, I'm sure that Alex Hawkins knew that his wife knew that he was lying, but that was his story, and he's sticking to it. The same thing goes to the majority party.

The sad part about this, Mr. Chairman, is when we're all going to realize the truth, and many of us realize it's the truth now, it is when the taxpayers of this country and those family budgets are getting judged.

Mr. ISRAEL. Mr. Chairman, may I inquire as to the time?

The Acting CHAIRMAN. The gentleman from New York has 6½ minutes remaining. The gentlewoman from Colorado has 4 minutes remaining.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I would like to continue the math analogy and the math equation here.

What do you get if you have a weapons of mass destruction directorate program that has 146 positions, and you cut that budget by .5 percent or 3 percent? Well, we won't get into the details, but you get less than 146 positions. That is a cut.

What do you get if you cut the Render Safe Mission program that wants to hire nine people, and you cut that by 1 percent? You're going to get less than the nine people.

Stop cutting national security.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I just want to say I enjoyed the Hawkins story, but I think if we were going to apply that analogy here, it would be this.

A police officer goes to you in your district office and says, Congressman, there was money in the budget for my bulletproof vest.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman will suspend.

Members are advised to address their remarks to the Chair.

Mr. SCHIFF. Mr. Chairman, I think the better analogy would be, the police officer goes to my friend and says, Congressman, there was money in the budget for my bulletproof vest. What happened to it? I don't have my vest.

And the gentleman said, well, we didn't cut the money for your vest; you're wearing it. But the officer says, I've got no vest on. And the Congressman says, that's my story, and I'm sticking to it.

It may be a good story, but it doesn't protect him from bullets.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of our time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I'm a little confused by this debate. I'm not the most sophisticated person in the world, but if you have an increase, and then you decide to reduce the size of that increase, it's still an increase.

You know, when you cut down to the chase, look, I think this is the question. Yes ask the American people, is the Federal Government so efficient, so perfect that it cannot absorb a slight reduction in the size of the increase, because it's so efficient that every single penny is used perfectly, and, therefore, a reduction in the size of an increase, oh, is devastating because we have such a perfect Federal Government that we can't even reduce the size of the increase?

Now, again, I'm not real sophisticated, but back home, if you get an increase, or you say I want a 10 percent increase, and if you have a real job, a normal job like most Americans, and they go to their bosses and say, hey, I would like a 5 percent increase in my pay, and the boss says, I can't give you a 5 percent, I'm going to give you a 4½ percent, is that a cut in salary, or is that an increase in salary, but half a percent less than what you asked for?

And again, if we thought that the Federal Government was so good, so efficient and so perfect that it can't absorb that, then don't support this amendment. But if you think that the Federal Government may be just a little bit imperfect, they might waste just a tiny bit of money, but maybe there's just a little bit of money that we could use elsewhere, then I would suggest, I'm not going to get into the rhetoric on the math, but again, if you think that the Federal Government could maybe absorb a little bit less of an increase, then this is a very modest decrease of the size of the increase.

I thank the chairman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the last comments I think demonstrate that this debate is in danger of descending into something that resembles a high school debate, and we appear to be edging toward having a dictionary debate, arguing about whether something is a "cut" or an "increase".

With all due respect, in an adult world, that's not the issue. In an adult world, the question is what is the size of the problem you're trying to attack, and is our response to it sufficient?

And with all due respect to those on the other side of the aisle who are objecting to this bipartisan product, with all due respect, we think we have a serious problem that requires a serious response.

In the area of law enforcement, we have seen our support for law enforcement grants drop by $1.6 billion since fiscal 2001. That is almost a 36 percent drop. That isn't a dictionary problem. That's a problem on the street for every community in America.

We also see at the same time we have a rise in the crime rate, which requires a response, regardless of our dictionary definition, and we also have an explosion of meth use. Have you ever seen how screwed up a kid can be after meth has gotten done with him? It's a god-awful sight, and I've seen plenty of it.

So what we're trying to do is to have an adequate response, and the reason that we are having a significant increase in law enforcement funding this year is because we're trying to dig out from that hole that we've been put in since 2001 by these systematic reductions in law enforcement assistance, at the same time that the crime rate is rising.

And then the second thing we are trying to do is to recognize that we're going to have a lot more people in this society in the next 10 years. We're going to have a lot more low-paid workers all around the world from China to you name it competing with American workers for jobs, and we've got two ways to combat that. One is education, and the other is technology. And the only way we're going to stay on the cutting edge of technology is if we make much larger investments in the National Science Foundation.

Politicians in both parties fall over themselves talking about what they're going to do for the National Institutes of Health, but I don't hear many discussions about what we're going to do to provide support for the even more basic science research that is then used by everyone else in this society to determine what kind of a future we have.

Without that investment in science, our economy lags. If our economy lags, our jobs lag. If our jobs lag, our wages lag, and that means that we wind up with a huge family income deficit. We wind up with a huge education opportunity deficit. We wind up with a huge scientific knowledge deficit, and that cripples our country's future.

And that's why we're not going to engage in this silly little debate about whether something is an "increase" or a "cut". The question is, does it have a good impact or a bad impact on America? And this amendment is being sponsored by people who know the cost of everything and the value of nothing. That's the difference between us.

Mrs. MUSGRAVE. Mr. Chairman, I ponder much of what the gentleman has just said. I certainly know about the scourge of methamphetamine in my district. As I said before, I have a son-in-law that I love dearly that's a policeman, so, Mr. Chairman, I hope the other side is not implying that we do not have concerns about these issues, because we do.

Another thing that I know, having talked to many police officers, one thing that they would really like to see is families raising their children, moms and dads caring for their children, nurturing them and teaching them and trying to steer them away from the very destructive path of getting on things like methamphetamine and just seeing their lives spiral downward.

So you know what I'm standing up for today, Mr. Chairman? I'm standing up for the American taxpayer. And, you know, maybe we do need a dictionary, and maybe we do need a thesaurus, and maybe we need to talk about semantics, but I want to say that we are looking at a situation here where the appetite is insatiable for increased spending. It's insatiable.

There is a day of reckoning. You know those charts that my dear friends, the Blue Dogs, put outside their office now. It's not $8.8 trillion. It's $8.9 trillion and growing. There is a day of reckoning. Those taxpayers that have to work until April 30 to get to tax freedom day, I mean, they're thinking about this spending in this Nation.

No matter how worthy the cause, we need spending restraint. We need to get on a path of fiscal discipline, and the American people understand that. No matter how worthy the cause for the spending is, there is a limited amount of dollars that the taxpayers can afford to pay.

So I'm hoping that we will move in the right direction, and I hope that we can have support for this modest 50 cents on $100 amendment.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. ISRAEL. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentleman has 5½ minutes.

Mr. ISRAEL. Mr. Chairman, the gentlewoman has exhausted her time?

The Acting CHAIRMAN. She has. Her time has expired.

Mr. ISRAEL. Mr. Chairman, I will just make a brief point and then yield to the gentleman from Ohio.

With the deepest respect to the gentlewoman, no one is implying that there is not concern by every Member of this body for those who have drug problems, for those whose lives are being ruined by meth. But you can't just wish these problems away. Somebody's got to take responsibility for working to end those problems.

Just like you can't wish them away, you can't expect that they are going to be dealt with by cutting investments in antidrug programs or even cutting the rate of increase, if you want to use the other side's terms.

We've put $40 million in this bill for mobile enforcement teams for antidrug programs; not mobile enforcement teams in Iraq, mobile enforcement teams right here at home to help the gentlewoman's constituents with those problems, to provide for a better future. We're investing in that future. We can't just wish these problems away. You've got to respond to them, and that's what we are trying to do.

Now, if the other side made the argument that we could cut giveaways to big oil companies and cut offshore tax corporate giveaways and cut all this corporate welfare and then cut these important criminal justice programs, then their arguments would have more credibility. Their arguments lack credibility because they're saying we can afford all these corporate giveaways, but we can't afford enforcement teams on drug abuse, we can't afford more cops on the street while crime is increasing, we can't afford counterterrorism initiatives and extra agents at the FBI while al Qaeda is planning against us.

This is just a difference in priorities, Mr. Chairman. We are strong on crime. We also understand that if you're going to be strong on crime, you can't just say it, you've got to do it, and frankly, it takes investments to do it.

That's what this bill does, and that's why every Republican on the committee supported this bill when it was in the committee, and that's why this amendment will be defeated by Republicans and Democrats alike.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman, and I just want to go through a little bit of the details here and some of the logic and some of the facts.

There's been an increase in crime. There's been an increase in methamphetamine use. So the committee said, as Mr. OBEY stated, in reaction to that, we're trying to, we'll do the southwest border and methamphetamine enforcement program, hire eight positions, four full-time equivalents, in order to attack a poly-drug-trafficking organization located along the southwest border by increasing DEA's intelligence gathering, detection monitoring and surveillance capabilities. Most of the methamphetamines coming into our country are made in California or in Mexico, out West, very close to the gentlewoman's district.

What this program does is it hires people to try to address this problem, and basically there's been a DEA hiring freeze.

□ 1515

We want to increase this. We want to spend money, invest in this program, one, because we will allow the DEA to hire more agents to address this issue that is growing, so you need to grow the agents that are going to address the issue.

But, two, this is going to save us money in the long run. When Mr. OBEY says the price of everything and the value of nothing, that's what we're talking about. Why wouldn't we want to make this small investment to try to prevent the long-term consequences of these young people with drug treatment, in prison, with insurance claims, this has a long-term ripple effect that will cost us 10 times the amount of money.

Finally, the gentlelady said, I hope you don't mean to say that we don't want to address this issue, or this issue isn't important to us. I think it's important to note that the President's budget, when he submitted it to the Congress of the United States, terminated this program. He cut it completely. He zeroed it out.

I hope our friends on Capitol Hill will take a walk down Pennsylvania Avenue and let the President understand the kind of importance that this program has and ultimately the amount of money that will save us.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT NO. 37 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.05 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, in listening to all this discussion, I have to think that the taxpayers of America have to wonder what's going on here, that in this bill there has been a proposal to say, well, we'll let these government agencies spend 100 cents on the dollar, 100 percent of everything they had last year. Oh, it's terrible, we can't do that.

Then there was one at 102 percent of what they had last year. No, we can't do that. Then there is one at 102.5 percent of what they had last year. No, it's terrible. They can't do that.

So here's one more try. What this does is reduce the increase in spending by .05 percent. That is 5/100 of a percent. That leaves them with a whole lot of money and a lot more of an increase, almost the same increase they had last year.

Now, I am sure, Mr. Chairman, that the people of America can't understand why people on other side of the aisle, the majority Democrats, would have a problem with this. I can't understand it either.

I think perhaps they don't understand what this is. Now, this amendment would save the taxpayers $27 million. Now, that's real money, $27 million, by which the deficit will not increase. We have a deficit, and we are robbing the Social Security surplus. It's $27 million we would save the taxpayer.

I have five explanations, five examples I would like to give here to perhaps help my friends on the other side of the aisle understand just what this proposal is to see if there is anything, anything at all that they believe is possible to reduce spending. Is there any waste in government?

Is there anything government can do for only 103 percent of what they had last year? First of all, this does take the spending increase from 3.5 percent to basically 3.45 percent, basically the change in the interest. That's number one.

Number two, it still increases spending in these Departments by $1.574 billion over last year, $1.574 billion more.

Let me give a third example. This is a $100 bill. This represents how much the government is spending on these programs now. Here's three more dollars and five cents. This bill represents this bill as it's currently written, the $100 they had last year, three more and five more cents. Here, Mr. Chairman, is how much the government would have to get if this amendment were to pass, $100, $3, but not the 5 cents; 5 cents on $103. Somehow this is going to greatly damage programs and what we are doing.

Let me give a fourth example. The gentleman from Ohio mentioned in the last debate a particular function that he said would have 245 agents under their bill as proposed. If this amendment were to pass, how many agents would there be? Well, there would still be 245 agents, but you would have to tell one of those agents that they would only work a 7-hour day instead of an 8-hour day. That is the significance of this bill.

Now my final example, if we look at the entirety of this blue donkey as a complete government program as proposed by my friends on the other side of the aisle, we have seen a proposal already to have 99 percent.

Now, when you look at them, you may say, well, gosh, they look almost the same. That's because they are almost the same. I don't know if you or others can see the change we made, but what we did was we tried to reduce about 1 percent of the total donkey surface area up in the air, but, no, that's been rejected.

So we said let's make it 99.5 percent of what you want to spend, still an increase over the last year, but of what you want to spend a little more here. There is still not much difference, I think, to most people, but, no, can't do that.

So on the last bill I proposed a quarter of a percent cut. Quarter percent. Could you get by on quarter of a percent less of an increase than what's been proposed? That was "no" also.

Now we are trying again, 5/100 of 1 percent. Let me try to do that graphically here. I do have a blue marking pen, 99.95 percent of the increase that you want, you can hardly tell the difference. But if we do this on every bill, every bit of spending over the government, we will eventually start to save money.

This is the way it works. The average American taxpayer understands that, that if I put away $10 a week, $10 a month, eventually I will have quite a bit of money. But I have to have the discipline to do it. That's what we are trying to say here.

We have a deficit. We are robbing the Social Security surplus. One thing that is not in dispute is that we are heading for a fiscal train wreck. Within 30 years, Social Security and Medicare and Medicaid alone will eat up 100 percent of the taxes currently received. What are we going to do? Are we going to double or triple taxes, or are we going to reform those systems, reform government and start now?

Yes, it's 30 years from now, but if we don't start on it now, the problem will be closer and bigger and closer and bigger. We see that if the other side is not willing to do this, what will they do, other than increase taxes?

Now, we see tax increases going on now. We have seen a budget that includes either the largest or the second largest tax increase in American history, and right now we are seeing tax increases proposed by the Democrat majority on minority groups, on smokers, they are a small minority group. Then just this evening we will probably have one on foreign companies who are setting up businesses and creating jobs in America.

Now the other side I know says, oh, no, that's not a tax increase. I would like to read you a letter here. This is a letter from BART GORDON, who is a Congressman from the Sixth District of Tennessee, a Democrat, to the chairman of Ways and Means, and he says: "Concerns have been raised by Bridgestone America, a company with facilities in my district, about the impact the proposed Farm Bill offset would have on them. Bridgestone is concerned that the 30 percent withholding tax imposed by the proposal would have a broad and negative impact on its legitimate international business operations.

"I understand the importance of ensuring that multi-national companies are not able to abuse tax loopholes to avoid paying taxes, but we must also be careful not to punish legitimate business practices and discourage foreign companies from insourcing operations in the United States. Concerns have also been raised about the effect this withholding tax will have on our international treaties."

That, Mr. Chairman, is a Democrat, not a Republican, talking about this tax, this withholding tax. It's a potential impact on jobs in America and the potential impact on trade agreements we have with other countries that will affect the ability of American companies to do business overseas.

Now, it's quite a contrast, because that's what they are proposing. The majority keeps proposing tax increase after tax increase after tax increase, and they will start on minority groups, and they will move to everyone, because they can't get it done without everyone. All we're asking here, all we're asking here is 5/100 of a percent, one nickel on $100, a slightly less increase so we can begin the process of spending less, not taxing more.

Mr. Chairman, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from California.

Mr. Chairman, I have been sitting here listening for a while to the debate on this bill, and I have been struck by several issues that have come up that I think need to be mentioned. Some have been mentioned before, but some new ones.

I am often asked by school groups what's the difference between Democrats and Republicans? I say to them the very quick definition is Democrats think they know how to spend your money better than you know how to spend your money. Republicans think that the less government we have, the better off we are; and the more money you are allowed to keep, the better off this country will be. I think that this debate certainly exemplifies that.

I agree with some of my colleagues who said before, the appetite of the Democrats is absolutely insatiable for increased spending. They never met a program they didn't love to spend money for. They would take every dime. They will take every dime, every penny from the American people that they can possibly take and spend it on programs they think are important.

They talk about investing government money. The government never invested any money. It spends money. The private sector invests money and gets results.

I would challenge my colleagues on the other side of the aisle. Show me the results of these spendings that you do, and then maybe you can argue a little bit about an investment.

The other thing that I am struck by is how much last year in this same debate that the Democrats said the free-spending President Bush, busting the budget, doing all this spending; and now they are coming here and defend programs that the President zeroed out because they were ineffective, and they want to put the money back in.

□ 1530

That is the height of hypocrisy. There is a limited amount of money that Americans have, but the Democrats don't know that. They want to take it all. And it is true that the budget they passed earlier this year contains the largest or second largest tax increase in America, and that to pay for their programs they are going to have to have more tax increase.

This amendment would save a small amount of money, $27 million, but it is a step in the right direction. We have got to start reining in spending, and those of us who have come here in the last few years understand that, those Republicans do, and we want to see the Federal Government more responsive to the American taxpayer, less profligate, and more interested in saving our freedom, not in taking it away by taking away our money and reducing our choices.

Mr. ISRAEL. Mr. Chairman, it warms my heart to know that the gentlewoman in her district visits schools and talks to local schoolchildren, and emphasizes those values of civility and tolerance and mutual understanding in our classrooms, and doesn't try to separate people by Democrats and Republicans.

I hope that the next time the gentlewoman goes into those schools and talks to those schoolchildren, and they ask her, Mr. Chairman, "What are you doing to keep us safe from al Qaeda and the terrorists who are planning against us," that she will say to them, "My proudest moment, young children, is that I cut the FBI budget by 0.05 percent, while approving tax cuts of $14 billion to the biggest oil companies on Earth."

I think those children would rather be investing in the FBI to keep them safe than be giving away those billions and billions of dollars in tax cuts to the biggest oil companies in the America.

I reserve the balance of my time

Mr. CAMPBELL of California. May I inquire, Mr. Chairman, as to how much time is remaining on both sides?

The Acting CHAIRMAN (Mr. MCGOVERN). The gentleman from California has 2½ minutes remaining, and the gentleman from New York has 13 minutes remaining.

Mr. CAMPBELL of California. I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, this has obviously been a spirited debate by men and women on both sides of the aisle who I respect. But I do think if the American people are watching this debate, and I hope they are, we need to dispose of one issue very clearly, and that is there is indeed a dictionary over on that part of the floor, and every amendment that was brought here today is either going to increase spending in this account or level funding. But according to the logic of our friends on the other side of the aisle, if you fund something at a lesser quantity than somebody else wants it, then you have a Draconian cut. Well, if they are increasing this bill 3.1 percent, that is a cut below 3.5 percent. It is a cut below 4 percent.

If all these programs are so good, why did you cut them? Why didn't you increase it 6 percent? Why didn't you increase it 8 percent? So let's dispose of that argument right now.

Again, the only budget that is being cut here, Mr. Chairman, is the family budget. And the family budget is being cut as part of this single largest tax increase in American history contained in the Democrat's budget resolution, which I know they tried to run away from. Now, they said earlier that: We know the cost of everything and the value of nothing. Maybe they need to know the value of hard-earned paychecks in American families.

So they need to think about the Zapata family in Kaufman, Texas, because when they put their tax increase on them, let me tell you what the Zapatas have to say. "If taxes on my family are increased that much, this could seriously affect my life. My mortgage is adjustable and will most likely go up. If the taxes go up, it would be devastating, and I could face foreclosure."

They don't know the value of the paycheck to the Brooker family in Wills Point. "No increase in taxes. My family is one breath away from losing our home as it is."

Those are the budgets that are being cut today, Mr. Chairman, not only by the single largest tax increase in American history, but they are about to bring a tax increase to try to fund their farm bill by taxing jobs. They are saying somehow foreign companies are evil when they come to America and they invest and create jobs, in my district among other districts.

So there is a real choice here: Increase the family budget, or increase the Federal budget. We come down on the side of the family budget.

Mr. ISRAEL. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I thank my colleague from Texas for reading a letter from constituents out in the State of Texas. But I wonder how that family in Texas would feel if that family were asked: Do you think that we should continue to allow oil companies to earn the greatest profits in the history of any industry, in the history of the world? Or, do you think we ought to take some of those oil revenues and devote them to putting more cops on the street? I think that family would say, "You know, I would be willing to pay a little less at the pump or have the oil company earn a little less at the pump if it meant pumping a little more of that money into the FBI to keep me safe, or if it meant another bulletproof vest for a police officer." I think that family would say the record profits of that industry, that we had a chance to actually take some of those resources and plow it into this country, invest in this country, I think that family in Texas would say, "That means more to me than making sure that these companies enjoy corporate welfare and astounding profits."

Now, my friend says this is only a $31 million cut. How much difference could that really make? But my friend isn't willing to say where he would cut the money. He wants to spread it around. But he used the example of the FBI. Let's say we devoted this entire cut to the FBI, and it simply means that you would have one FBI agent working a few less hours. Instead of working maybe an 8-hour day, 5 8-hour days, they would work 4 8-hour days and a 7-hour day. Well, I don't know how much they are paying FBI agents in my friend's part of the State; I am from a different part of California. I don't think they pay them all that much. I think if you cut $31 million out of the FBI, you are cutting a lot of positions out of the FBI.

Mr. CAMPBELL of California. Mr. Chairman, will my colleague yield?

Mr. SCHIFF. My colleagues have already had 15 minutes.

Mr. CAMPBELL of California. Just to answer your question.

Mr. SCHIFF. I am not yielding my time. My colleague had 15 minutes to try to make his point.

So I don't think cutting $31 million out of the FBI makes sense. And this gets back to the question that our Chairman posed: What is the need? And are we devoting the resources that meet that need?

The need that I am hearing, the need that our Homeland Security Committee is hearing, the need that the 9/11 Commission recognized is the need to make greater investments in the safety of our country. That is the need that we are recognizing in this bill.

Do we need those extra FBI agents? Yes, I think we do. Do we need those extra cops on the beat? Yes, I think they do. I wish my friends in the opposition who fight so hard for our friends in the gun industry would fight half as hard for our cops to have the best that they need here in this debate on the House floor today.

I think we need to make these investments in our future. I think we need to make these investments in our American family. And, I think that my colleagues in the minority here, not in the minority party, because, again, this bill enjoys the support of the bipartisan majority. But the minority viewpoint that is expressed here today, I think they need to ask: What would these families choose, if we give them the real choice, not between whether they invest in the FBI or they don't invest in the FBI, but whether they invest in the FBI by ending corporate welfare for oil companies? I think the answer would be yes. I think the answer would be absolutely. And I think the answer would be, we want to invest in the country, make it stronger, make it safer, give our children a chance to grow up in safer neighborhoods.

That is the answer I think that letter writer and others around the country would give and have given, and that is why I urge this amendment to be defeated.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from New Jersey.

I just wanted to clarify that my colleagues' arguments from California were very fine arguments, except they don't apply to this amendment. This amendment does make a 0.0005 or 5 basis points, one-five-hundredths of a percent reduction in the growth of each program equally across the board. So it is 5 cents on $100 of everything.

I appreciate the argument. It is clear that our friends on the other side of the aisle believe that government cannot survive on this, but they believe that all kinds of people, companies, entities can survive on a whole lot less than that with the taxes they want to increase. It is a very clear distinction, Mr. Chairman, between 5 cents on $100 across the board on every program, which I think would be fine, versus all of the various tax proposals, increase proposals, that you have both on various minorities, like smokers and foreign companies, and in your budget on basically every taxpayer in America.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Again, I would just point out that my friend hasn't shown any willingness to trim the profits of his friends in the oil industry by 0.00000005, which would amount to probably about the same $31 million we are talking about here. He is only willing to take that $30 million out of our law enforcement efforts across the board, but not out of oil industry profits. And that is the difference in philosophy, I think, between my colleague and myself.

MR. ISRAEL. Mr. Chairman, during this debate we have seen all sorts of charts and heard about all sorts of numbers and saw a display of dollars. Here are the statistics that count, Mr. Chairman:

The past 2 years, violent crimes in America are up 3.6 percent. Federal law enforcement grants have declined 46 percent. So, under their leadership, Mr. Chairman, Federal support for local law enforcement has already been cut 46 percent; now we are saying we should cut it another five-hundredths of a percent.

FBI counterterrorism casework is up 100 percent. Meanwhile, FBI investigative resources are down 29 percent.

So what we have here, Mr. Chairman, is more criminals on the streets, and an attempt to reduce investments in cops on the streets. What we have here, Mr. Chairman, is a bigger caseload of potential terrorists, and the FBI being told, "Shave your budgets." That is how far some ideologues will go, Mr. Chairman.

I can't imagine any American watching these proceedings, and then hearing the news, learning about the National Intelligence Estimate, which says that al Qaeda is proliferating and regenerating, and saying, "Now is the time to cut the FBI budget," or, "Now is the time even to reduce increased investments in the FBI."

Al Qaeda is not cutting the rate of their increase, Mr. Chairman. Terrorists are not cutting the rate of their increases, Mr. Chairman. This is not the time to begin cutting these budgets.

The other side is talking about specific reductions in the number of FBI agents on counterterrorism cases. They are talking about a specific reduction in the number of deployments of cops on the street; crime going up, Federal law enforcement grants going down. There is a correlation between the two. And now we add insult to injury by saying, let's cut it another 0.05 percent, or one-five-hundredths of a percent.

I want to close, Mr. Chairman, by reminding the Chairman and the American people through the Chairman that this debate really isn't about one-five-hundredths of a percent; it is about what priorities make sense to the American people: $14 billion tax cuts to the biggest oil companies on Earth, or 2,800 cops on the street; $90 billion in tax shelters for offshore companies that register their headquarters in Bermuda to avoid paying their fair share of taxes here, or more cops on the street?

□ 1545

The gentleman talked about a family in his district. I don't know of any family in my district that gets to sit at their table, their kitchen table with their accountant and be given the advice that they should register themselves at a P.O. box in Bermuda to avoid paying their fair share of taxes in the United States. You know what they want for their tax dollars? Cops on the street, FBI agents protecting them. That's what they want. They don't have the right to just go off to Bermuda, register themselves at a P.O. box and not pay taxes.

We understand that every tax dollar has to be jealously safeguarded, and that's what we do in this bill. The difference between us is not one-five-hundredth of a percent. The difference between us is $90 billion. They would rather spend that $90 billion on those offshore companies with P.O. boxes in Bermuda. We would rather spend a fraction of that making sure that there are cops on the street, that kids are protected from meth, that women don't have to deal with domestic violence, that they can be prosecuted, that the FBI has counter-terrorist agents, that they have investigative resources. Because as I said before, all the statistics bear it out, crime is increasing. Terrorists are proliferating. They are not cutting their budgets. They are not cutting their numbers. They are not even cutting their rate of increase. And we should not turn our backs and allow them this advantage, their advantage in the name of a one-five-hundredth of a percent cut in this budget.

This isn't substance. This is politics. And if it weren't so serious, it would be silly.

We want cops on the street and counter-terrorist agents with the FBI. That's what the American people want. That's why every Republican on the Appropriations Committee supported this bill. And that is why, at the end of this debate, we go back to where we were at the beginning of this debate.

This is a small group of Members, a fringe group of Members who say 3 percent's not enough, 2 percent's not enough, 1 percent's not enough. We're going to go to one-five-hundredth of a percent to make our case.

Every single one of those amendments has been defeated on every single one of these bills because Republicans and Democrats in the mainstream know better. We understand the priorities of the American people. And that is why this amendment will face the same fate as all the other amendments before them. It will be defeated.

And Mr. Chairman, let me make one other point. With all due respect to my friends, they have spent more taxpayer dollars prolonging this debate offering amendment after amendment after amendment, keeping this House in session when every single one of these amendments was defeated, than the one-five-hundredth of a percent cut that they're offering today.

I would suggest to the other side that they could save taxpayers a lot more money by doing these amendments once, getting them over with, let them get defeated as they always have, and let this Congress go on with the business of the American people and putting cops on the street and investing resources in the FBI to keep them safe.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, in the immortal words of Doc Holiday in Tombstone, "Our hypocrisy knows no bounds." Both sides equally applied.

The arguments earlier that half of a percent cut, 5 basis points of a cut, as if that's some sort of a draconian decision to be made, the truth of the matter is the committee, the subcommittee had a fixed amount of money to work with, and they chose to make some trade-offs. They chose to fund more here and less here, more here and less there. But none of those decisions that they made were couched in the terms of some sort of mean spiritedness.

And at the risk of prolonging the debate, which I think is an important debate for us to have, I'm going to offer up an amendment that I know has a point of order which stands against that.

Before I do that though, I'd like to quote something from Justice George Sutherland. A lot of us heard earlier about the way tax planning is done, used, misused, and it was used in the pejorative; that only big oil companies or other companies could use the code that we currently have in place, that you and I and our colleagues put in place, to affect their tax affairs and that families don't get to do that. Well, I would argue based on this quote: "The legal right," and that's a right, "of a taxpayer to decrease the amount of what otherwise would be his or her taxes, or altogether avoid them by means which the law permits, cannot be doubted." Gregory v. Helvering, Justice George Sutherland.

So as we listen to this debate about how much we ought to spend, let's understand that we put in place this code, and if we don't like the way that's done, then there are forums to debate that, and we ought to have that debate. But let's not denigrate people who are using the code we put in place to lower their tax liability and call that some sort of a pejorative.

This is the classic argument that you cannot throw enough money at any subject to fix it. And that's what we heard from the other side; that the more money you throw at it, the more you're going to fix the problem. And I don't necessarily agree with that.

My colleagues on the other side used the word "take" in reference to revenues from oil companies, and that's exactly what they would intend to do. They would take those revenues and spend them the way they would like to. Legitimate way of doing government.

I'll also argue that in the next 2 weeks we may have some sort of a conversation about an energy bill, and during that time frame we will argue vociferously that there's enough in reinvestment in domestic sources of energy, and those revenues taken from these mean, ugly oil companies would otherwise go back into that reinvestment into energy.

So, as I mentioned, our hypocrisy knows no bounds.

My amendment is simple. All of this great work that's been done, and bad work according to our colleagues on the other side, or wasteful work according to our colleagues on the other side, to try to reduce spending in the bill is for naught.

In addition to the ringing defeats that my colleagues endure, were they to be successful, the rules of this House do not allow those cuts to actually be implemented. If my colleague had actually won the argument that we could trim 5 cents out of $100 out of this budget, whichever budget, that money would still get spent. The money that stays within the 302(b) allocation, which is code for inside the beltway stuff, but then would simply not get spent. And so we've spent hours and hours and hours down here debating, trying to reduce the spending in a particular bill.

The harsh reality is that were we to win some of those amendments, it would simply be a piratic victory, because that money would still get spent.

My amendment, sense of Congress, would say were we to win one of those arguments, that money, the reduction in spending would actually go against the deficit, or, heaven forbid, that we would ever be in a surplus circumstance, that money would increase the surplus.

So this is something I'm trying to point out on each one of our bills, that we've got a goofy set of rules that only you and I understand, only you and I appreciate, and maybe only appropriators embrace, that does not allow all of this hard debate and work to really mean anything at the end of the day.

And so while I challenge my colleague's characterization of our use of this debate time as wasteful in some way, I think it's important for the American people to understand as they go about managing their affairs that we couch the terms of managing our affairs, their affairs through us, in those kinds of terms.

So, Mr. Chairman, I understand that a point of order lies against this, and I will not prolong the debate much further. I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield a moment to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, we have reviewed the amendment, think it's a good amendment, and we are willing to accept it.

Mr. GARRETT of New Jersey. Reclaiming my time, I appreciate the chairman's acceptance of the amendment. I will just spend 30 seconds just for the edification of the membership of the conference as well what the amendment does.

This amendment harkens back to the days when, not too long ago actually, the various Federal Government agencies, when taking part in international conferences overseas, would send upwards of 70, 80, 90, 100, over 100 members of their Departments or agencies to these various conferences, spending, obviously, an excessive amount of taxpayers' dollars. And as we've heard from both sides of the aisle in an appropriate manner, we are here to set priorities. And I agree with the effort on both sides of the aisle, and that's exactly what this amendment does. It says let's pick a reasonable number, in this case it's 50, a limitation as to the number of members of any agency to go on these international conferences.

This amendment has been accepted in the past, and once again I appreciate the chairman accepting this amendment. I'm not sure whether the ranking member is also in agreement with it as well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. STEARNS of Florida.

An amendment by Mr. FLAKE of Arizona on the Lobster Institute.

An amendment by Mr. FLAKE of Arizona on the East Coast Shellfish Research Institute.

Amendment No. 25 by Mr. PENCE of Indiana.

Amendment No. 41 by Mr. UPTON of Michigan.

An amendment by Mr. JORDAN of Ohio.

An amendment by Mr. PRICE of Georgia.

An amendment by Mrs. MUSGRAVE of Colorado.

Amendment No. 37 by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 212, not voting 23, as follows:

[Roll No. 734]

AYES—202

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon

McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Gutierrez
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Paul
Shays
Spratt
Tierney
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1623

Messrs. INSLEE, HOLDEN, BAIRD, DINGELL and MITCHELL changed their vote from "aye" to "no."

Mr. BILBRAY and Mr. KAGEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on the Lobster Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 328, not voting 22, as follows:

[Roll No. 735]

AYES—87

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Deal (GA)
Dreier
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hill
Inglis (SC)
Issa
Jindal
Johnson (IL)
Keller
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—328

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)

Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—22

Abercrombie
Baird
Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Hunter
Johnson (GA)
Jordan
Kennedy
King (IA)
LaHood
Michaud
Musgrave
Paul
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1628

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on the East Coast Shellfish Research Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 337, not voting 23, as follows:

[Roll No. 736]

AYES—77

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cooper
Deal (GA)
Dreier
Duncan
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Gingrey
Graves
Heller
Hensarling
Herger
Hill
Inglis (SC)
Issa
Jindal
Johnson (IL)
Keller
Kline (MN)
Lamborn
Linder
Mack
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Terry
Thornberry
Weller
Westmoreland
Wilson (SC)

NOES—337

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—23

Baird
Brady (TX)
Burgess
Cantor
Carter
Castor
Christensen
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Garrett (NJ)
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Paul
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1632

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 205, not voting 17, as follows:

[Roll No. 737]

AYES—215

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Chabot
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent

Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kind
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Castle
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 45 seconds remain in this vote.

☐ 1638

Mr. ENGLISH of Pennsylvania and Mr. LEWIS of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. UPTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 16, not voting 17, as follows:

[Roll No. 738]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross

Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—16

Blackburn
Cannon
Inslee
Johnson, Sam
Jones (NC)
Lewis (CA)
Linder
McCrery
Paul
Peterson (MN)
Peterson (PA)
Pitts
Simpson
Tancredo
Walsh (NY)
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 30 seconds remain in this vote.

☐ 1642

Mr. ABERCROMBIE and Mr. WELCH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 282, not voting 17, as follows:

[Roll No. 739]

AYES—138

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Herger
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 1645

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 261, not voting 17, as follows:

[Roll No. 740]

AYES—159

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—261

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hobson
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 1649

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 235, not voting 16, as follows:

[Roll No. 741]

AYES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kingston
Kirk
Kline (MN)
Lamborn
Levin
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—235

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner

Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

☐ 1652

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 17, as follows:

[Roll No. 742]

AYES—192

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kingston
Kirk
Kline (MN)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—228

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Smith (TX)
Young (AK)

☐ 1656

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVID DAVIS of Tennessee. Mr. Chairman, due to a meeting with the President at the White House this afternoon, I was not present to cast my votes on rollcall votes 734 through 742. Had I been present, I would have voted yea on the Stearns amendment—rollcall 734, "aye" on the Flake amendment—rollcall 735, "aye" on the Flake amendment—rollcall 736, "aye" on the Pence amendment—rollcall 737, "aye" on the Upton amendment—rollcall 738, "aye" on the Jordan amendment—rollcall 739, "aye" on the Price of Georgia amendment—rollcall 740, "aye" on the Musgrave amendment—rollcall 741, and "aye" on the Campbell amendment—rollcall 742.

PERSONAL EXPLANATION

Mr. JORDAN of Ohio. I was at the White House this afternoon with several of my colleagues to brief the President on our recent trip to Iraq. As a result, I was absent from the House Floor during a series of rollcall votes.

Had I been present, I would have voted "aye" on rollcalls 734, 735, 736, 737, 738, 739, 740, 741, and 742.

Mr. MOORE of Kansas. Mr. Chairman, with today's passage of the fiscal year 2008 Commerce-Justice-Science appropriations bill I am pleased to acknowledge the inclusion, in this important legislation, of funding to begin the implementation of the National Windstorm Impact Reduction Program.

In 2004, the National Windstorm Impact Reduction Act, legislation championed by Rep. RANDY NEUGEBAUER and myself, became law. On its road to passage, H.R. 2608 (P.L. 108–360) enjoyed widespread support in both the House and the Senate. The enactment of this legislation established the interagency National Windstorm Impact Reduction Program (NWIRP) to improve windstorm impact assessment and streamline the implementation of federal mitigation efforts to minimize loss of life and property due to severe windstorms like hurricanes and tornados.

All states and regions of the United States are vulnerable to windstorms, and we all share in the cost of repairing the several billion dollars in economic damage caused each year by these storms. Vulnerabilities also continue to grow as our communities grow, but improved windstorm impact measures have the potential to substantially reduce future losses. Sadly, up to this point few resources have been committed to research and program coordination in this area, and no funding has been appropriated to begin the implementation of the NWIRP.

While federal programs cannot eliminate the occurrence or dangers of future windstorms, the programs authorized as part of the NWIRP, if properly funded, will help policymakers, private industry, and individual homeowners adopt strategies for reducing risks to human life and economic loss. The NWIRP also provides an important new opportunity to initiate badly needed research to understand how wind affects structures, to enhance windstorm damage collection and analysis, and to develop and encourage the implementation of mitigation techniques.

The language included in the House version of the fiscal year 2008 Commerce-Justice-Science appropriations bill will direct much needed funding to the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Institutes of Standards and Technology that will allow each agency to begin the implementation of each distinct component of the NWIRP for which it is responsible. Again, I am very pleased with the inclusion of this funding in the House version and strongly encourage its inclusion in any conference agreement on this legislation.

Mr. CONYERS. Mr. Chairman, I rise in support of this vitally important appropriations bill that addresses a wide range of our nation's critical needs. H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008 provides local communities with the help they need to keep our streets safe; makes significant increases into scientific research to keep our Nation's economic preeminence in the world; and bans civil rights and privatization abuses furthered by the Bush administration.

Last year, the FBI reported that violent crime had its biggest increase in over a decade. Under Republican control from 2001 to 2006, funding for state and local law enforcement grants was cut from $4.4 billion to $2.5 billion—a 43 percent decrease. This bill reverses those trends, making major investments into restoring state and local law enforcements grants. It appropriates $725 million for Community Oriented Policing Services (the COPS program)—$693 million over the President's request and $183 million above 2007—to support local law enforcement agencies, including $100 million for the "COPS on the Beat" hiring program, not funded since 2005. The Congressional Research Service estimates that 2,800 new police officers can be put on America's streets with these funds. The President's budget would have cut these grants by 94 percent.

H.R. 3093 also funds the Office on Violence Against Women at $430 million, $60 million above the President's request and $48 million above 2007, to reduce violence against women, and to strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. It provides $1.3 billion for the Office of Justice Programs for grants to state and local organizations to fund activities like crime prevention, the State Criminal Alien Assistance Program, Drug Courts and Byrne Grants. It also appropriates $400 million for the Office of Juvenile Justice and Delinquency Prevention for state and local grants to address the problems surrounding juvenile offenders, including $100 million for a competitive youth mentoring grants program.

To keep our Nation's economic preeminence in the world we need to stay on the cutting edge of science and technology. To that end, H.R. 3093 makes significant investments in scientific research at the country's top agencies devoted to science. It provides $28 billion, $2 billion above 2007 and $1 billion above the President's request, for science and science education as part of the Innovation Agenda to keep America competitive in the global market. The bill also tackles the enormous challenge of global climate change, with $1.86 billion for research and development projects to study what is happening, what could happen, and what we can do about it.

The bill also funds other essential federal programs including the Legal Services Corporation, for civil legal assistance to people who are unable to afford it, allowing an additional 31,000 low-income client cases to be concluded. The program was funded at $400 million in 1995 and has been cut repeatedly since. A 2005 study found that for every eligible person served, another was turned away due to lack of resources. This bill provides $377 million for that program, $28 million above 2007 and $66 million above the President's request. H.R. 3093 also appropriates $333 million for the Equal Employment Opportunity Commission, to reduce the backlog of pending cases—projected to increase 70 percent from 2006 to 2008 under the President's request—and requires that all complaint calls be handled by EEOC employees, cancelling the outsourcing of this service.

Finally, the Commerce, Justice and Science Appropriations bill prohibits administration policies that have infringed on our civil rights and curbs privatization policies that have led to waste, fraud and abuse. H.R. 3093 bars the FBI from authorizing National Security Letters in contravention of the law, a practice that we have examined in the Judiciary Committee. The Justice Department's Inspector General has found multiple instances of FBI abuses and misuses of its authority in issuing these letters. The bill also prohibits the privatization of work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Inc. It also allows federal employees the same appeals rights as contractors after decisions are made on public-private competitions.

Mr. Chairman, I am pleased to support this bill because it gets us back on the right track after six years of misguided cuts whose disastrous effects are now becoming apparent with the FBI's latest crime statistics. This legislation deals literally with life and death issues that need to be given adequate resources. H.R. 3093 will put more police on our streets, aid crime victims, help juvenile offenders get their lives back on track, and provide critical legal services to those who can't afford it. It also makes vitally important investments in our Nation's economic future by encouraging scientific research. Finally, it protects us from government and contractor abuses. The New Direction Congress is once again working to align the priorities of the Federal Government with the needs of the American people.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 3074, the FY08 Commerce, Justice, Science, and Related Agencies Appropriations bill.

I want to thank the Chairman OBEY, Chairman MOLLOHAN, Ranking Member FRELINGHUYSEN, and the Appropriations Committee for their hard work on this piece of legislation.

This bill will keep our communities safe by providing increased funding for the Community Oriented Policing Services Grants Program and the Byrne Justice Assistance Grants Program.

Both of these programs assist our law enforcement agencies by providing grants for the hiring of additional police officers.

The CJS Appropriations bill also provides assistance for the Office on Violence Against Women.

The COPS program, Byrne Justice Assistance Program, and the Office on Violence Against Women would not have been severely under funded in the President's budget and I commend the committee for their work to fund these vital programs.

This bill also contains vital funding for two projects in my district: the Houston YMCA of Greater Houston's Apartment Outreach Project and the Harris County Integrated In-Car Mobile Technology Project.

The YMCA's Apartment Outreach Project will provide for staffing and supply costs for this program which combats youth crime and gang activity in Houston's apartment complexes.

The Harris County Integrated In-Car Mobile Technology Project will provide county sheriff officers with mobile data computers to link with license plate recognition technology.

Unfortunately, this bill does not provide funding for several projects that I strongly support.

These projects would have provided funding for the Harris County, TX to acquire a 10 acre tract of land for the Buffalo Bayou Partnership plan to redevelop the bayou and funding for Houston Community College to purchase equipment for training programs conducted by its Public Safety Institute.

While it is impossible to fund all of the projects that we request, I believe that these programs need federal funding.

Ms. MATSUI. Mr. Chairman, I rise today today to express my support for the National Textile Center. Textiles are an important part of our daily life and of our Nation's economy. It is imperative that we remain internationally competitive in this industry. The National Textile Center does exactly that—ensure that the fiber, textile, and apparel industries in our country have the research and innovations needed to continue to be viable and competitive.

The National Textile Center is a consortium of eight coordinated locations across the country. They have come together in a nationwide effort to promote research and education in developing new and innovative fabrics and materials. These are important collaborative centers that develop new fibers, fabrics, and manufacturing methods with broad ranging applications.

I am proud that one of the partners of the National Textile Center is the University of California Davis. Their participation in this national research consortium benefits the education, workforce development, and economy of the Sacramento region and our entire country. A key project at U.C. Davis funded by the National Textile Center is the development of new personal protection clothing to keep our first responders and military safe. We cannot turn our backs on these vital workers, whom we trust with the health and safety of our Nation.

The National Textile Center funds important interdisciplinary collaborations that translate to many other industries. Basic research funded by this important consortium has applications that will reverberate in many fields, such as biomedical applications, electronics, and nanotechnology. I urge my colleagues on both sides of the aisle to join me in supporting funding of the National Textile Center. We need to oppose efforts to strike funds from this important program that benefits constituents nationwide.

Mr. GINGREY. Mr. Chairman, as we begin debate on the FY2008 Commerce, Justice, Science Appropriations bill, I want to highlight the National Textile Center (NTC). The NTC is a 15-year-old grant program that supports research at nine member universities, including Georgia Tech, and is the main source of innovation for U.S. textile, fiber and apparel industries. In Georgia, the textile, fiber and apparel industry is the state's largest manufacturing employer with annual payroll of $500 million. It is imperative that this industry continue to benefit from the infusion of new ideas and talent that is the basis of the programs of the National Textile Center. National Textile Center projects in Georgia have lead to improving Georgia industry processes including new approaches to carpet recycling and new environmentally friendly approaches to dyes and bleaches that lower costs, increase competitiveness, and improve the local plant environmental impact. Outside of helping the textile industry respond to rapidly changing market demands, the NTC has also inspired and trained highly skilled talent for the U.S. textile industry and created educational opportunities in science, engineering, and technology for U.S. citizens and permanent residents from K–12 through the doctoral level.

Mr. Chairman, the National Textile Center has clearly been an excellent steward of past funding provided by the Department of Commerce. With this in mind, I ask Chairman MOLLOHAN, Ranking Member FRELINGHUYSEN, and my colleagues in both bodies to preserve current funding and remember the importance of this program during the Conference process.

Mrs. BOYDA of Kansas. Mr. Chairman, when most of us think about law enforcement, we imagine police patrolling the streets, or we think of lawyers and judges in a courtroom. But there's another chapter to the law enforcement story. Once a criminal has been caught, tried, and convicted in federal court, the U.S. prison system is charged with detaining him—sometimes for the rest of his life.

Just as Congress talks about supporting police and protecting judges, we need to talk about supporting our prisons. In recent years we have seen the Federal inmate population grow without a corresponding increase in the number of corrections officers. This is a dangerous situation that we cannot allow to continue.

Since 1980, the population of inmates in Federal prisons has increased from 24,000 to almost 200,000—an 830 percent increase. Unfortunately, funding hasn't increased nearly that fast, and too many facilities are facing staffing shortages. Right now, Federal prisons are overcrowded by about 37 percent.

Frankly, that isn't right. We can't claim to be tough on crime and neglect our prisons. Congress has to provide enough funding to the Bureau of Prisoners to ensure the safety of our guards and the quality of our prisons.

As a member of the House Corrections Caucus, last month I authored a letter to the House Appropriations Committee requesting increased funding for the Bureau of Prisons. Together, we requested $427 million over 2007 for the Bureau of Prison's "salaries and expenses" account and $210 million for the "buildings and facilities" account. Unfortunately, resources are stretched thin and that amount could not be met.

In order to continue managing the increasing prison population and providing a safe work environment for our correctional officers we need to provide the BOP with the necessary funding. We must ensure that the BOP receives the funds it needs to conduct maintenance on current facilities and build the new facilities necessary to deal with overcrowding.

Congress can never remove all of the risk from the job of guarding a prison. Risk accompanies any law enforcement job. But we can provide the resources to help our guards do their jobs as safely as possible and demonstrate that we are tough on crime.

Mr. WELDON of Florida. Mr. Chairman, today I rise to explain the purpose of two amendments I submitted to H.R. 3093, the Commerce, Justice, Science Appropriations Bill of 2008. While I had planned to offer these amendments, I was disappointed that just prior to offering my amendments to the bill on the House floor, was informed that the Chairman of the Appropriations Subcommittee on Commerce, Justice, Science was going to object to my amendments and insist on a point of order against them. After discussion with the Parliamentarian, who said the point of order would be upheld on a technicality, I decided to not offer my amendments. I am disappointed that the Democrat majority chose to object to my amendments on a technicality, particularly when you consider that technical objections were waived for a host of other provisions in this same bill. I believe if is important to explain here and get on the record the substance of these amendments and why they are critical to securing our homeland.

My first amendment (No. 14) would have tied funding for the Community Oriented Policing Services (COPS) program to whether recipients are complying with the federal prohibition on sanctuary policies. Sanctuary cities have been prohibited under Federal law (8 U.S.C. 1373 and 1644) for more than 10 years. Yet, there is no enforcement mechanism and no penalty for those cities that choose to disobey the law.

My amendment would have prohibited COPS funding from going to State or local governments that have sanctuary policies which prevent cooperation between local or state police and federal immigration authorities or prevent local or state police from enforcing immigration laws.

Terrorists know all about sanctuary cities and the concealment that such cities provide. The 9/11 terrorists are a case in point. Two of the 19 hijackers on September 11, 2001, ran afoul of police months and days before the attack.

Mohammed Atta was ticketed in Broward County Florida in the Spring of 2001 for driving without a license. Atta was in the U.S. on an expired Visa and was in the U.S. illegally. If the local or state police had looked into Atta's immigration status, the leader of the 9/11 attacks would have been departed 5 months before the attacks took place.

In addition, of the 48 Al Qaeda operatives who operated in the U.S. between 1993–2001, including the 9/11 hijackers, almost half were illegal aliens. Sadly, jurisdictions with sanctuary policies would not only prohibit their apprehension, it would also prohibit the police from informing federal officials of their immigration status so that they could commence deportation proceedings. Three of the Fort Dix Six—the men who tried to pull off a terrorist incident at Ft. Dix, NJ—were pulled over by local police for traffic violations. Three of these individuals had run-ins with police 75 times, but no one ever checked their immigration status. They were all in the U.S. illegally. The jurisdiction in which they were charged supposedly had a sanctuary policy ... which explains why they were never reported to federal immigration officials.

We cannot fool ourselves into thinking that terrorists do not know about these sanctuary jurisdictions... so harboring illegal aliens creates an environment where terrorists can easily hide and not be found out. I want to be clear that I do not believe that all illegal immigrants are terrorists. Very, very' few illegal immigrants are terrorists. But those few who are terrorists can kill thousands of innocent Americans, as only 19 did on September 11, 2001.

Obviously, the COPS program adds to our arsenal in combating crime by increasing the number of police in our communities. But funding increased police presence while at the same time not reporting known illegal immigrants to federal authorities, as is the policy of jurisdictions with sanctuary laws, is contradictory and self-defeating. If we simply allowed our law enforcement officers to follow Federal law by requiring them to inform immigration officials of violations of immigration laws; we would likely need fewer police officers to enforce our laws.

Why would we need fewer officers? Because requiring local jurisdictions to cooperate with the Federal agencies to quickly and efficiently deport illegal immigrants, particularly those engaged in criminal acts, would help reduce the size and capabilities of criminal gangs. A large percentage of those who populate violent criminal gangs, including MS–13, are illegal immigrants. Violent criminal gangs are making these communities unsafe. FBI Director, Robert Mueller, has even declared MS–13 as the top priority of the bureau's criminal-enterprise branch.

Even more, the gangs that are populated by illegal immigrants have increased the threat to our homeland. Honduran Security Minister, Oscar Alvarez, even stated that Al Qaeda might be trying to recruit Central American gang members to help terrorists infiltrate the US. Additionally, Salvadoran President Tony Saca echoed this theme, saying he could "not rule out a link between terrorist and Central American gang members."

My second amendment (No. 15) would have tied funding for the State Criminal Alien Assistance Program (SCAAP) to whether recipient jurisdictions are complying with the federal prohibition on sanctuary policies (8 U.S.C. §§1373 and 1644). The amendment would have given priority in SCAAP funding to those communities that are cooperating with federal immigration officials in deporting illegal immigrants, rather than State or local governments that have sanctuary policies and simply release criminal aliens back onto U.S. streets.

My amendment says if you expect to get federal money for incarcerating illegal immigrants you must also report them to federal immigration authorities so that they can be deported, rather than being released back on to U.S. streets. If a community cannot live by this policy, it is only right that they not get a taxpayer subsidy.

What's amazing is how much money sanctuary cities are raking in from the Federal Government. During fiscal 2005, the Justice Department distributed $287.1 million in SCAAP payments to 752 state, county and local jurisdictions. Seventy percent of SCAAP funds went to just 10 jurisdictions: the states of California, New York, Texas, Florida, Arizona, Illinois and Massachusetts; New York City; and two California counties, Los Angeles and Orange.

Many of the largest recipients of SCAAP funds are sanctuary cities that refuse to cooperate with Federal authorities on immigration enforcement. Some of the largest sanctuary cities and counties that received SCAAP money in 2005 include New York City, Los Angeles, San Francisco, San Diego, Houston, and Seattle.

It seems as if we did not learn anything from 9/11 about the need to treat illegal immigration seriously and recognize that the failure to enforce our immigration laws can endanger our national security?

Some of America's most important cities are sanctuary even though it is prohibited under Federal law. And it is time that the Federal Government stops turning a blind eye to sanctuary cities. If a community chooses to be a sanctuary, they should no longer expect to receive the largess of taxpayers from across this country.

Once again, I am disappointed that the Democrat majority would not permit these amendments to be considered for all up or down vote. However, I will continue to work to address this serious national security concern.

Mr. HOLT. Mr. Chairman, I rise in support of this appropriations bill.

One of the most important roles of government is ensuring public safety. Over the last several years, the Federal Government simply has not been providing enough support to local and state law enforcement. The Justice Department's Uniform Crime Report statistics have now shown for 2 consecutive years measurable increases in violent crime nationwide. The Bush administration clearly has its priorities skewed, as the budget it proposed for the Community Oriented Policing Services (C.O.P.S.) program for Fiscal Year 2008 was a mere $32 million, a reduction of over half a billion dollars from last year's level.

This bill addresses that problem by increasing C.O.P.S. program funding to $725 million, and designating $100 million of that amount to be used to hire an additional 2800 police officers nationwide.

There is simply no question that our country's far more robust commitment to putting cops in the streets in the 1990's help reduce violent crime over the last decade. According to the General Accountability Office "C.O.P.S. funded increases in sworn officers per capita were associated with the declines in rates of total index crimes, violent crimes, and property crimes." The same GAO study showed that between the years of 1998 and 2000, C.O.P.S. hiring grants were responsible for reducing crime by about 200,000 to 225,000 incidents—one third of which were violent. Across the state of New Jersey, approximately 4,790 officers were hired by local police departments using C.O.P.S. funds. This meant an additional 628 police officers and sheriff deputies walking the beat in the local communities of my Congressional District. Further, 33 school resource officers were hired to ensure that our children's schools are safe. The committee's increase in funding for this program for Fiscal Year 2008 is a welcome change from recent years, but I hope it will only be a down payment on much larger increases to come. Ideally, we should return to the kind of funding levels that gave us the kind of nationwide police presence we enjoyed in the last decade.

I am pleased that the committee has provided a robust increase for the Edward Byrne Memorial Justice Assistance Grants Program by more than $80 million over the Fiscal Year 2007 level to $600 million. These grants are vital to our local communities—they help local law enforcement organizations get the support they need to combat violent crime, particular gangs and drug-related criminal activity.

In the area of science funding, the bill provides for much needed increases in the overall budget of the National Science Foundation, and for science education funding. Recent history has shown that when the federal government invests in science programs and education, our Nation as a whole benefits.

When funding for the National Institutes of Health was doubled during the previous decade, many students recognized the opportunity and acted accordingly. Federal seed money fostered high-income, highly desirable jobs and entrepreneurial companies that lead the 21st century economy. Their innovations have made the U.S. the global leader in the life sciences and biotechnology.

Earlier this year, I led more than 80 of my colleagues in an appeal to this committee that it increase overall funding for the NSF as well as education-specific funding. I'm pleased that the committee responded by increasing NSF funding to $6.509 billion, $80 million over our collective request, as well as adding $72 million specifically for science education funding. I want to thank the chairman of the full committee, Mr. OBEY, and the subcommittee chairman, Mr. MOLLOHAN, for demonstrating a commitment to make meaningful investments in the NSF's physical sciences and engineering programs.

Finally, the Commerce Department portion of this bill provides badly needed additional funding to address perhaps the greatest threat to our collective future—global climate change.

The committee has added $171 million over the President's request to help fund a number of key climate change initiatives, including a comprehensive study of the problem, as well as changes to National Polar-Orbiting Operational Environmental Satellite System (NPOESS) program to ensure that critical climate monitoring sensors are added onto future NPOESS platforms. It is vital to both our economic and our national security that we take whatever measures are necessary to gain a comprehensive understanding of the mechanisms that drive global warming so that we can implement the full range of measures necessary to combat it.

Mr. Chairman, I commend the committee for bringing us a bill that reflects the priorities of the American people, and I urge my colleagues to vote for it.

Mr. SHULER. Mr. Chairman, I rise today in strong opposition to the amendment put forward by the gentleman from Arizona.

We should not be reducing the funding for the National Textile Center. Our national economic prosperity has grown from the formidable work ethic of the American people and vigorous investment in all areas of science and technology. We must not lose the scientific commitment which has brought our Nation so far and can help us go so much further.

The National Textile Center conducts advanced research work with life-saving applications. Some examples include the use of micro-technologies to develop heart stents, and three-dimensional weaving techniques to produce life-saving armor. Beneficiaries of the National Textile Center's work include firefighters, police officers and soldiers who require protective clothing that allows them to carry out their dangerous jobs. I am proud to have several companies in my district including 3Tex and FirstChoice Armor who are working closely with the National Textile Center to produce the next generation of life-saving textile products.

The research conducted by the National Textile Center is also advancing our understanding of more efficient textile manufacturing. New developments spearheaded by the National Textile Center help make our industrial processes more effective and help ensure we remain competitive in the international arena.

I urge my colleagues to vote against this amendment and maintain our national commitment to investments in science and technology that provide real benefits to American workers and real solutions for the greater good.

Mr. SCHIFF. Mr. Chairman, this is an important bill that funds many crucial priorities for this Nation. I offer my congratulations to the gentleman from West Virginia, Mr. MOLLOHAN, for crafting a bill that balances important investments in law enforcement and economic development with the need to maintain our Nation's scientific and technological leadership.

Nowhere has Chairman MOLLOHAN shown more foresight and wisdom than in his decision to increase our national investment in NASA, which has been at the forefront of humanity's exploration of the cosmos for the past 39 years.

Earlier this year, I told NASA administrator Michael Griffin that I viewed the President's budget request for NASA as a floor and not a ceiling. That request, for $17.3 billion, was $1.4 billion below the congressionally authorized level and, in my view, shortchanged too much science on the one hand, while allowing no margin for error whatsoever in terms of human spaceflight.

This budget crunch at the space agency has been brewing for several years. To start, the costs resulting from Hurricane Katrina and the Space Shuttle Return-to-Flight after the *Columbia* tragedy were never recouped by NASA. Second, several big-ticket and vital missions have exceeded cost estimates and, third, the addition of the Hubble Space Telescope servicing mission adds an additional funding burden to NASA.

At the same time, the FY 2007 Joint Resolution reduced NASA's human spaceflight program budget by $670 million, the practical effect of which will be at least a 6-month delay in the launch of the new Orion and Ares I, a delay that will increase the 4 year "gap" in American human spaceflight capability and increase our reliance on the Russians to launch and recover crew for the International Space Station.

And, Mr. Chairman, even as we speak, the People's Republic of China is working hard to become a dominant space power—both in the civilian sector and in the military use of space.

This budget crunch has brought us to a point of reckoning. Congress and this Nation are going to need to make some decisions about the value of space to our national life. I know that there is broad and deep support for NASA and its mission and I also believe that we should begin to ramp up the NASA budget to make our push back to the Moon a reality, while continuing to answer the great fundamental questions about our own planet and our place in the cosmos.

It is the area of space science that most concerns me and where I think that Chairman MOLLOHAN has been especially responsive to the needs of America's scientific community. I have a special concern for space science as my colleague from California, Mr. DREIER, and I represent the Jet Propulsion Laboratory (JPL), which is the crown jewel of NASA's efforts to explore the solar system and the universe beyond.

One of the most exciting endeavors that NASA is engaged in is the search for the presence of planets around neighboring stars. NASA's search for planets and life beyond our solar system is having increasing and dramatic success with over 105 planets now discovered.

For years, JPL has been working on a planet hunter spacecraft and the Space Interferometry Mission program has successfully passed all its technological milestones and is thus ready for development. SIM is expected to examine 2000–3000 stars for planetary systems to fulfill a critical step in the search for Earth-like planets.

This mission has been supported by Congress in the last two years and by the Academy Decadal Astrophysics reports in 1990 and 2000. To this point NASA has spent approximately $300 million on the program. Unfortunately, the President's 2008 budget request for NASA drastically scaled back funding for the program—essentially putting it on ice. Thankfully, Chairman MOLLOHAN has restored funding for SIM and directed NASA to proceed with development.

JPL has also been the epicenter of our efforts to explore Mars. The rovers Spirit and Opportunity have been exploring the Red Planet for the past 3½ years and next month the Mars Phoenix Lander will begin its journey to Mars. I am happy to report that the bill fully funds the Mars program, which allows for a new mission to be launched about every 2 years.

Finally, NASA does not currently have an outer planets mission in development and I am happy that the bill provides $10 million to begin work on such a mission.

Mr. Chairman, I know that many of my colleagues have expressed support today for NASA and its mission and have elaborated at length on the technological and other spinoffs from the space program. I would like to urge all of you to remember another crucial spinoff from the space program—international goodwill.

The United States is not universally loved around the world at the moment. However, one area in which our prestige remains undiminished is in space exploration. The ESA, the Canadians, the Japanese, the Indians and many others want to partner with us. Our space program also continues to generate enormous interest and enthusiasm worldwide. In the first 2 months after Spirit and Opportunity landed on Mars in January 2004, JPL's rover website registered almost 9 billion hits from around the world. At a time when America needs ways to communicate with a growing and increasingly younger global audience, our space program is an important public diplomacy asset.

I thank the Chairman and urge my colleagues to support the bill.

Mr. CULBERSON. Mr. Chairman, I commend the House and the Appropriations Committee for passing the FY 2008 Commerce, Justice, Science and Related Agencies Appropriations Bill.

Back in January, I signed a bi-partisan letter along with 39 of my colleagues calling for an increase in NASA's budget. The President requested $17.3 billion, an increase of over $1 billion from FY 2007 enacted levels. Subsequently, 23 CEOs of our country's top aerospace companies wrote Congress calling for a top-line increase in NASA's budget.

I'm happy to report that Appropriations Committee not only listened but acted. This bill contains over $17.6 billion for our space program, $1.3 billion above current levels and $313 million on top of the President's request. The bill moves ahead with construction of our next generation human space vehicle, while ensuring that our current vehicle, the Space Shuttle, is fully funded so that it can continue to fly safely, complete construction of the International Space Station (ISS), and service the Hubble Space Telescope. It also restores funding for important missions in space science and aeronautics.

Some of my colleagues who don't have an active space constituency in their district might ask why should we spend this amount of money on NASA? Quite simply, NASA programs are about investing in our country's future—our future from a scientific standpoint given all the agency does to promote and to inspire young people to study science, math and engineering; our future economically given the agency's development and support for new industries, just think of how many folks are watching this debate as a result of space-based communications; and lastly, our future from a national security standpoint.

Let me go into that last point in more detail. My colleagues are well aware of China's irresponsible and provocative anti-satellite weapons test. Debris from that test is now floating in orbit and presents a real threat to our space-based assets. But my colleagues may be less aware of China's plans for manned space exploration. China has already flown humans in orbit and has stated plans to build a space craft to land people on the Moon. Thirty years ago we were in a space race with the Russians. Now, our main competitor is the Chinese. Frankly, I do not want to see the American flag on the Moon supplanted by the Chinese flag. That remains a real possibility if we do not properly fund NASA. This bill contains the full request for development of the next generation U.S. human space flight vehicle to get us back to the Moon and beyond.

Lastly, I would like to point out one area in the bill where we could make some improvements once we get into Conference with the Senate. The ISS faces $20 million in reductions from the President's request in reserve funding and crew and cargo services. Given that we are entering into the most critical phase of construction, I believe it is vital that we fully fund the ISS. So I hope the Committee will be able to restore these funds.

I thank my colleagues for supporting this important legislation.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of H.R. 3093, the Commerce, Justice, and Science Appropriations bill.

This legislation includes $175,000,000 for a DNA analysis and capacity enhancement program and other local, State, and Federal forensic activities. Of this funding, not less than $151,000,000 is directed toward the Debbie Smith DNA Backlog Grant Program which helps to reduce and eliminate the backlog of DNA samples and increase State and local DNA laboratory capacity.

I introduced legislation named after Debbie Smith in 2001. In 2004 this bill was signed into law and since that time, Congress has consistently shown its support for this valuable program. With this funding we help ensure that other rape survivors will not have to wait as long as Debbie did to put their assailant behind bars.

I want to acknowledge the funding in the bill for efforts to combat human trafficking. It is important that we protect the victims of the sex trade industry, and punish the predators that exploit them. While human trafficking is a problem in other countries, it is happening here in the United States too.

I also want to thank Chairman MOLLOHAN and Ranking Member FRELINGHUYSEN for their dedication to fully funding the Census Bureau's needs. As we head into the final two years before the decennial census in 2010, funding for the census is now more critical than ever. This bill fully funds the ramp-up to this constitutionally mandated survey, and restores the funding that the Bush administration cut for the decennial census partnership program. Partnerships are an essential component of the decennial census effort, enlisting local community leaders and organizations to partner with the Census Bureau to use existing community relationships to promote census participation.

Mr. MOLLOHAN and Mr. FRELINGHUYSEN should also be commended for providing funds to once again continue the Survey of Income and Program Participation. Last year, the Bush administration proposed eliminating this survey, which is the only source of policy-relevant data on economic well-being and participation in government programs, and replacing it with a more limited survey a few years from now. After much discussion with members of Congress and the stakeholder community, the Administration came to the conclusion that their plan to replace the SIPP was not viable, and they changed course, advocating a continuation of the SIPP. While they had not requested enough money in the budget to do so, Mr. MOLLOHAN and Mr. FRELINGHUYSEN came through to provide the necessary funds.

I urge my colleagues to support this legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008".

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SNYDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 562, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. MANZULLO. Is it appropriate at this time to ask for a re-vote on each and every amendment just voted on?

The SPEAKER pro tempore. The Chair has just queried on that matter.

Mr. MANZULLO. Thank you.

The SPEAKER pro tempore. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS of California moves to recommit the bill, H.R. 3093, to the Committee on Appropriations with instructions to report the same back to the House promptly with a deficit neutral amendment to provide:

(1) additional funding for Department of Justice immigration law enforcement capabilities (including investigative, prosecutorial and incarceration programs); and

(2) funding for the State Criminal Alien Assistance Program at the level authorized pursuant to section 1196 of Public Law 109-162.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Madam Speaker, the motion I have at the desk is a motion to recommit to recognize the fact that right now this country faces a crisis on its borders.

Illegal immigration not only affects those of us who represent States on the border, it is a pervasive problem across the country. The Homeland Security Appropriations bill that passed the House earlier this summer included significant increases for more Border Patrol agents and other border protection efforts.

☐ 1700

The homeland security bill represents an important piece of our immigration enforcement system, but it does not fund all of it. It is this bill that funds prosecution and incarceration of the most violent criminal aliens, such as drug dealers, human traffickers and gang members. It is this bill that provides critical assistance to State and local law enforcement agencies that are on the front lines of the immigration problem.

As we increase our border enforcement efforts in the Department of Homeland Security, we must make sure that the Department of Justice has the funds it needs to fully prosecute and incarcerate all of the criminal aliens arrested by the Border Patrol and Immigration and Customs Enforcement. In addition, until the Federal Government is able to secure its borders, we must provide our local governments with sufficient resources to reimburse them while they protect our communities.

Because my colleague from California, DAVID DREIER, former chairman of our Rules Committee, has been most involved in this issue and is on the point of our attempting to find a solution in California, I yield the balance of my time to Mr. DREIER to round out this discussion.

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

Let me just say that in the 109th Congress, Mr. LEWIS and I joined together to offer an amendment to the Violence Against Women Act which actually authorized a level of $950 million for the reimbursement to the States for the incarceration of illegal immigrant felons. At that time, Madam Speaker, 414 Members of this House voted in support of that bill. Just yesterday, 338 Members voted in favor of the amendment that we offered which had an increase to a level of $460 million total for the issue of the State Criminal Alien Assistance Program. It is literally a drop in the bucket. Even with this new level, State and local governments will, Madam Speaker, only receive 10 cents on the dollar that they expend for the incarceration of people who are in this country illegally and commit crimes.

I believe that it is absolutely essential, if we're going to allow State and local governments to work on the very, very important crime problem that they have, that we should step up to the plate and take on the responsibility that only the Federal Government can address, and that is the security of our Nation's borders.

Madam Speaker, any Member who votes against this motion to recommit is, in fact, voting to not provide reimbursement to State and local governments for this onerous responsibility which we have thrust upon them by virtue of the fact that we are not securing our Nation's borders.

Vote to support the motion to recommit that Mr. LEWIS is offering here so that we will have a chance to provide that very, very important support for State and local governments and the security for the constituents who we represent.

Mr. LEWIS of California. Madam Speaker, reclaiming my time, and I won't use any more time, I appreciate very much Mr. DREIER's assistance in this matter. I urge very strongly that all Members vote "aye" on this motion to recommit.

Madam Speaker, I yield back my time.

Mr. MOLLOHAN. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Madam Speaker, I rise in opposition to the motion to recommit. If I heard the gentleman from California correctly, I believe he misspoke and said that he encouraged a vote against the motion to recommit. Of course he's not against the motion to recommit, but if he were, that would be the only place that I agree with him on this amendment.

Obviously this is a killer amendment. This is the "I got you" amendment. It provides for promptly returning the bill back to the House. That means that the bill will not pass today on the Floor. That's the "got you" part of each one of these motions to recommit. It means we wouldn't be able to pass the bill here today.

Additionally, the amendment asks for additional funding for the Department of Justice immigration law enforcement capabilities. We just had a number of amendments proposing across-the-board cuts during this proceeding. Many of their supporters have argued that there's too much money in these bills and in these accounts. We're funding this bill substantially above the President's request, $3.2 billion above last year and $2.3 billion above the President's request.

It would always be good to have additional funding in law enforcement, but we're proud of how robustly we are funding law enforcement, and particularly for State and local law enforcement, which is $1.7 billion above the President's request. Those funds help with the local law enforcement, including prosecutorial, incarceration programs, and many others across the board. While this bill is well in excess of the President's request, much of that is for funding for law enforcement above last year's levels.

The other provision of this motion to recommit would fund the State Criminal Alien Assistance Program at the level authorized. Let me just suggest that the State Criminal Alien Assistance Program is a privileged account in this bill. We began funding through subcommittee at $375 million. In full committee, it increased to $405 million. On the floor, this program was again increased now to $460 million. It is certainly getting its fair share of funding relative to other accounts in the bill.

Indeed, if this motion to recommit were passed and were acted upon, we would have to go back and cut State and local law enforcement, FBI, DEA, and meth programs. We would have to cut law enforcement funding that puts police on the streets, that hires additional FBI agents, additional DEA agents, and funds meth programs.

If we approve this motion to recommit, we would really have to go back and cut all of that funding.

Madam Speaker, I yield to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Speaker, I concur with the suggestion that this motion to recommit be defeated.

As the author of the amendment yesterday to increase SCAAP funding by $55 million, I can certainly not be counted as someone who does not support funding for State and local alien incarceration programs.

On the other hand, we had offsets for our amendment yesterday, $55 million in offsets, and if I had found additional offsets that didn't adversely impact the Drug Enforcement Agency or the FBI or the COPS program or the National Science Foundation, I would have suggested an even bigger amount. I couldn't find those offsets.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, this is not about substance. This is about killing this bill. The gentleman will say it comes back promptly. It doesn't come back promptly.

We spent 14½ hours trying to get money to law enforcement, immigration enforcement and all the other objects in law enforcement, first responders, in this bill. This is about killing this bill. This is about delay. This is about politics, trying to give some of our people a bad vote.

Vote this motion down because it is not real. It is not for substance sake. It is not for the objective as it is articulated in the amendment. It is designed to fail. Reject this chicanery on this floor. Vote "no."

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DREIER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 209, noes 215, not voting 8, as follows:

[Roll No. 743]

AYES—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick

Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Michaud
Myrick
Young (AK)

□ 1726

Mr. LAMPSON and Mr. HILL changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. SHAYS. Mr. Chairman, on July 26, I was participating in a briefing on National Security and I missed the first vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "no" on recorded vote number 743.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 281, nays 142, not voting 9, as follows:

[Roll No. 744]

YEAS—281

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—142

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
McDermott
Michaud
Sherman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1734

Ms. GINNY BROWN-WAITE of Florida changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCDERMOTT. Mr. Speaker, I regret that I was unavoidably detained and missed rollcall 744, final passage of H.R. 3093, the FY08 Commerce, Justice, Science and Related Agencies Appropriations Act. Had I not been detained, I would have voted in favor of final passage.

PROVIDING FOR CONSIDERATION OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and the amendments considered as adopted by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) The amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

(b) Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules and amendments en bloc described in section 3 of this resolution.

(c) Each further amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against further amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. During consideration in the House of H.R. 2419 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. TIERNEY). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 574.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, House Resolution 574 provides for consideration of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007 under a structured rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The rule waives all points of order against the bill and its consideration except for those arising under clause 9 or clause 10 of rule XXI.

The rule makes in order 31 amendments.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, as the subcommittee chairman on the House Agriculture Committee, and as a member of the Rules Committee, I am pleased to offer this progressive Federal farm policy act for consideration today.

Over the past year, the Agriculture Committee members have traveled across this country, from north to south, from east to west, hearing directly from farmers and ranchers about the state of agriculture in our country. Across rural America we have heard from farmers and ranchers from all walks of life talking about the promise of American agriculture, the immeasurable innovation and success and commitment to sustainable farming.

The 2007 farm bill builds on past successes of Federal farm policy by providing a reliable safety net for commodity crops, expanding access to conservation programs, increasing participation in domestic nutrition programs, and, perhaps most of all, most near to my heart, this bill dwarfs any previous Federal investment in specialty crops, which account for nearly 50 percent of American agricultural production.

Chairman PETERSON, Ranking Member GOODLATTE, and the entire Agriculture Committee were able to craft an equitable, fiscally sound farm bill that preserved the farm safety net while including critical funding for important new programs.

Furthermore, the 2007 farm bill contains unprecedented reforms to payment limitations and crop insurance programs that will reduce waste, fraud, and abuse so often identified with the farm program.

More importantly, this bill is completely paid for. During the past election, Democrats promised to live within our means like every household in America is forced to do and stop writing blank checks with reckless abandon. We pledged to exercise spending restraint to stop shouldering our Nation's needs on the backs of our children and grandchildren. Mr. Speaker, I am proud to say that we were able to do exactly that.

You will hear a lot of talk from the other side of the aisle about this bill raising taxes, but this is simply a scare tactic in an attempt to score political points. This is completely untrue.

Let me set the record straight before we even begin. This bill does not raise taxes. The 2007 farm bill closes tax loopholes that just 5 years ago the Bush administration and its own Treasury Department identified as tax abuse. In a policy paper issued by the Office of Tax Policy in May of 2002, the Bush administration identified how corporations headquartered in tax havens use this loophole, and a June 18, 2002, New York Times article stated that Republicans in Congress also thought that this tax loophole needed to be fixed. These are the facts.

Lastly, Mr. Speaker, I must take a moment to thank Chairman PETERSON, Speaker PELOSI, Leader HOYER, and the entire leadership team for their tenacity and sincerity in creating a farm bill that we can all be proud of and stand behind.

Not everyone got everything they wanted, and, frankly, they shouldn't. The farm bill should never be a place to line up at the trough and recklessly suck up needed resources. In the end, while people didn't get everything they wanted, everyone got what they needed. That speaks volumes about the quality of this bill and tells me we ended up in exactly the right place.

I have never been more proud of a piece of legislation, Mr. Speaker, and I look forward to telling my constituents in the 18th District of California that the United States Congress has accomplished what was thought to be an impossible feat. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1745

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, the largest overall industry in my State is agriculture and food processing. I represent the central part of Washington State where a wide variety of agriculture products are produced, including apples, cherries, pears, wheat, dairy hops, wine grapes and potatoes, just to name a few. In addition, our farmers and ranchers are stewards of the land, and many of them participate in conservation programs that fall under the farm bill. For these reasons, my constituents have a lot at stake when it comes to farm policy.

The Committee on Agriculture has historically worked in a bipartisan manner, especially on such important issues as the farm bill. Just over a year ago, I was pleased that the Agriculture Committee came to my district and held a farm bill hearing in Yakima, in my district. Mr. CARDOZA, now Chairman PETERSON and Ranking Member GOODLATTE were all there. I appreciate their having traveled to my corner of the country to hear directly from the farmers in central Washington.

They heard firsthand the importance of specialty crops, fruits and vegetables to the overall ag economy. I'm pleased that the underlying bill, the Farm, Nutrition and Bioenergy Act, as approved by the committee, recognizes the needs of specialty crop producers by increasing investments in the Market Access Program, the Specialty Crop Block Grant Program, the Fruit and Vegetable Snack Program, and establishes a much needed National Clean Plant Network. These are all important steps in the right direction.

Unfortunately, all of the good things in this bill and the spirit of bipartisan cooperation were completely overturned by a last-minute addition of a multi-billion dollar tax increase. This surprise offset is totally unacceptable because it will cost American jobs, and it has completely bypassed the public process of discussions and hearings in the respective committees of jurisdiction, and it has disrupted the tradition of bipartisan cooperation on farm policies.

I have many speakers, Mr. Speaker, on my side who will be discussing the impact of these surprise tax increases, again, that were not subject to hearings or markups by the appropriate committees. The full scope of these tax hikes and fees just appeared at the Rules Committee this morning at 8 a.m., with no one willing to testify about them or disclose the full impact of these measures on our economy. And we are talking about multi-billion dollar increases.

Mr. Speaker, I also want to take this opportunity to express my disappointment that a bipartisan amendment I submitted to the Rules Committee with the support of Mr. MCNERNEY from California, Mr. HOEKSTRA of Michigan, was not made in order to help American asparagus growers. Under the Andean Trade Preferences Act of 1991, the Congress gave Peru duty-free access to the U.S. market on a unilateral basis. This was done in the hope that it would encourage the Peruvians to develop alternatives to growing narcotic-producing crops.

Unfortunately, it led to a flood of Peruvian asparagus imports, which has devastated the asparagus growers and processors in my home State of Washington, Michigan and in California. The U.S. International Trade Commission has repeatedly cited U.S. asparagus as the one farm commodity substantially harmed by the Andean Trade Preferences Act.

My amendment would have simply given the Secretary of Agriculture the option of providing transition payments to these growers. After all, American asparagus growers were not harmed by their own actions, but rather by government's antidrug policies. They should not have to pay the full brunt of the price.

Unfortunately, the leadership of this House has decided that these growers don't deserve a place at the table. We are poised to give billions away under this bill, but the House leadership can't find time to help these small farmers who were harmed by their own government.

Mr. Speaker, the rule denies Members the opportunity to represent their constituents by coming to the floor and offering amendments to this bill. It prohibits a separate vote on whether or not to include billions of dollars in tax increases, and it denies open debate on those issues. Therefore, I urge my colleagues to vote against this restrictive rule.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from California for yielding me the time and for his work on this legislation.

Mr. Speaker, I rise in support of this rule and in support of the underlying legislation.

My colleagues, tonight millions of people here in the United States and around the world, many of them children, will go to bed hungry. They may not be in this Chamber, but they must remain in our thoughts. This bill does not go as far as I would like in tackling hunger, but it represents real progress and real reform.

I want to commend Chairman PETERSON and his colleagues on the committee for their hard work, but I also want to thank Speaker PELOSI and Congresswoman ROSA DELAURO, both of whom have worked personally and passionately with us over the last few days to make improvements to the nutrition programs in this bill.

The bill before us begins to reverse some of the terrible damage done to nutrition programs over the past several years. For too long, hungry people were an afterthought in this Congress. For too long, people on food stamps fell further and further behind as the Republican Congress searched high and low for more ways to cut taxes for rich people. Those days have come to an end, Mr. Speaker.

It has not been easy to find funding for these vital programs, and here's why. Unlike the Republicans, we are actually paying for the bills we pass. It would have been easy to put the cost of this bill on the national credit card. Instead, the increases to the nutrition program in this bill are paid for in this bill. That is an enormous and welcome development.

Further, the bill includes increased guaranteed funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition program. McGovern-Dole has a proven track record of fighting hunger and promoting education by providing meals to chronically hungry school-age children in the world's poorest countries. Where the McGovern-Dole program is offered, enrollment and attendance rates increased significantly, especially for girls. Providing food at school is a simple but effective method to get children into school, improve literacy, and help break the cycle of poverty.

These programs demonstrate America's generosity and goodwill, and they reflect our deepest moral values. They promote our national security, and they offer an alternative to children who otherwise might be recruited by groups that provide meals in return for becoming child soldiers or for attendance at extremist schools that serve as a breeding ground for hatred and violence.

By making the funding guaranteed, we can stop the practice of beginning a school feeding program only to cut it off when Congress doesn't appropriate enough money, because the only thing more cruel than not feeding a hungry child is feeding a hungry child for a while and then stopping.

As I said, Mr. Speaker, the bill before us does not do as much as I would like. And I will keep fighting, through the amendment process and beyond, to increase funding for hunger and nutrition programs here at home and around the world. This is not the beginning of the end. It's the end of the beginning. This is a start.

Mr. Speaker, hunger is a political condition. We have the resources to end hunger. What we need is the political will. Let us rededicate ourselves to helping those who need help the most.

I urge my colleagues to join me in support of this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this rule and to the previous question.

Let me just say that as I listened to my friend from California talk about the fact that he looks forward, at the end of this debate when he is successful, to telling his constituents in California that the impossible has been achieved, I have to say that he may or may not be right at that point.

But I will tell you something that has been achieved with this, Mr. Speaker, and that is an end to bipartisanship when it has come to dealing with this issue of our farm policy. And to me, that's a very, very sad statement when you look at people who've been very committed to this bill, like Bob Goodlatte, the former chairman of the committee, now the ranking member who's going to be speaking in just a few minutes, and you look at so many others who because of the way this issue has been mishandled and because, in fact, there is in excess of a $10 billion tax increase.

Now, my friend in his opening remarks said, don't be fooled, don't let them claim that this is a tax increase. Well, I know that we are dealing with so-called tax loopholes. That's the way it's described. But the fact of the matter is, if you look at those, Mr. Speaker, who are impacted by this, great tax "cheats" out there like Toyota, Daimler Chrysler, Honda, the Bayer Corporation that makes the baby aspirin that's provided, these are people who are ensuring that our consumers have access to great products, and they obviously are complying with the law. And now we somehow are demonizing all of these people, calling it closing tax loopholes when, in fact, what we're doing is we're putting into place a dramatic tax increase, not just to deal with the farm issue, Mr. Speaker, but to deal with a wide range of programs that are not related to farmers whatsoever.

In fact, one person gave me a figure that only 11 cents of every dollar is actually being expended to help our farmers.

Vote "no" on the previous question and "no" on the rule.

Mr. CARDOZA. Mr. Speaker, a short response.

I'd just like to say that if these folks were complying with Federal and State law, why are they sending their receipts through Caribbean islands?

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise today in strong support of the rule we are considering today.

Mr. Speaker, the Farm, Nutrition, and Bioenergy Act of 2007 is an important bill that outlines the funding for our country's agriculture policy, its conservation approaches and its nutrition programs. These initiatives touch each of us in some way, whether we're from rural, suburban or urban districts. The farm bill impacts all of us.

I want to applaud Chairman PETERSON, Ranking Member GOODLATTE and Speaker PELOSI for bringing forward this fine bill.

My district is in one of the fastest growing areas in California. Sacramento is also at the bottom of one of the most farm-rich watersheds in the country. We are at the confluence of two great rivers, the American and, our namesake river, the Sacramento.

As our population grows and as our climate continues to change, our natural resources are impacted first. Farmland is often the first to feel the effects of changing weather and climate patterns, and in the Sacramento watershed the farmers are the stewards of the land. I'm ready to work with local landowners to develop voluntary comprehensive conservation plans that address present and future needs.

I want to thank Chairman PETERSON for working with me to designate the Sacramento River watershed as a region of national priority in the regional water enhancement program. This designation and the promise of future funding will go a long way toward developing the Sacramento River watershed over the next 40 years.

Building on this designation, I look forward to convening a coordinating committee which will address the preservation of working lands and water management within the watershed.

Our initial focus will be to build a strong consensus on conservation and its value for our region. We have a truly unique opportunity to shape the vision for the watershed from its inception. This will help ensure that we build upon solid local input as we develop this vision.

Above the city of Sacramento, there are 500,000 acres of rice and 500,000 acres of specialty crops. My district is proof that the distance between urban and rural communities gets smaller every single day.

Our communities have different needs, but we share a common goal: to protect, preserve and enhance our way of life. I believe that preserving working lands can do just that. This should be an important priority for our entire region.

Finally, I applaud the chairman's commitment in providing $1.6 billion to specialty crop producers. These funds are critical to the producers' daily operations. They will foster progress in research, conservation, pest and disease programs and nutrition.

I ask my colleagues to support this rule and final passage of the Farm, Nutrition, and Bioenergy Act of 2007.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Budget Committee and a member of the Ways and Means Committee, Mr. RYAN of Wisconsin.

Mr. RYAN of Wisconsin. I rise in opposition to this rule, Mr. Speaker, for many reasons. Number one, this has become common practice for the new majority. But the farm bill reauthorization calls for massive new entitlement spending, no serious reform, and it makes a complete mockery of the PAYGO process. Number one, this is not a fair rule.

An amendment that I offered on a bipartisan basis with Mr. BLUMENAUER from Oregon to cap farm payments, which was made an order in 2002, which received 200 votes, was denied.

□ 1800

So based on the lack of fairness on this rule, I urge that it goes down.

But what about the substance of this bill? This bill extends farm commodity programs with no real reforms. At a time of record-high prices and prosperity for many farmers, this extends the commodity programs at 5 years with no reform. The payment limit is a sham. It has thin window-dressing payment limits on commodity programs while actually removing the payment limits on the marketing loan program. It has an anticompetitive tax increase in here which will raise taxes on American businesses that are owned by foreign companies: Nestle, Case New Holland, Chrysler. This will tax jobs out of America, and it increases entitlement spending.

And the only reason this bill ends up adding up on paper is because of a bogus $4.7 billion timing shift. CBO has already told us that this bill will spend $5 billion more than it pretends to spend simply out of the timing window within which it spends. What that means, Mr. Speaker, is on paper they are showing savings. In reality and in real life, they are spending over the limit, and they are breaking the budget by at least $5 billion.

And what is worse, Mr. Speaker, is this engages in the worst form of protectionism. This bill raises taxes on our taxpayers, raises prices on consumers, and it does so at the expense of people in the developing world. It hurts people in the developing world from lifting their own lives up out of poverty and despair.

So while we had a chance to have a good, bipartisan farm bill that had reform, that brought the market reform to bear, that could have helped the family farmer, we are saying no.

The farm bill ought to be about helping the family farmer in tough times, not giving million-dollar checks to big farmers, not giving checks out at good times. Unfortunately, that is what this bill does in addition to the phony PAYGO and shifting of $4.7 billion around like Enron accounting.

With that I urge a "no" vote on this rule.

Mr. CARDOZA. I would suggest that the other side knows a lot about Enron accounting, Mr. Speaker. But we also made three substantive commodity cut amendments in order: the Kind amendment, the Udall amendment, and the Davis amendment.

Mr. Speaker, I would like to at this time yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentleman from California for his leadership on the Rules Committee and leadership on the Agriculture Committee in helping us work through this.

I want to also thank the extraordinary generosity, personal and political, with his time, Mr. PETERSON, who was extremely responsive to all the concerns of the Members, and Mr. GOODLATTE for his excellent work on this bill.

Mr. Speaker, I support this rule. First of all, two things: One, this bill is a departure from the past farm bills, and I will just give a few straight-out facts. One, commodity programs have been cut 43 percent compared to what they were in the 2002 farm bill. Two, conservation spending has been increased 32 percent. Three, nutrition has been increased 46 percent. So there is a clear change in emphasis.

Second, there is in this rule 33 amendments that have been allowed to be in order, including amendments that will allow this Congress to take further action, if it so chooses, on commodity reform. And that is done with the consent and the approval of the Chair of the Agriculture Committee.

So, Mr. Speaker, this bill clearly reflects the necessity for reform and balance in the farm bill. And, number two, the rule clearly allows this body to have this as a first step and to consider more dramatic reform.

Finally, I want to address the MILC program, or the milk program, that is of particular concern to dairy farmers in Vermont. Our farmers in Vermont are hanging on by their fingernails. A year ago when milk prices were at record lows, they also experienced horrible weather, high energy prices, high grain prices, and the folks who hung on did so against extraordinary odds. And how they did that I will never know. But I can tell you this, and I believe what is true for us in Vermont is true for every State across this Nation: Local agriculture not only is essential to our economy, but it is essential to our environment. It is essential to our definition of who we are. And what we must do in this bill that Mr. PETERSON in the committee and Mr. GOODLATTE in his work begin to do is put an emphasis on local agriculture. Is it a beginning? It is just the beginning because we have to do more in the commodity program, in all of the farm policies that recognize that it is our family farmers who should be the intended folks that we are trying to help.

We, in this farm bill, by preserving the MILC program, are at least providing to the hardest-working family farmers a lifeline when, through forces that are completely beyond their control, they need some assistance to stay in business. And, Mr. Speaker, that is an important component of this bill, and I thank the Chair for including it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

I have a letter in front of me from a number of companies that are subsidiaries of companies that are based abroad, and they say in this letter to oppose the tax increase and vote against the rule on H.R. 2419. And one of the signatories of this letter is Ben and Jerry's Homemade from my friend's home State of Vermont.

Mr. Speaker, I yield 3 minutes to the ranking member on the Committee on Agriculture, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a sad day for this Congress. Farm bills are written in a bipartisan fashion. And I appreciate the comments of the gentleman from California and others, the gentleman from Vermont, about the hard work that the House Agriculture Committee put into creating a bipartisan farm bill. There is a lot to like in it; there are things to dislike in it.

But this rule turns that bipartisan process on its head. It has poisoned the well in terms of bringing this to fruition. It has made this farm bill, no matter its fate here today, unlikely to have any future beyond this House of Representatives because of the tax increase that has been placed in this legislation, because of the fact that Members who are accustomed to seeing an open rule when dealing with the farm bill.

Historically no one can recall a farm bill process as closed as this one, Members denied the opportunity to deal with provisions brought into this legislation like labor provisions and so on, not allowed to offer an amendment to take out Davis-Bacon provisions that have no business being in farm bill legislation. And it is, in my opinion, very disappointing.

Now, some have said that this is not a tax increase, this is closing tax loopholes. Businesses all across America are speaking up and pointing out that this is sweeping tax reform that has received no hearing. Here we are with an Agriculture Committee bill dealing with something that should have been dealt with in the Ways and Means Committee, but was simply handed out and said, here, take this. Take this tax increase as the pay-for for a substantial cut in agricultural programs that the Budget Committee did not address properly.

We have been trying for months to get fair treatment on the promise that we would be given an appropriate offset. We reported the bill out of the committee, and now we find what we are going to do is put American jobs up against American farmers. What kind of an outrage is that?

This rule should be voted down. It is totally unfair to American farmers and ranchers to see a good, bipartisan farm bill put at risk over a tax increase that will have a dramatic impact not only on the businesses that are subsidiaries of foreign-owned corporations providing millions of jobs here in the United States, but also on the trustworthiness of investment in the United States when we begin violating 58 different treaties that we have negotiated with other countries, and then, the ultimate, when those countries start retaliating against us, saying, if you violate a treaty, we certainly can, too, and affecting American investment abroad.

This is a very bad tax increase. It is a tax increase, not a "closing the loophole." It is a very, very harmful one and should be the basis for Members to oppose this bill and bring the bill back appropriately.

Mr. Speaker, I rise to express my opposition to this rule. Apparently, the Speaker and the Chairwoman of the Rules Committee have decided to dispense with the annoying procedures of the committee process and serious floor debate. The rule before the House begins by limiting amendments to a select few, denying Members the right to offer amendments. In living memory, there has never been a rule this restrictive on a farm bill which is traditionally considered under an open rule.

As a result, the provision requiring Davis-Bacon wage rates on the new loan guarantee program for the next generation ethanol plants that would effectively eliminate the program in many rural States will go unchallenged. Also immune from floor action, is a provision that prohibits States from contracting private concerns to help deliver food stamps or upgrade their delivery systems to provide better service for recipients. The result is that State employee unions will be protected at the expense of State taxpayers and those who need the program. These are only examples of issue after issue that Members will be denied the right to address.

But then we come to the self-enacting portions of this rule. There is a 75-page amendment from the chairman of the Agriculture Committee that moves hundreds of millions of dollars around, cuts programs passed by the committee without consultation and adds new programs from other jurisdictions that spend huge sums of money. If you vote for this rule, that becomes a part of the bill without amendment.

Another self-enacting provision sweeps in billions of dollars in offsets by raising fees and royalties on off-shore oil production. Yet another spends nearly $1 billion for a mandatory international feeding program. Finally, a more than $7 billion tax increase is automatically made a part of the bill. This tax increase comes to the floor as if by magic. "It was not considered in ways & means where it would have been noted that the provision violates up to 50 Senate-ratified international tax treaties that are the basis of international tax treatment for all trade.

In fact, this tax increase idea has been bumping around for over a decade without receiving any appreciable support. Now the Democrats are trying to attach this bad idea to a popular bill in an unamendable form. Members should be very careful not to rush to accept this rule. The fate of thousands of companies in our districts and more than 5 million U.S. workers will be jeopardized if we thoughtlessly support this rule.

I have worked on the Agriculture Committee since I first came to Congress and I have enjoyed being part of a committee that always prided itself on a bipartisan legislative process. In all those years, I have never witnessed or experienced a situation that discarded the committee product to this extent or that precluded the members of the committee and the general Membership of the House from legislating on major portions of the bill.

Mr. Speaker, this rule puts in jeopardy every Member's right to legislate and every Member's ability to rely on the careful deliberations of the committee process to produce fully vetted legislation for floor consideration. When that process is violated, we end up with a rule like this one that was cobbled together in the dead of night and contains tax increases that put at risk millions of American jobs. There is only one response possible to a rule like this and that is to join me in voting this rule down.

Mr. CARDOZA. Mr. Speaker, I would like to set the record straight. The gentleman would like to say that this is the first time we have had a structured rule. That is absolutely not the case.

In 1996, the farm bill that year, when the Republicans were in charge, allowed 16 amendments. It was a structured rule. This rule allows 31 amendments.

Further, Mr. RYAN accused us of busting the budget because of timing shifts. Let me just point out that the 2002 farm bill had $2.6 billion in timing shifts, and the 2006 budget resolution had $1.5 billion in shifts, with a total of $4.1 billion in timing shifts on their watch.

Mr. Speaker, at this time I would like to yield 2½ minutes to the chairwoman of the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this year we fought to make sure Americans do not just get more of the same from this Congress for its agriculture policy and the farm bill. And we should be proud of the results: genuine reform-oriented legislation reflecting our new priorities. By closing a loophole that even this administration labeled tax abuse, we are stopping foreign-based tax dodgers and fulfilling some of this bill's most important obligations.

By sponsoring a marker farm bill for the Northeast and Mid-Atlantic States, I sought to highlight our regions and, I believe, serve the entire country. We secured a major increase in conservation support for programs like EQIP and the Farm and Ranch Land Protection Program, and we made sure that there was a place in this bill for specialty crops.

What are specialty crops? Fruits and vegetables that are farmed in my part of the country, in Middle Atlantic States, in California. This is related to healthy diets in this Nation, crops that are so crucial nationwide, from New England to California.

And with an agreement on the implementation of mandatory country of origin labeling, this bill represents a victory for consumers and a positive first step toward improving food safety in the United States.

Most importantly, we are addressing a top priority: Nutrition. The Food Stamp Program is one of the most effective programs to help low-income Americans secure an adequate diet, to help children and families to reach their full potential. This bill represents a real strategy to stop the erosion of the food stamp benefits and actually take us in the right direction, a long overdue improvement for our most vulnerable populations.

Today food stamps are feeding 40 percent of all rural children, yet the current benefit of approximately $1 per person per meal is appallingly inadequate. This bill increases the minimum standard deduction to $145 for 2008. It then indexes it to inflation. It increases the maximum benefit. And we are taking steps to improve benefits for working families with child care costs, indexing to inflation the asset limit, which has effectively barred many poor households with modest savings from receiving any benefits a all.

For many long years, we have failed to meet our obligations, failed to act while too many Americans have gone without adequate healthful food. Today in the Congress we should take pride in acting, finally, to improve domestic nutrition.

Let's pass a responsible farm bill. I urge my colleagues to support the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to a classmate of mine, a member of the Ways and Means Committee, Mr. WELLER from Illinois.

Mr. WELLER of Illinois. Mr. Speaker, I came to Washington this week with plans to vote for a bipartisan farm bill, a good bill that came out of committee. Lo and behold, I read that the Democrat leadership demanded that the Ways and Means Committee come up with a tax increase to pay for expansions beyond for food stamps and other programs.

Well, look what they brought to the floor: a tax increase on foreign-owned U.S. manufacturers, foreign-owned U.S. companies that are creating jobs in our districts. Mitsubishi's North America plant is in my district. BASF, Pinkerton. And you know what is interesting is there are 235,000 jobs in Illinois, my State, that are generated by foreign-owned companies. And you know what? The Ways and Means Committee abdicated its responsibilities on this provision. No hearings were held. No markup was held. No one knows the consequences of this tax increase. That is why this rule needs to be voted down.

It is one thing if you say there is a loophole that needs to be changed, but I am amazed that members of my own committee are coming to this floor defending a provision where they don't know the answers on whether or not it is going to cost jobs in our districts.

Vote this rule down.

□ 1815

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

I, frankly, find it astonishing that we're going to have people representing farmers today that are going to be voting against a bill so important to rural America, a bill that enjoys the support of the farm bureau, the farmers union, the commodity groups, so many vital to the food production of our country. And why? Because they're worried about these companies based in places like Bermuda that want to take their money earned in the United States, route it through places like Switzerland, and park it in the bank back in those islands, those beautiful Caribbean islands where they don't have taxes. They would rather protect the tax cheaters in Bermuda than help the farmers in this country. And man, I would hate to go home and try to sell that one, because if that's not priorities tipped on their head, I don't know what is.

It's time for this body to do what's right and pass a farm bill so vital to rural America and the family farmers in our country.

Vote "yes" on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, this tax increase, however called, ripped from the headlines, "Cayman Islands, tax cheats, tax dodgers, Caribbean." The only thing they didn't work in was Paris Hilton and Lindsay Lohan.

The fact of the matter is I had planned to vote for this farm bill until this "dark night" tax increase. And here's the key. You hear them talk about 2002. The Treasury Department said "close the loophole." There is a reason they're not talking about 2007, because since then, in the 5 years, this Congress closed those loopholes. The Treasury Department closed those loopholes. And that same Treasury Department they cite today says this is a tax increase that jeopardizes U.S. jobs, cuts investment to this country, violates tax treaties, and keeps companies from creating jobs in the United States. And it also punishes U.S. energy companies for exploring in our deep waters and for honoring their Federal contracts.

This rule is a sham and deserves to be voted down.

Mr. CARDOZA. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes remaining. The gentleman from Washington has 15¼ minutes remaining.

Mr. CARDOZA. Would the gentleman like to take some of his time at this point?

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia, a member of the Ways and Means Committee, Mr. LINDER.

Mr. LINDER. I thank the gentleman for yielding.

In 1928, two gentlemen in Congress by the names of Smoot and Hawley drafted a bill to reduce tariffs to broadly increase markets, particularly for farmers. And after 4 years, it became not a tariff reduction bill, but a tariff increase bill. And all our trading partners responded in kind, leaving us a dust bowl in the "Grapes of Wrath."

If you don't think they're going to respond in kind to this, you're nuts. Toyota is not located in Barbados. Honda is not located in the Caribbean islands. These companies pay huge American taxers and hire millions and millions of our neighbors. They sell product in this country, they sell product for dollars. And the only value that dollar has for them is to spend it in a dollar-denominated economy, and they spend in America and they buy companies.

If you don't believe that this 4 to $6 billion tax increase on foreign capital is going to cause a response, you're simply not paying attention to history.

Vote this tax increase down.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire of my friend from California, we have a number of requests for time, and I'm not sure that I have enough time. I wonder if the gentleman would entertain a chance to expand our time on both sides.

If the gentleman would, I would like to ask unanimous consent that each side get an additional 10 minutes.

Mr. CARDOZA. I respect the gentleman from Washington, but we will have a significant amount of time in the discussion of the bill in chief.

Mr. HASTINGS of Washington. Mr. Speaker, I would just communicate with my friend to at least keep his options open, if he wouldn't mind, later on and maybe we can revisit this.

With that, Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Michigan, a member of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

This rule will raise $7.5 billion in taxes on U.S. employers. Higher taxes are just one consequence of today's rule. It turns a blind eye to the 58 tax treaties that have been negotiated by this Nation since the 1950s.

By ignoring those treaty obligations, that invites the retaliation other speakers have talked about. These are our friends and neighbors who work for these employers, over 5 million of them in the United States. And these aren't necessarily obscure businesses you've never heard about. The effect of this provision may be on companies like DaimlerChrysler, Michelin Tires and Miller Brewing. And I say "may" because we don't really know. We've never had a hearing. We've never had testimony. It is part of the American fabric that people have a chance to speak about laws and provisions that may affect them. There has been no voice given to the people that may be affected by these rules, the 5 million employees.

So I think to unexpectedly change these rules for these employers with zero debate is a dangerous precedent, and I will vote down the rule.

Mr. CARDOZA. Mr. Speaker, at this time I yield 15 seconds to the gentleman from Texas.

Mr. DOGGETT. New York Times, June 18, 2002. "There would be no effect on legitimate multinational corporations like DaimlerChrysler that have not used a haven to avoid American taxes."

Yesterday, 2:41 p.m., letter from Unilever Global Affairs vice president. He says that his company, which owns Ben and Jerry's, would not be affected by this bill.

What we've heard is nonsense. It's not evidence. Claims, not evidence.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise to inform my colleagues of a Fair reform amendment that I and others will offer later in this debate.

For too long, our farm programs have given billions of taxpayer subsidies to a few, but very large and wealthy, entities. This has got to change. Our Fair reform amendment will reform these commodity programs so they act like a true safety net.

Simply put, let's help farmers when they need it. Let's not when they don't. The committee bill before us, however, will continue to give taxpayer subsidies to individuals with an adjusted gross income of $1 million. It will spend $26 million in subsidies to commodity producers who are receiving at or near record commodity prices.

Our reform, however, will establish a real revenue-based safety net in case prices collapse. But the savings we find in phasing out direct subsidy payments we reinvest in rural America: $3 billion more for voluntary conservation programs, $6 billion for nutrition programs to combat hunger in this country, $2.6 billion for specialty crops and healthy foods programs, $200 million for rural development programs, $1.1 billion for McGovern-Dole, all of which is paid for in this current farm bill.

The opportunity for reform has never been better, given the strong market prices that exist today. Our reform amendment is fair and completely justifiable.

I urge my colleagues to support real reform so we can help family farmers when they need it, and so we can go home and justify it to the American taxpayer.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I would like to insert into the RECORD a letter that I referenced earlier in which the signature to this letter is Ben and Jerry's Homemade, Inc.

DEAR MEMBER OF CONGRESS: As U.S. subsidiaries of companies based abroad, we are writing to express our strong opposition to including Rep. Lloyd Doggett's bill, H.R. 3160 in the farm bill. This measure is a discriminatory tax targeted specifically at companies insourcing jobs into the U.S. We urge you to vote against the Rule on H.R. 2419 to demonstrate that you oppose targeting companies with significant employment in the United States.

Companies like ours play an important role in the growth and vitality of the U.S. economy, provide high-paying jobs for five million Americans and account for almost one-fifth of all U.S. exports. Discriminatory measures, like the Doggett legislation, send a hostile signal to our companies and other international investors. This bill will certainly dissuade companies like ours from choosing the United States as a location for job creating investment.

The provision under consideration would violate many of our bilateral tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from exiting treaties, harshly affecting U.S.-based businesses.

Congress has not held any hearings on this issue. There is no evidence that existing safeguards in current treaties are not effective. Further, if material tax abuses were evident; Treasury Secretary Paulson would not have strongly opposed this proposal.

We urge you to vote against the Rule on H.R. 2419 and to demonstrate your opposition to discriminatory tax increases on companies that support employment in the United States.

AEGON USA, Inc, Akzo Nobel, Alcatel-Lucent, Alcon Holdings, Inc, Allianz of America, BASF, Ben & Jerry's Homemade, Inc., Honda North America, Inc, ING Americas, Inc, Panasonic Corporation of North America, Suez Energy North America, Swiss Re, Thomson Corporation, Unilever.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I want to thank the Rules Committee for allowing debate on the Manzullo amendment to help the EQIP program. However, I'm deeply concerned about the Democrats' attempt to pit people who work for manufacturers against agriculture by a midnight tax increase against manufacturing workers.

The offset to pay for part of the farm bill would strongly discourage future foreign investment in the United States.

Nissan USA, owned by Nissan based in Japan, borrows money from their finance unit based in the Netherlands. Under our current tax treaty with the Netherlands, no tax is applied. However, under the Doggett amendment, a new 10 percent tax would be applied to this transaction, and the Netherlands would then most likely view this as an abrogation of our tax treaty and seek renegotiation or outright annulment, thus hurting our overall trade with the Netherlands.

In the northern Illinois district that I represent, the one which led the Nation in unemployment in 1980 at 25 percent, 14,000 manufacturing workers lost their jobs, 200 companies closed up. I just lost another one yesterday. Nissan Forklift in Marengo, Illinois, would be hit with a 10 percent increase. They're not based in Bermuda.

These are common American people, the ones who get up at the crack of dawn. They represent the manufacturing people of this country, and the Democrats are hurting them.

Don't hurt my workers. Don't raise taxes on a bill you have had no hearings on because you don't know. You have to examine what it does to the everyday worker. The Japanese, the English, the Italians, the Swedes, the Germans have all saved manufacturing jobs in my congressional district. I know what I'm talking about.

Vote against this rule. Vote against this bill. Vote for the American worker, who is glad to have his job because somebody came in and invested the money in American manufacturing.

Don't lay off American manufacturers because of a bill that you haven't even researched.

Mr. CARDOZA. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, if this House of Representatives wants to stand up for the people of America, they will stand up and vote for this rule and for this bill.

We spent many hours, way into the midnight hours, working and bringing every party together. This is not a tax increase; the other side knows it. Their leader said these words President Bush said in his 2008 budget: "Some foreign companies are inappropriately avoiding taxes that other American businesses pay by using this loophole." This is what the Republican President said. This is not raising taxes; it is closing a loophole. Vote for the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I want to once again inquire of my friend from California if we can have extended time on this. I would ask unanimous consent for 5 additional minutes on both sides.

Mr. CARDOZA. We object, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed that that happened, because we have seen the passion on this side of people talking about tax policy that has not had a hearing in the committees of jurisdiction in both cases, and we are restricted to only 1 hour to talk about that, without any extension at all.

With that, Mr. Speaker, I would like to yield 1 minute to my friend from Texas, a member of the Agriculture Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, for 18 months I've worked, along with my Democrat colleagues, to try to craft a bipartisan bill that we could be very proud of. Last week, it went through committee with some very hard work on both sides, both sides gave a little, got a little, and we thought left the committee with a great bipartisan bill, a bill which would have Democrats and Republicans for it, and perhaps Democrats and Republicans against it, but a bipartisan bill. We were assured on every turn there would not be a tax increase.

I was a member of the bipartisan whip team on Tuesday and was told as late as noon that there would be no tax increases to pay for the $4 billion. I was misled, and that's unfortunate.

All of the good bipartisan work accomplished by this committee has been squandered by, I believe, the top leadership of the Democratic Party in an attempt to strip Republican support for this bill away. We were going to have a bipartisan bill that was going to pass this floor. We're not going to have that now.

I vote against this rule. It's unfortunate that the other side has seen fit to waste the good bipartisan work that we did. If we can't trust what we tell each other, you cannot work in a bipartisan manner.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his hard work.

I witnessed for several hours yesterday the great challenges the Rules Committee faced, but I must confess that this rule puts a lot of us in a very difficult position. I am disappointed, to say the least.

This is not just a farm bill; it's the most important rural economic development bill, the most important trade bill, the most important opportunity to broaden the benefits for family farmers and ranchers, and the most important environmental bill that we will vote on this year.

Sadly, I will say at least that leadership did allow the amendment that I'm pleased to work with my friend, Mr. KIND, Mr. FLAKE and Mr. RYAN, the Fair amendment, to at least be heard, but it's only going to be heard for 20 minutes a side. They refused to allow debate on specific areas of meaningful reform, like the legislation that I had proposed to cap at $250,000 an absolute limit. I think it's a serious miscalculation.

This bill deserves to be fully and fairly debated. Now, I almost said I fear that minority voices would be shut out. But it's not the minority of Americans who share the views and objectives that it's time for meaningful reform. Because of the complexity, the misinformation and the powerful special interests that are involved here, it means that this shot that we have, our one shot for the next 5 years, is critical.

Sadly, there is always an excuse to not do all that we can do. Coddling cotton multimillionaires while talking big and delivering modestly is a failure of political will.

I hope at least my colleagues will vote for the Fair amendment. And I hope that the debate, as it proceeds, will be administered as fairly and as openly as possible to allow as many voices to be heard as we can ask.

Mr. HASTINGS of Washington. Mr. Speaker, I certainly associate myself with my friend from Oregon's remarks.

☐ 1830

We have different issues. But I think the issue is exactly the same.

With that, I yield 1 minute to my friend from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, first of all, I want to say, again, the Agriculture Committee worked in good faith and in a bipartisan way to come up with a good product, a good bill. We all patted ourselves on the back. We thought we had accomplished that.

Now we see a tax provision that has been put into this at the last moment, a tax provision that has never been vetted. It is a complex tax provision that abrogates treaties. Furthermore, it is a tax provision that is going to hurt the very companies that produce pesticides and fertilizers that are helping our farmers.

My farmers are trying to recover from Hurricanes Rita and Katrina. This provision is going to hurt them. This provision threatens this bill. Frankly, I am offended that we are here at this point in time.

Furthermore, I had an amendment that would have addressed a problem in the bill with the Food Stamp Program. The States need adequate flexibility to create efficiency so that we can take care of our neediest citizens. That amendment was not allowed to go forward in this debate. It certainly deserves a full and open debate, as the previous speaker said.

Our States need this flexibility. It is going to cost the State of Indiana over $100 million. Other States need this flexibility as well.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise in strong opposition to this rule. For several months, the House Agriculture Committee worked in a bipartisan manner to pass a bill that would make historic investments in conservation, nutrition and renewable energy, while maintaining strong support for American farmers. The committee put aside partisan differences and worked together on a bill that meets the needs of American farmers, without raising taxes.

Today House leadership has brushed aside months of hard work by Republicans and Democrats on the House Agriculture Committee and decided to insert a 600 percent tax increase on manufacturers who employ 5.1 million Americans workers and pay $325 billion in wages. Additionally, the anticompetitive Davis-Bacon provision included in this bill would drive up the cost of building ethanol plants and discourage alternative energy production.

Yet today, this rule does not allow Members a vote on striking these provisions. Right now, governments throughout the world are cutting taxes for job traders to attract investment. The Democratic proposal will drive investment and jobs out of America and greatly diminish America's competitiveness.

Mr. Speaker, for these reasons, I strongly oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to a former member of the Rules Committee, the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, just 2 days ago, the House was on track to pass this year's farm bill with a bipartisan vote. Then, in the eleventh hour, the Democratic leaders blindsided America with the news of how they were going to pay for this bill: by putting 5.1 million American jobs at risk.

This bill imposes massive tax increases on businesses, violates trade treaties, discourages investment in America and weakens U.S. competitiveness internationally. It costs good manufacturing jobs.

For instance, in my district in Ohio, Honda employs more than 16,000 Ohioans and has invested more than $6 billion into my State. Its suppliers employ an additional 40,000 Ohioans. Tax receipts from Honda provide revenue for 53 Ohio cities and 43 school districts. Honda is by no means alone in its contributions. U.S. subsidiaries in Ohio employ more than 200,000 Ohioans.

Mr. Speaker, the Democrats have shown their true colors again. We need not sacrifice American manufacturing jobs for a strong American agricultural economy. They can and should coexist.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, this rule asks a very simple question of all of us: Whose side are you on? Do you stand with overseas corporations who exploit American tax loopholes, or do you stand with American farm families who pay their fair share every day? Whose side are you on?

Let me point out where I and my Democratic colleagues stand: We stand with American farm families who plant, who grow and who harvest everything we eat. We stand with those most in need. We also support a strong nutrition program. We stand with our Nation's children, and are providing them with access to fresh fruits and vegetables. We stand with local agricultural businesses connecting local farmers to their communities to bring their products to market. And we stand for responsible reforms to our Nation's agriculture policy.

The question is simple: Whose side are you on?

We do not sit in the boardrooms. We do not represent corporations who take advantage of loopholes in our tax codes that even the Bush administration and the Treasury Department have said need to be plugged.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to a member of the Agriculture Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I am on the side of those who would like an open process. I am extremely disappointed with this tax provision. It can be characterized however one might wish to characterize it. But I am on the side of a process that is open, where a tax provision has a hearing and gathers input from the general population so that we can move forward with good policy.

As a representative of a heavily agricultural district, I hope that we can pass a farm bill that is good, sustainable policy. We are well on our way.

As a member of the Agriculture Committee, I was proud of the process. It was very polite. Actually, the committee process was very open. Then all of a sudden we are blindsided, Mr. Speaker, with this tax provision.

It is extremely disappointing to me, Mr. Speaker, and I hope that we can defeat this rule so that we can open up the process perhaps and move forward with good policy and a good, open process.

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, farm and ranch families deserve a safety net, and fiscal responsibility demands that we pay for it. We pay for this farm bill, every penny of it, and some of it is done by stopping one group of multinational corporations from dodging their United States tax liability. For too long they have enjoyed a free ride from these Republicans, at the expense of other American taxpayers. It is wrong, and we are putting a stop to it.

Our target is very narrow: No company headquartered in the United States of America will have its taxes go up one penny, nor will it have any significant impact on any foreign corporation with whom we have a tax treaty, as we do with most developed countries. Indeed, 90 percent of the revenue, according to the nonpartisan staff of the Joint Tax Committee, comes from companies that have tax hideaways with these countries down in the Caribbean that have no tax treaty and no corporate taxes or little taxes. And the remaining 10 percent of revenue from their proposal, most of it is going to be simply a matter of shifting taxes between countries in tax credits.

I have listened to these Republicans identify one company after another that they cried big crocodile tears about, and I haven't heard them identify a single company that is likely to have an increase in its taxes as a result of this proposal.

There are others hiding in the shadows that know they have no justified case. And they have some of their friends out front, including one company that I read an e-mail from yesterday saying they don't like my bill, but it doesn't affect them a penny. That is the people that own Ben and Jerry's.

Well, today the Administration may be teaming up with those willing to kill this farm bill by defending these foreign tax evaders, but that is not the tune they were singing 5 years ago when in this Treasury report they said "an appropriate, immediate response, an immediate response, should address the U.S. tax advantages that are available to foreign-based companies because of their ability to reduce the U.S. corporate tax on income from their American operations."

Mr. BRADY says Treasury did something about it? They sat on their rear and didn't do anything about it. And if you need any proof of that, gentleman, turn to the President's budget 5 months ago. He turned to this same source of revenue and all this job-killing tax proposal you are talking about. How many jobs did his $2 billion proposal that he put out here 5 months ago in February kill? Well, you haven't suggested there are any, because even this President, President Bush, admits there is a problem here that needs to be fixed, and this committee gets about fixing it.

You talk about jeopardizing 5 million jobs. What a lot of nonsense. That is all the jobs of all the foreign subsidiaries in the United States, the vast majority of which are corporations that are not touched by this proposal.

Your problem isn't jobs. Your problem is you never met a tax loophole you didn't like. You never met a tax dodger you didn't want to help. You have done a good job of doing it, and it is time we fix that.

I don't know why it is that a farm and ranch family in High Hill, Texas, or a drugstore on the main street of Bastrop, Texas, ought to have to pay higher relative taxes on their earnings than some multinational with a fancy CPA and a law firm and a hideaway in Bermuda.

It is wrong, and each of us must stand to choose between the two.

POINT OF ORDER

Mr. PEARCE. Mr. Speaker, I have a point of order. Are we requested to address our comments to the Chair?

The SPEAKER pro tempore. The gentleman should seek recognition rather than interjecting from his seat.

But the gentleman is correct that Members should address the Chair when they are speaking, and not others in the second person.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), the ranking member of the Ways and Means Committee.

Mr. MCCRERY. Mr. Speaker, the previous speaker, the gentleman from Texas, talked about a memo from Treasury 5 years ago. The fact is, since that memo was sent out, or since that study was done, Treasury has undertaken a very aggressive policy of amending tax treaties with countries to solve the problem that was mentioned in that study. Also, in the jobs bill that we passed just a couple of years ago, we legislatively attacked the problem that was mentioned in that study. So steps have been taken, both legislatively and regulatorily, to solve that problem.

The President's budget, the gentleman himself said it raises $2 billion, approximately. His provision raises twice that. So it is apples and oranges, and obviously his provision is much broader than what the President's budget contemplated.

But, you know, I was just sitting there listening to this debate, and Americans out in the country watching this must be shaking their heads. You have got Democrats who are saying one thing and Republicans who are saying just the opposite. Republicans: It is a tax increase. Democrats: It is not a tax increase, it is a loophole closure. It is like they have been brainwashed by somebody and we have been brainwashed by somebody.

Mr. Speaker, we could have avoided this, I believe, if the majority had followed regular order; if they had allowed the Ways and Means Committee, the committee of jurisdiction over the Tax Code, to hold a hearing on this provision, to flesh it out, to hear experts on both sides, or all sides, and then let us discuss it and ask questions, probe.

Mr. DOGGETT is one of the smartest Members of our committee, and he knows a lot about the Tax Code, and especially the treatment of international companies doing business here in the United States, and I give him that. But, dadgummit, we should have had a chance to honestly debate this, and not have the majority just throw it in overnight on a farm bill, without even sending it through the Ways and Means Committee. That is wrong. That is a lousy way to legislate. It is wrong.

That is why Members on both sides of the aisle should vote no on this rule, to give this House the opportunity to act responsibly and to give the Ways and Means Committee back some of its honor. It is getting gutted by actions like this week after week after week. I am tired of it, and I ask the House, not Republicans or Democrats, Members of this proud House, to go back to doing things properly, and then maybe we will figure out something in between that we can all support.

□ 1845

Mr. CARDOZA. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. Both sides have 3¼ minutes remaining.

Mr. CARDOZA. Does the gentleman from Washington have any remaining speakers?

Mr. HASTINGS of Washington. I have more speakers than I have time, and I would like to inquire of my friend if he would like to entertain the proposition I offered a moment ago.

Mr. Speaker, I ask unanimous consent for 5 additional minutes for each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. CARDOZA. Mr. Speaker, I object to the request to extend debate. As the gentleman from Washington knows, there will be another hour of debate on the bill and then 31 amendments. There is ample time to debate this bill, so I would have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. PEARCE), a member of one of the committees that was denied any opportunity to talk about the tax provisions.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and it is always imperative that we discuss issues that are brought forward.

Members of Congress often point to other countries who abridge treaties, who abridge contracts of our companies working in those countries, and they claim foul. Recently Hugo Chavez nationalized the oil industry and the electricity and oil companies. Yet the people who work for oil companies that are U.S. oil companies trying to push back that takeover were told why shouldn't we do that, your own government is doing it; we have the right.

They are referring to the language that is in this bill that affects the offshore leases, the '98–'99 leases. The Washington Post described the actions that were taken back on H.R. 6, which are very similar to these actions, as "heavy handed." The stability of contracts, this heavy-handed approach, an attack on the stability of contracts would be welcomed in Russia, Bolivia, and others have been criticized for tearing up revenue-sharing agreements with private energy companies.

Mr. Speaker, we are doing things that affect oil companies and energy prices to Americans. I oppose this rule because it violates the rule of law.

Mr. CARDOZA. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, while I see good reforms and programs in this farm bill, I also see onerous provisions such as a massive tax increase on foreign companies who are providing good jobs here in the United States, and Davis-Bacon restrictions on biofuel production plants that drive up costs far beyond any included incentive grants.

In 2003, a constituent of Georgia's 11th District named Greg Hopkins took a big risk and decided to construct and operate a biofuel production plant called U.S. Biofuels in Rome, Georgia. He found a market demand, and that is the reason for his plant. But in order to make a profit, Greg has to minimize costs wherever possible. If the United States is serious about moving our country to alternative fuels, we don't need restrictions like Davis-Bacon prevailing wages.

It is clear to me that the Democratic leadership of the 110th Congress is more interested in doing favors for deep-pocketed labor union supporters than protecting domestic biofuel producers, and I must oppose this rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky, a classmate of mine, Mr. WHITFIELD.

Mr. WHITFIELD. I want to commend all those for the hard work they have done on this rule. I must say that the American people today, 14 percent of the American people only, approve of Congress as an institution. I think there are many reasons for that.

For example, with this farm bill we have an opportunity once every 5 years to address major issues in the farm bill. Yesterday, the chairman of the Natural Resources Committee, the Budget Committee, two other Democrats and two Republicans offered an amendment to the Rules Committee on an issue that has been on this House floor five separate times and every time it passed overwhelmingly, but we needed this amendment to finally bring this issue to a conclusion. And although four people on the Rules Committee that spoke applauded our efforts and were very complimentary of it, we were not given an opportunity to bring this amendment to the floor.

In addition to that, the tax issues relating to the farm bill have not been adequately explained, have not been adequately debated. In the committee that I am on, the Energy and Commerce Committee, there is an SCHIP program that provides $100 billion in cost over the next 5 years; and to pay for that, we have not had any opportunity to debate that.

The SPEAKER pro tempore. The gentleman's time has expired.

MOTION TO ADJOURN

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 174, nays 248, not voting 10, as follows:

[Roll No. 745]

YEAS—174

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—248

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Baird
Clarke
Cubin
Culberson
Davis, Jo Ann
Hunter
LaHood
Pickering
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1914

Ms. SCHWARTZ, Mr. BOUCHER, Mr. FOSSELLA, Ms. SOLIS, Mr. LEVIN and Mr. ENGEL changed their vote from "yea" to "nay."

Messrs. HAYES, BARRETT of South Carolina, REICHERT, FRELINGHUYSEN, BURGESS, TURNER and BROUN of Georgia changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. The gentleman from California has 3¼ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I have stood here for the better part of an hour as we debated this rule, and I frankly cannot believe what I am hearing.

It sounds to me like the Republican caucus of this body is actually considering voting against the thousands of farmers, their families, and the millions of people throughout this country that rely on farming for their livelihood in favor of a few wealthy international companies who are deliberately evading U.S. tax law and big oil companies that have been gouging Americans at the pump.

The truth is that the Ways and Means Committee has taken the advice of the Bush administration and closed a loophole for tax cheats in order to pay for lifesaving nutrition programs for millions of Americans. This energy offset comes from reducing taxpayer subsidies for multinational oil and gas companies that have enjoyed a free ride from this Congress for far too long.

The price of oil today in New York was $75 a barrel. Is that not enough for Americans to pay? So enough with this song and dance. This is about closing loopholes for tax cheats, a loophole that your Republican administration has been advocating. This is closing a loophole for tax cheats, a loophole that this administration has been advocating being closed for years, as it is reducing windfall profits for Big Oil.

I urge my colleagues to make the right choice here and stop playing politics with the American public.

We used to have a $30 billion trade surplus in agriculture. Like everything else, we are trading that away. If we aren't careful, we are going to become an importer of agricultural goods for the first time in the history of the United States. That won't happen on our watch.

It's bad enough that countries like China, Japan, and Saudi Arabia are our bankers. Let us not make them our farmers, too. That is not the way this country was built, and I assure you this new Democratic Congress will not abandon our farm community.

This is a once-in-a-lifetime bill that will meet our country's needs. Every major group, the commodities, the specialty crops, the nutrition groups, the conservationists and others support this bill.

A "yes" vote on this rule and the underlying bill is a vote for the hungry, a vote for the environment, a vote for energy independence, but, most importantly, a vote to deliver on our longstanding commitment to rural America.

I urge a "yes" vote on the rule and on the previous question.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in opposition to this rule. The rule waives all points of order on the underlying bill to shield the Democratic Leadership's attempt to bypass the rules of the House and the jurisdiction of the Committee on Ways and Means. Clause 5(a) of Rule 21 states that, "a bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures."

Yet, the bill before us today was not reported by such a committee, only by the Committee on Agriculture. Specifically, Section 1303 of the bill would change the administration of U.S. tariff rate quotas for imports of sugar so that the tariff rate quotas no longer apply on a yearly basis, but rather on a semiannual or even quarterly basis for certain imports.

Under this provision, importers who wish to import sugar into the United States outside of the narrow time period specified in the bill would be required to pay the over-quota tariff rate rather than the in-quota tariff rate to which they would otherwise be entitled. Thus, this provision would increase the tariff rate on these imports from 1.46 cents per kilogram to 33.87 cents per kilogram: an increase in the tariff rate of over 2,000 percent.

In effect, this bill changes the tariff classification of these imports because it changes the tariff to which these imports are subject based on when they are imported into the United States. As a result, this language would affect the amount of tariff revenue collected, thus triggering clause 5(a) of rule 21.

Completely egregious in its own right on the merits, the inclusion of this provision also flies smack in the face of the rules of the House and should not be included in the bill today. But, sadly today we are precluded from raising a point of order against this provision as a result of this rule.

Mr. Speaker the rule also contains a self-executing tax increase that will put the squeeze on investment in the U.S. and cost America jobs. Also not considered by the Committee on Ways and Means, this provision, masquerading as a way to keep jobs here, will in fact send jobs overseas.

The practical effect of this amendment is that employers like BASF in Evans City, Pennsylvania will be at a direct disadvantage simply because they have chosen to locate a manufacturing plant in the U.S.—and employ U.S. workers—but have a parent company based in Germany. Similarly, companies throughout my district would be indirectly affected as a result of some of their customers—companies like Honda and Sony among others—being disadvantaged by this provision. In addition, this provision completely disregards obligations made under international tax treaties.

Mr. Speaker, American workers deserve better, American employers deserve better, and our treaty partners deserve better.

I urge a "no" vote on this most misguided rule.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 574 will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 8, as follows:

[Roll No. 746]

YEAS—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)

Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—202

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Rogers (AL)
Waters
Young (AK)

□ 1937

Mr. SESSIONS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM CONGRESSIONAL AIDE OF THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BRISTOL,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Carter Ellison, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CARTER ELLISON,
Congressional Aide.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 2419.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2419.

□ 1942

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Chairman, today we have a bill before us that is known as the farm bill, but this bill is much more than about farms. It is about the food we eat, the clothes we wear, and, increasingly, the fuel that we will use.

The farm bill assures that we will have a safe, strong food supply now and for years to come. It funds nutrition programs and ensures that working families have enough to eat. It provides conservation programs to protect the environment. It funds rural development programs in support of our rural communities nationwide. You can see that this farm bill is certainly about more than just farms.

In addition to these important priorities, this farm bill also provides the safety net that allows our Nation's farmers and ranchers to continue to provide the food, fiber, and fuel that meet the needs of Americans and people around the world.

America is still the world's breadbasket, and that is something we should be proud of. Over the past year, my colleagues and I have traveled across the country from New York to Alabama, to my neck of the woods in Minnesota, and all the way to California. We heard from folks who are out there every day working the land, producing a diverse range of agriculture products.

The farm bill is a product of agreements that we have reached by consulting everyone interested in this process. In addition to hearings across the country, we have worked with nutrition advocates, conservation and environmental organizations, renewable energy groups, and representatives from all parts of the fruit and vegetable industry, in addition to the farm groups traditionally involved in the farm bill.

At the end of that process, we now have more than 100 organizations representing conservation, nutrition, rural development, renewable energy, labor and farm groups that have signed on in support of this bill. I think that this unprecedented support is a direct result of our efforts to be inclusive in this farm bill process.

There are very few issues that the National Farmers Union and the American Farm Bureau Federation can agree on, but at the end of the day, they both support this bill.

The members of these groups who support our farm bill are the real experts on farm policy because it is a reality that they live each day of their lives. They are the ones on the land planting the crops, managing the livestock and taking the risk inherent in the industry of farming. They are the ones who represent the people using the farm bill's nutrition programs. They are the ones working to implement good conservation practices in the communities across this country. If they support our bill, then I know that we're doing the right thing.

This farm bill also includes significant reforms. Of course, some people think we went too far. Others think we didn't go far enough. But everybody seems to agree that they never thought that we could get an agreement that went as far as it has. That is what this farm bill is about. We got the different groups into the room and produced an agreement that everyone feels like they've been part of the process, even if they didn't get exactly what they wanted.

This bill does make significant changes, including a hard cap on subsidies for the first time ever. We've taken the $2.5 million adjusted gross income cap down to $500,000. And we have put a hard cap on of $1 million so that anybody over $1 million of adjusted gross income will not receive farm payments after this bill passes.

We have also cut the soft cap that I mentioned on adjusted gross income to $500,000. We also, in this bill, required direct attribution for the first time of farm program payments so that people won't be able to get around the payment limits by receiving payments through different business entities. These are not insignificant by any means, and these changes will affect thousands of farmers nationwide.

In the area of conservation, too, we have made significant changes as well as new investments. One thing we've done, we have included the same kind of payment limits on conservation programs that we have had for farm programs. That way, there's more money available to more farmers to participate in these popular programs.

The bill also includes $3.8 billion in new spending for conservation programs over the next 5 years. These programs help farmers protect the environment with programs that reduce erosion, enhance water supply, improve water quality, increase wildlife habitat, and reduce damage caused by floods and other natural disasters.

This farm bill provides new resources to protect and preserve the Chesapeake Bay and other high-priority areas, and it encourages private land owners to provide public access for hunting, fishing and other recreational activities.

In the area of renewable energy, this farm bill invests in programs that will help encourage the development of cellulosic ethanol in this country. In my opinion, this represents the future for American agriculture. Once we can establish the first facilities that can make ethanol from agricultural waste and other biomass products, we will take a huge step in a new direction for agriculture and for rural America.

Many of the best feedstocks for cellulosic ethanol will also provide benefits for wildlife and for the environment. Renewable fuels have brought new investment and new jobs for rural America, and this is one of the most exciting things that's happened in my life and in American agriculture.

We have also proposed increases in the farm bill's nutrition title. This has been a source of some controversy this week, but not because people disagree with the idea that we should be increasing these benefits which have been stagnant for many years and making sure that benefits keep pace with inflation.

Instead, the controversy has involved the proposal that the Ways and Means Committee has proposed to offset the cost of these changes. I hope that my colleagues on both sides of the aisle will recognize that there is a difference between closing a loophole in current tax law and increasing taxes. This proposal won't raise taxes, but it will hold some foreign companies who should be paying taxes accountable for what they owe.

The Agriculture Committee agreed, on a bipartisan basis, that these changes in the nutrition program were important to help working Americans access these nutrition programs, and we have found a reasonable, fiscally responsible way to do this.

Another area where this farm bill makes great strides is in funding for programs that strengthen the fruit and vegetable industry. We have worked with this industry and have included $1.5 billion in new mandatory money for them in this farm bill. That's the first time that we've done this.

The Specialty Crop Alliance, United Fresh, and many other fruit and vegetable groups strongly support this bill as passed by the Agriculture Committee.

We also worked with several caucuses in crafting this bill, including the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Native American Caucus. With the Congressional Black Caucus, we have worked to address important issues, including a program in the manager's amendment that will help black farmers who did not get their day in court due to inadequate notice and an arbitrary deadline established after the Pigford case was settled. This provision will allow farmers who filed their claims after the national deadline to have their cases heard.

We have also included other provisions to make USDA programs more accessible to minority, socially disadvantaged and beginning farmers and ranchers. This includes provisions to expand access to land, credit, conservation and rural development programs.

One of the most important compromises reached in this farm bill was an agreement to finally, after a long delay, implement mandatory country of origin labeling. We put both sides in the room; we told them to come out with a compromise, and they delivered. As a result, with this farm bill, consumers in this country will finally be able to tell where their fruit and vegetables and meat products in their grocery stores are coming from, and we think it's about time.

We accomplished all of this under an open process where everyone was included. All members of our committee were engaged in this process, and I'm proud to say that some of our newest freshman Members, including colleagues that have been there for years, really brought a lot of constructive ideas and a spirit of bipartisan cooperation to the table and helped us come up with a bill that we are all very proud of.

There is something in this bill for everybody to like. There's probably something in this bill for everybody not to like. But it's a step in the right direction and has broad support, as I said, from many organizations. And I encourage my colleagues to support this farm bill which supports all of us with food, fiber and fuel.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield myself 5½ minutes.

Madam Chairman, it's a sad day for American agriculture when the Democratic leadership pits America's farmers and ranchers against America's working class. The tax increases included in this bill stand to jeopardize millions of American jobs by raising taxes on companies that do business in the U.S. Not only does this provision cunningly added by the Democrat leadership after the bill left the control of the Agriculture Committee jeopardize American jobs, it stands to violate treaties with other nations and lead to significant ramifications for U.S. companies with operations in other countries. Worst of all, we're not even considering a tax bill; we're considering a farm bill, a farm bill that has been twisted into a partisan pawn.

At the beginning of the week, I stood beside the chairman of the Agriculture Committee to voice my support for this bill that we had worked in a bipartisan fashion to bring to the floor. I had only one caveat, that the offsets not be in the form of tax increases. Not 24 hours before we were to consider this bill on the floor, we were made aware of a tax increase provision that had been added to this language behind closed doors. Unfortunately, all of the good things contained in this bill have been overshadowed by very partisan elements of what should be a bipartisan bill. Today we should be debating the merits of this bill, a bill that was carefully crafted to meet the calls for reform and expand programs such as nutrition and fruits and vegetable programs. But the leadership has decided to take American agriculture out of the debate on the farm bill.

Heading into the reauthorization of the farm bill, Agriculture Committee Republicans anticipated problems with the budget, given the collapse of the baseline projections for the commodity programs. The lack of funding for the nutrition interests further compounded the problem. As the number of nonfarm interests in farm bill funding has grown and the availability of funding dwindled, farm programs have become particularly vulnerable, and the Democratic leadership and the Budget Committee refused to address the needs of a forward-looking farm bill.

From the start, the Agriculture Committee Republicans have made our concerns about funding for this bill very clear. When the chairman announced his projected farm bill time line on May 17, I urged him not to rush the process and find the offsets before promising the money in the farm bill language. Again and again, I, along with my subcommittee ranking members, have implored the committee to slow down, to wait until the money is available before moving ahead.

At the Conservation, Credit, Energy and Rural Development Subcommittee markup on May 22, both subcommittee ranking member FRANK LUCAS and I urged caution in rushing the process.

On May 24, at the Livestock, Dairy and Poultry markup, the message was the same. The subsequent markups on June 6, 7, 15 and 19, the message to the leadership of this committee was the same; slow down and find the money. We were consistently told the money would be made available, and we were consistently denied any further information.

It would be disingenuous for my Agriculture Committee Democrat colleagues to claim our objections are at all new or recently conceived. We have worked in a bipartisan fashion throughout this process and had the opportunity to take a bipartisan product of the committee to the floor. But our work has been undermined by the addition of tax increases without consultation, review or due process to cover the extra costs of the bill.

Despite repeated assurances that the $4 billion in offsets would not come from tax increases, here we are, looking at tax increases as a funding mechanism of choice employed by the Democratic leadership.

Moreover, to insinuate that Democrats were made to do anything by the Republicans' opposition to revisions that would directly impact U.S. jobs is preposterous. The Democrats and the Democrats alone are solely responsible for any modifications made to this bill after it left the Agriculture Committee.

Because the Democrat leadership won't invest in American agriculture, they're calling for increased taxes to pick up the tab to fund our domestic priorities by increasing taxes on companies that provide millions of Americans with good jobs and stimulate economic growth.

I anticipate this tax increase will likely be the first of many needed to fund the priorities that bulge between the majority's budgets.

Rural America is served best when we work together in a bipartisan fashion. With passage of this rule, partisanship invades rural America and destroys bipartisan support for the underlying legislation.

I want to be clear, I support the farm bill. I do not support the nonagriculture, non-Agriculture Committee approved tax increase that has been shamefully attached to this legislation.

Prior to the announcement of this tax increase, it was clear that the administration, which has opposed this bipartisan effort, it was clear that a veto threat was headed our way.

A bipartisan farm bill without this tax increase would have produced a veto-proof majority and would have sent this farm bill soaring into the negotiations with the Senate. Now this farm bill will not be an effective product to move American agriculture forward.

I urge my colleagues to reject this legislation.

Madam Chairman, I reserve my time.

Mr. PETERSON of Minnesota. I'm now pleased to yield 2 minutes to my good friend, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL from New York.

Mr. RANGEL. Madam Chairman, it's an honor for me to be here. I wish that we didn't have to mark up the SCHIP bill so that I could be here for the rest of the theater.

I have been overly impressed with the remarkable bipartisan work that Mr. GOODLATTE and Chairman PETERSON have been doing on a very complicated piece of legislation. And I was very surprised that, with their ability to, so-call, offset the expenditures of the bill, that they came to the conclusion that when it came to food stamps they ran out of money.

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Ran out of money to such an extent that I was really completely taken off guard when they told me that the Ways and Means Committee should provide $4 billion to pay for the food stamps. And I admit I don't follow the Agriculture Committee's work as closely as I should have. But knowing that Republicans as well as Democrats wanted to make certain that 26 million people will continue to have food stamps, I said, where would you expect the tax-writing committee to get the money that is necessary to keep this bipartisan agreement to? I assume if you went to the Energy and Commerce Committee, you would be going there for energy. If you went to the Transportation Committee, you would go there for transportation. And I assume that we talk the same language, and the Ways and Means Committee is the tax-writing committee.

And when you said it was important to maintain this bipartisan agreement, I looked over the jurisdiction of the Ways and Means Committee. It wasn't $4 billion in Social Security. It wasn't $4 billion in Medicare. It wasn't $4 billion in training, though we were working hard to make certain to break down the barriers so that our farmers could go overseas.

So there is not one living person on the Agriculture Committee that didn't ask me to get it out of what? Taxes. Sorry to use that word, and I don't know who is offended. But we felt that we weren't going to raise individual taxes. We weren't going to increase corporate taxes. So I thought that common sense and political sense would mean that we would find out who is not paying taxes and bring that revenue in so that we can have a bipartisan agreement in the House and the Senate in order to do this.

Now, strange things can happen, and it appears as though it has. But I just want you to know that you can call it offset. You can call it revenue enhancement. And we call it fraud and evasion and equity and fair play. And it is coming out of the tax-writing committee.

I just hope you never come to the tax-writing committee and ask for relief and, when you get it, say you don't want tax increases.

Mr. GOODLATTE. Madam Chairman, I yield myself 10 seconds to say to the chairman of the Ways and Means Committee that neither I nor any other Republican on this committee that I know of ever went to him and asked for any, any funds whatsoever, certainly not from a tax increase.

Madam Chairman, at this time it is my pleasure to yield 1 minute to the gentleman from Alabama (Mr. EVERETT), the distinguished ranking member on the Agriculture Committee.

Mr. EVERETT. Madam Chairman, I rise in strong opposition to the 2007 farm bill. The budget resolution that we were forced to work with was woefully inadequate for production agriculture. Moreover, the Ways and Means Committee, regardless of what the chairman says, included a tax increase on companies to pay for this bill.

I have great concerns for Southeast peanut producers, who grow almost 85 percent of all peanuts grown in this Nation. They are the number one losers in this bill. There is included, in the manager's amendment, an important new initiative that will not only help all peanut producers address rising input costs, but will ensure greater yields and better stewardship of the land through enhanced crop rotation. But the $10 million annually allocated for this program is not enough to ensure this program is successful.

The "Farm Bill" is called the farm bill for one reason—to address agricultural needs of our farmers and ranchers. However, the bill before us seems to forget the farmer and rural America—specifically at a time when many of them are facing difficult times.

I understand the financial constraints that we had to work on this bill. But in light of those constraints, significant funding increases were given to conservation and nutrition programs at the expense of production agrculture. Additionally, I oppose the last minute developments that have occurred to attach a provision to increase taxes to pay for some of these increases.

I strongly oppose these actions, they should not be in the Farm Bill, and overall it will hurt Americans.

I am also concerned over how this additional funding is being allocated. Specifically, $1.6 billion was specified for specialty crops—most of this money going to California—a state that is ranked 10th nationally in receiving federal subsidies. Additionally, $150 million was set aside in the bill for air pollution in California.

Secondly, conservation funding receives a $1.35 billion increase in funding. A significant amount of that money has been set aside for specific watersheds. In particular, the Chesapeake Bay Region is receiving $400 million alone for conservation programs for this watershed.

Historically, the Chesapeake Bay and other watersheds specified in the bill have received billions of dollars in the past for these efforts and should not be given special preference in this bill. Chesapeake Bay has received over $700 million annually for conservation programs addressing the watershed. Why do they need preference throughout the program when the rest of the nation is also addressing similar issues?

I am specifically concerned over the preference being given to several watersheds under the new Regional Water Enhancement Program. I was pleased that this new program was included in the bill—it is an issue very close and dear to my heart. I have been working on this legislation for several years and I am pleased that much of the language of my Farm Reservoir Act has been included in this program. This program will provide cost-share assistance to agricultural producers for projects like the construction of on-site reservoirs. It upsets me that specific watersheds were given priority consideration under this program.

Fortunately, an amendment during full markup was included to limit these watersheds in receiving no more than half of the funding. However, I believe that the Regional Water Enhancement Program should not be a place for "earmarks" but open to all regions of the country—all who are dealing with water issues that are important to their region.

For my part of the country, farmers in the Southeast are facing a devastating drought and farmers are faced with the loss of most—if not all—of their crops. Many ranchers are being forced to sell their herds since they have no feed for them. This program would help many of these farmers to build farm reservoirs that will help farmers during these difficult times and could help save many of their crops—a savings to taxpayers in the future in crop insurance and disaster payments.

Some would try and argue that my state is guilty of also receiving large subsidies that I have just spoken against. Many of you may be surprised to know that Alabama is in the bottom half of the nation in receiving federal subsidies—27th out of 50. I like to also point out that 72 percent of all farmers and ranchers in Alabama do not collect government subsidies.

These are the same farmers and ranchers that are struggling with severe drought conditions and are hoping for some federal assistance to help them get through these difficult times—whether through disaster payments or federal programs like the Regional Water Enhancement Act. However, a permanent disaster payment was not incorporated in this bill because there was not enough money.

All of the programs in the Farm Bill are important but to receive such a drastic increase while producers are struggling does not seem right. Claiming there is no money to include a permanent disaster payment program for farmers who face significant financial loss of crops due to natural disasters like hurricanes, drought, wild fires, disease, pests and tornadoes—is wrong!

I look forward to continually working with the Chairman and Ranking Member to address many of these concerns as we move forward.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to yield 6 minutes to the distinguished Chair of the Foreign Affairs Committee, my good friend Mr. LANTOS from California.

Mr. LANTOS. Madam Chairman, I want to thank the distinguished chairman of the Agriculture Committee, my good friend from Minnesota, COLLIN PETERSON, for his outstanding leadership on this critically important bill.

Today we reconfirm one of this government's most solemn commitments: reaching out to help the most desperate people on the planet. By reauthorizing and strengthening the long-standing and successful Public Law 480 food aid program, we show the entire world that we are serious about using our vast resources for resoundingly positive action.

The 850 million people around the globe without sufficient food cling to a precarious existence: foraging for daily sustenance, unable to take care of their starving families, and locked into a perpetual cycle of poverty and hunger.

The lack of food is particularly vicious for HIV and AIDS patients, whose medications often make them even hungrier. They now live longer with the medications the United States has provided under landmark legislation we in Congress passed 5 years ago, but, Madam Chairman, in a cruel twist of fate, they trade the pains of the disease for the pangs of hunger.

The plight of the starving represents one of the most disturbing and dire societal shortfalls on this planet, and addressing worldwide hunger represents the most unambiguous American moral obligation that faces us today.

That is why the international food aid programs reauthorized in Chairman PETERSON's bill we are considering today demand our full and enthusiastic support. We sit here discussing this bill in the comfortable, air-conditioned Capitol, where we cannot really fathom what it is like to be scrounging for food in one of the world's many developing nations. I hope my colleagues will remember this when considering any effort to weaken these indispensable initiatives.

Our bill reauthorizes the historic and widely praised Public Law 480 food aid program. Public Law 480 was originally established in 1954, and it propelled the United States into worldwide leadership in the donation of food to developing nations and their millions of people. For more than half a century, our groundbreaking law has utilized the abundant agriculture resources of America to help ameliorate hunger around the globe.

Public Law 480 and the other food aid programs are so successful because of a simple recipe: the combination of the American people's compassion, and the dedication of private organizations and the companies that make the programs work. This supply chain highlights the unparalleled productivity of our farmers and processors and the dedication of those who administer, transport, and distribute food aid.

This broad and diverse network has enabled Congress and the executive branch to sustain strong funding levels to feed the world's hungry for decades. Our legislation before Congress today maintains this strong coalition; yet at the same time, it updates and modernizes the program to make it more effective.

I am particularly delighted to highlight that this bill restores mandatory funding for the landmark McGovern-Dole program, which lives up to the accomplishments of the two great former Senators, one Republican, one Democrat, who created it. This program specifically targets the legions among the world's starving who are least able to help themselves: the children of the poor across the globe.

The bill also increases funding for developmental food aid. The administration in recent years has blurred the line between so-called "developmental food aid" and "emergency food aid." But with 850 million people starving on this planet and the vast majority of them chronically short of sustenance, the beneficiaries of developmental food aid are just as needy as recipients of emergency food aid. They don't care what pot of money funds the donated food; they only care to see their families fed.

The manager's amendment proposed by the distinguished chairman Mr. PETERSON includes language that was passed by my Foreign Affairs Committee authorizing a critical $2.5 billion for international food aid programs.

I urge all of my colleagues to join me in passing this most important legislation, which will ensure the United States continues to lead the way in addressing the patently unacceptable plight of the world's hungry.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 2 minutes to the gentleman from Oklahoma, another of our ranking members on the committee, Mr. LUCAS.

Mr. LUCAS. Madam Chairman, I thank the chairman and ranking member for this effort this evening.

I would have never thought that I would be standing on the floor of the United States House advocating ultimately a "no" vote on the farm bill. I would have never thought that. As a farmer from Oklahoma, as an individual with a degree in agricultural economics from Oklahoma State, I would have never thought that I would be advocating a "no" vote on a farm bill.

How did we get to this point? Let's remember, first and foremost, farm bills, while the goal is to help rural America, while the goal is to help make farming and ranching a thriving industry, the real goal is providing the food and fiber supply that feeds and clothes this Nation and the world. And since the 1930s, we have done an exceptional job with these farm bills, an exceptional job, and it has been a nonpartisan, nonpolitical process. We may disagree by region, we might disagree by commodity group, but it was always pulling together for the good of this country and the consumers that we serve around the world.

We have now come off of two extremely successful farm bills: the 1996 bill with its dramatic reform, flexibility in production decisions, certainty of payment; the 2002 farm bill, building on that with a safety net. Two very successful farm bills.

As a matter of fact, they were so successful that the amount of money set aside for the 2002 farm bill, we spent $60 billion less than was projected, and that was where we got into trouble, and that is what has got us to this point. Sixty billion dollars we saved, and we got not one penny's worth of credit for it.

So we began this farm bill process with $60 billion less than we had 5 years ago. That was a decision made by the senior leadership in the new majority. When you are $60 billion down and trying to move successful and popular programs forward, you have got problems. Chairman PETERSON worked diligently. The entire committee worked diligently. But, ultimately, when we were not given credit, we had to depend on a massive tax increase.

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Mr. PETERSON of Minnesota. Madam Chair, I yield myself 15 seconds to respond.

I just want people to remember what happened with the '95–'96 farm bill, which was a partisan farm bill. So, we've been down this road before.

I recognize the distinguished subcommittee chairman, my good friend, Mr. HOLDEN from Pennsylvania, chairman of the Conservation Credit, Energy and Research Subcommittee and vice-chairman of the House Agriculture Committee, for 2 minutes.

Mr. HOLDEN. Thank you, Mr. Chairman, for yielding the time. And thank you for your leadership on this important piece of legislation that we have worked on in a very bipartisan manner. And thank you for the leeway that you have given the subcommittee chairman in bringing this product to the floor.

And it's not easy. We are a diverse country when it comes to our agriculture interests, and the diversity on the committee reflects that. But we all came together. We all gave up things that we wanted in the bill. The chairman has been talking for 2 years about permanent disaster relief. That's not in the bill because we couldn't afford everything. Everything that I wanted for the northeast is not in the bill. Everything the ranking member wanted for Virginia or my good friend, Mr. LUCAS, for Oklahoma is not in the bill. We all had to come together, and we have delivered a product that is fair.

In the subcommittee that I chair, under the conservation title, a $4.3 billion increase in conservation; that's above baseline, 35 percent increase. We went around the country hearing what farmers cared about the most about conservation; it was EQIP. What did we do with EQIP? We put 50 percent additional funding in EQIP.

In my neck of the woods and in the ranking member's neck of the woods in the mid-Atlantic, farmland preservation, by far. When we went to New York to have the hearing, the importance of farmland preservation. In this bill, we have a 100 percent increase in farmland preservation, as well as other water quality improvements. For those who care about the Chesapeake Bay, $150 million for river restoration. So we have a strong conservation title.

Credit. We made improvements for credit that we will be discussing shortly after general debates that will make credit more accessible in rural America.

Energy. Everybody in this Congress, not just committee, but everybody in this Congress has been talking about the need for us to become more energy independent. In this bill, we have $2.4 billion in the energy title; $2 billion in loan guarantees so we can help this infant industry of cellulosic ethanol and biodiesel and take advantage of our agricultural natural resources that are so abundant in this country so that we can now take a step towards being no longer dependent upon the smooth, continuous flow of oil from the Persian Gulf.

This is a good bill, and I ask everyone to support it.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 1 minute to the distinguished Member from California (Mrs. BONO).

Mrs. BONO. Madam Chairman, I share the concerns of the gentleman from Oklahoma (Mr. LUCAS). But I also would like to speak today on a specific provision within H.R. 2419 that I'm happy to say will soon bring to resolution the implementation of what Congress has wanted for 6 years, country-of-origin labeling, the act of simply letting U.S. consumers know where the product they're picking up in the grocery store is from. Sounds simple, logical and straightforward; yet for too long Congress has been putting off the implementation of mandatory COOL.

In 2001, I introduced an amendment to the last farm bill to provide for COOL, and the amendment passed with strong bipartisan support. I have continued to push for mandatory labeling of fresh fruits and vegetables ever since 2001, and the debate has definitely evolved ever since.

Because of this, led by the efforts of Chairman PETERSON and Ranking Member GOODLATTE in having all viewpoints come together to discuss a solution, we now have a product that can be widely supported by consumers and farmers. In particular, the changes relating to produce will ensure that we have sound policy that isn't subject to the whim of misinterpreting congressional intent by the Department of Agriculture. From reasonable fines and penalties for not following the law to a provision that allows for the labeling of a State or region from which the product came to further spotlight our high-quality domestic production, the agreement on COOL is a strong one as depicted in the Manager's Amendment.

Madam Chairman, with recent concerns over importing products from foreign countries like China, the importance of country of origin labeling as a matter of public safety and the right of the consumer to make an informed choice has only become more urgent.

Again, I want to express my sincere appreciation to Chairman PETERSON for his interest and focus on addressing this issue, as he was able to bring parties together for a reasonable and bipartisan solution to mandatory COOL.

Mr. PETERSON of Minnesota. I am now pleased to recognize another subcommittee chairman, the chairman of the Specialty Crops Subcommittee and my good friend from North Carolina (Mr. McINTYRE) for 2 minutes.

Mr. McINTYRE. Thank you, Chairman PETERSON, for your leadership throughout the development of this farm bill and working diligently to craft a bill that protects our Nation's farmers, our environment, and our families of rural America.

The legislation under consideration by this House is critically important to rural America. I'm pleased that our subcommittee has worked on this to make sure that the value of agriculture is clearly understood.

The peanut industry contributes $800 million in value to our rural areas. The sugar industry creates some 372,000 direct and indirect jobs in 42 States, and our rural development programs fill a critical gap in providing infrastructure for our rural areas, ensuring that folks in rural America have adequate EMS units, fire trucks, libraries, and water and sewer systems.

Particularly with regard to rural development, this bill will further enhance these rural programs that will allow rural America to have better access to technology and better help for rural entrepreneurs. In fact, the new Rural Entrepreneur and Microenterprise Assistance program will reach some of our most important businesses, those companies employing 10 or less people, which now are the biggest drivers of economic development in rural America.

And the Rural Broadband Loan program and the Community Connect Grant program are two extremely important pieces that will help the citizens of rural America, making sure they have access to high-speed Internet that can often make the difference in the success of rural business and rural opportunities, and help our businesses, schools, health, and make sure that family life is better.

Just below this Chamber, downstairs on the first floor of this historic building, you can look up at the ceiling and see inscribed there the words of Daniel Webster who said that "farmers are the founders of civilization." I hope that, indeed, all of us will remember this; that our very existence depends on the success of our farmers and on agriculture in making sure that rural America is respected and able to succeed as it will under this bill.

Madam Chairman, I urge all of our colleagues to support this bill so that, indeed, it will be the strong success we need throughout rural America.

Mr. GOODLATTE. Madam Chairman, at this time, it's my pleasure to yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE), a very strong member of the committee.

Mrs. MUSGRAVE. Madam Chairman, I come tonight to this floor with a very similar attitude that most of us on this side of the aisle are feeling. We have worked together on this farm bill, worked in good faith with the chairman and the subcommittee chairman. And as the ranking member of the Subcommittee on Specialty Crops and Rural Development, I can say that the most important work in Congress that I have been doing is on this farm bill.

But in the markup committee process, Madam Chairman, I offered an amendment with a sense of Congress being that there would be no tax increases to pay for this farm bill. And the chairman of the committee, Madam Chairman, ruled it out of order, and his words were, "No one here is talking about a tax increase."

So, we've gone in good faith in developing this farm bill, but now all bets are off because we were not told the truth, and we find ourselves tonight in the very awkward position of having to oppose a farm bill that we helped craft because of the tax increase.

Mr. PETERSON of Minnesota. Madam Chairman, I am now pleased to recognize the chairman of our General Farm Commodities Subcommittee, the gentleman from North Carolina (Mr. ETHERIDGE), for 2 minutes.

Mr. ETHERIDGE. I thank the chairman for his hard work, and really on both sides of the aisle, for all the Members who put in long hours, who traveled across this country and listened to farmers and commodity groups speak.

Madam Chairman, I rise today in strong support of H.R. 2419. It's an important piece of legislation.

Madam Chairman, this has been a long process. In the early part of the year, our Subcommittee on General Farm Commodities and Risk Management continued to hold hearings. We listened to groups. All the groups came, they talked, they made their recommendations.

The message we heard from farmers was that they like the basic framework that was created under the 2002 farm bill. Not only did we preserve that framework, but we made improvements so that the safety net worked more effectively.

And yes, as a result of the farm bill in 2002, we saved money, which meant that we had a greater challenge. We maintained the three-legged stool that supports farmers through direct payments, counter-cyclical payments, and marketing loan benefits. We adjusted loan rates and target prices to achieve a rebalancing between commodities that was long overdue.

We included several improvements to the cotton marketing loan program to make it more reflective of current market realities and values, as well as corrected problems in the program that we experienced since the elimination of the Step 2 program.

We also provided assistance to the textile industry to enhance their competitiveness and help keep those jobs here at home.

This could be called not only an Ag bill; it's a jobs bill, as well as a national defense bill, because we use it for food and fiber to feed our people.

I'm also proud that we're also providing farmers with the opportunity to experiment with revenue-based counter-cyclical programs. While most producers are satisfied with the current counter-cyclical program, some farmers are interested in the revenue-based approach.

Providing farmers with the option to choose between these two types of counter-cyclical programs allows them to make the best economic decision for their families. This revenue counter-cyclical program will also provide us with better insight into how the program works so we can determine if it is a better model for future farm bills.

H.R. 2419 contains Rural Development programs that will better facilitate the financing of essential rural infrastructures like public water and waste disposal systems. It establishes grant and loan programs for rural healthcare facilities. It will improve access to broadband telecommunications services in rural areas.

The Bill also expands funding for a host of conservation programs, including the Environmental Quality Incentives Program (EQIP). Maintaining the 60 percent share of EQIP funding for livestock is extremely important to North Carolina's poultry and pork producers.

As a representative from one of the most agriculturally diverse states in the Nation, and a member of the Horticulture and Organic Agriculture Subcommittee, I am particularly pleased that we are providing, for the first time ever, mandatory dollars for programs that benefit fruit and vegetable producers as well as the ever growing organic agriculture industry.

For our tobacco farmers who have been trying to get into specialty crop production since the buyout, these new programs will support the industry through projects in research, marketing, education, pest and disease management, production, and food safety.

We are strengthening the nutrition title through extra money for the Emergency Food Assistance Program; raising the minimum benefit for Food Stamps, which hasn't been done since 1977; and eliminating cap on dependent care, which opens up the program to more working families.

We are reforming crop insurance to provide better coverage for organic producers; expanding data mining to root out waste, fraud, and abuse; and providing an extra option for producers to obtain supplemental area-based crop insurance in addition to their current revenue or yield policies.

We have accomplished all this, and so much more. But we did it with a responsible budget. Operating under the Pay As You GO (PAYGO) requirements has posed difficult challenges for the Agriculture Committee, but I believe we have managed to preserve for farmers a sound safety net that provides extra protections, while staying within our budget.

In addition to my service on the Agriculture Committee, I serve on the House Budget Committee. Yesterday, we had a hearing with the Director of the Congressional Budget Office and the Comptroller General of the United States.

They testified about the budget calamity this Administration and the previous Republican Majority have left this country in. A calamity which made the job of passing a farm bill that much harder this year.

According to their testimony, were it not for the policies of this Administration and its Republican allies in Congress, the federal budget would be in balance today.

Yet the Republican priorities are so out of whack that today, one of the fastest growing segments of the federal budget is interest on the national debt.

And most of that debt is financed by foreign countries like China who may not always have America's best interests at heart.

It was a Democratic Congress that restored fiscal discipline to the federal budget through PAYGO rules, and this Farm Bill responsibly adheres to those rules.

I thank the Chairman for his hard work on moving this bill to this point, and I urge my colleagues to support farm families, support feeding children, support moving to renewable fuels, and vote for H.R. 2419.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 2 minutes to the gentleman from Texas, another of the subcommittee ranking members on the Agriculture Committee, Mr. NEUGEBAUER.

Mr. NEUGEBAUER. Madam Chairman, I woke up on Monday this week very excited about the opportunity to bring this farm bill to this floor, but as you can imagine, my disappointment tonight because of the culmination of 2 years worth of hearings all across America, subcommittee hearings, 31 hours of markup in full committee working on a bill that is going to be good for America, good for American agriculture, working in a bipartisan way to make sure that all of agriculture has a bright future for this country, making sure that America will have a good source of food and fiber for the years to come and that it will not become dependent on importing food as we have become in importing energy in this country.

And you can imagine my disappointment because we've worked in a very bipartisan way with the chairman, working on the safety net for American producers when the commodity prices were low and then working on a safety net when we have drought conditions, weather conditions, to provide an additional safety net for them.

But unfortunately, we were duped, I guess is the best way I can say it. As we were working along with the leadership, they kept saying we are going to find some additional offsets so that they can expand these nutrition programs while at the same time asking American producers to take cuts in payments, but with the understanding that we weren't going to have any new taxes. Unfortunately, Madam Chairman, that isn't the way this farm bill was written up.

Today, without any debate, without any discussion, the American people's farm bill was put in jeopardy. It now faces a Presidential veto. It now faces opposition from Members of this body that would have voted for this farm bill, but now they are not going to vote for this farm bill because it raises taxes.

And what we've known and what we've tried to say to the American people over the last few months is we knew this was coming because this new leadership has started off on the old way they used to do business under the promise of doing business in a new way, by taxing and spending, taxing and spending. And it's unfortunate that we would bring that kind of politics to the American farm policy.

Mr. PETERSON of Minnesota. Madam Chair, may I inquire as to how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Minnesota has 5½ minutes; the gentleman from Virginia has 17½ minutes.

Mr. GOODLATTE. Madam Chairman, at this time, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member for yielding time.

Madam Chairman, we started off in a very bipartisan way to put this together. We worked in good faith. We worked long hours to come up with a really good farm bill. And when it was all done, we all felt very good about it. We had a great night. We patted ourselves on the back, very pleased with the commodities program, pleased with conservation. It was a good bill.

And where are we today? We've had this tax provision put in at a late hour. We have a tax provision that was not properly vetted by the Ways and Means Committee. It was placed in this by the Democratic leadership, using the Rules Committee to legislate. And this has threatened a very good farm bill.

There are problems with this. First of all, I don't think we really know what the real impact is going to be with this tax provision on the cost of feed, fertilizer and pesticides. Many of the companies that are going to be taxed with this new tax will be forced to raise prices on this. And our farmers are already suffering from the high cost of inputs, particularly in my State of Louisiana, which is suffering from the aftermath of two hurricanes.

Furthermore, this bill has Davis-Bacon provisions in this which are going to hurt a nascent industry, the nascent cellulosic ethanol industry. I spoke to the CEO of a company today, and this is going to raise the cost of building these new facilities by 10 to 20 percent. This is an industry that we want to see grow. We don't want to tax it.

Finally, the bill places unfunded mandates on the States. I tried in committee with an amendment and tried to get this to a full floor debate to help our States continue to modernize the Food Stamp program, to have the flexibility to do the right thing. This bill, the underlying bill, has provisions in it that take away the flexibility that our States currently have. It puts the State of Indiana in real jeopardy, at risk of losing $100 million.

This bill is less and less about farmers and it's more and more about pure raw politics.

□ 2030

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. CONAWAY), a member of the Agriculture Committee.

Mr. CONAWAY. Madam Chairman, this bill left our committee on a bipartisan basis and with my enthusiastic support. I agree with many of the laudatory comments made by my colleagues across the aisle. You will hear that there is a broad group of associations, commodity groups, and, most importantly, producers that support the bill that left our committee.

Now you need to know the rest of the story. My colleagues and I were repeatedly told that the necessary offsets would not come from tax increases. We have just heard Chairman RANGEL confirm that his taxing committee provided taxes for the offset. I was misled, I hope unintentionally, but nonetheless misled. Over the last 48 hours, poison pills have been added that the cynical among us would conclude were intentional; short-sighted, but intentional.

Each of us must weigh the good and bad in all the legislation that we consider. Great judgment is required. Last week at this time, almost at this exact time, I fully expected to be here tonight perhaps fighting off bipartisan opposition to this bill, but nonetheless supporting this bill, not participating in a raw, partisan fight that was totally unnecessary.

This bill is proproducer and prohungry around the world, but it is antibusiness and antimanufacturing jobs. It is an affront to States rights and unnecessarily panders to unions.

Sadly, we have gone from a bill that should have passed with broad bipartisan support to one that will not enjoy that support.

Madam Chairman, I urge my colleagues to oppose it.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to the chairman of the Livestock, Dairy and Poultry Subcommittee, my friend, the distinguished gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Madam Chairman, I thank the chairman for his hard work.

Madam Chairman, how many times do we have to hear over and over and over from the borrow-and-spend community across the aisle here? I hope that they would remember there are positive things that happened.

We brought the livestock community together. They are moving forward. It is good for America. We brought the dairy community together. For perhaps the first time, there is no dairy war going on because they sat down in a compromise. We can't thank them enough. You might remember that. Also, we addressed the issue of mandatory country of origin labeling. We worked out a compromise. We are going to go forward and meet the consumers' wishes on that.

As chairman of the Livestock, Dairy and Poultry Subcommittee, I cannot say how pleased I am for those compromises and the overall steps this legislation takes. Is there still room for improvement? Sure, there is. But the Agriculture Committee came together and wrote a farm bill for 50 States that would not only benefit farmers, ranchers and rural America, but benefits everyone.

As everyone walks away today at the time when we finish this bill, I would like them to remember one thing: Every man, woman and child has a vested interest in agriculture. By ensuring that our producers have an adequate safety net, we in turn ensure we have the safest, most plentiful and affordable food in the world.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to a distinguished member of the Agriculture Committee, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Chairman, I am a proud member of the Agriculture Committee. My grandfather was a county agent. My mother was an extension service agent. One out of three Nebraskans make their living in the field of agriculture.

Of all the rancor and divisiveness in this House, the Agriculture Committee has been one place where cooperation and comity is the tradition. I was proud to be a part of crafting this farm bill. The farm bill passed out of committee by a voice vote. No one objected.

It is not perfect. It is a huge piece of legislation with many moving parts. But I felt that it did make progress in promoting agriculture entrepreneurship, agriculture-based energy production and a renewal of conservation in land stewardship goals.

But the end of this process has been seriously disappointing. The spirit of the Agriculture Committee's work has been violated. I want a vibrant agriculture system that feeds our country, helps feed the world and in turn preserves a way of life, a tradition that marks the character of our great country.

Madam Chairman, I urge the majority party to get this process back on track.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. BACA), another of our great subcommittee chairmen, the chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry.

Mr. BACA. Madam Chairman, I rise in strong support for this farm bill. Let me say that clearly this bill does not increase taxes. As chair of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I want to say that I am especially proud of this farm bill, what it does for the nutrition of minorities, seniors, disabled, single parents and for our veterans.

Right now there are 38 million Americans who do not have enough to eat. Eleven percent of the population are going hungry. Today in the Latino community and the African American community, that rate is double.

This farm bill fights hunger in America by making an historic investment in nutrition. Our nutrition title will benefit over 13 million American families.

Currently the average food stamp recipient receives only $21 a week. That is unacceptable. This farm bill will make food stamps keep up with the cost of living. Gas, health care, housing and grocery bills have gone up, but food stamps haven't kept up. We are going to change that.

This is going to help working families, our disabled, our senior citizens, our veterans and our single parents. Most importantly, it is going to help our children. Fifty percent of food stamp recipients are kids. That is what this farm bill is about: Feeding our children; leaving no child behind. This farm bill will ensure that children will have access to fresh fruits and vegetables in all schools by expanding the USDA snack program to all 50 States.

This farm bill ensures that senior citizens and disabled adults have enough to eat by continuing the Commodity Foods Supplemental Program and expanding access to farmers' markets.

What it will also do is help military families. For the first time, this bill exempts military combat pay from being counted against the income of men and women who are fighting for us.

Madam Chairman, I urge my colleagues to vote for this bill. It is an excellent bill that meets needs across America and helps all of us.

We're also going to make it easier for them to handle their paperwork processing by allowing telephone signatures.

And what about our military families? This is the first Farm Bill to exempt Special Military Combat pay from being counted against our military families who are trying to make ends meet while their loved ones are serving in places like Iraq or Afghanistan.

We have fought to ensure that Food Stamps cannot be privatized—and we have taken an extra step in this Farm Bill to remove the stigma in the Food Stamp program.

We are going to eliminate embarrassing coupons, transition everyone to EBT cards and change the name of the program to the Secure Supplemental Nutrition Access Program, or SSNAP.

Now our working families will be able to go to the store, swipe their SSNAP cards and bring food home to their children with dignity.

We also help support our food banks and soup kitchens by giving large increases to The Emergency Food Assistance Program.

The "TEE–FAP" not only serves our homeless, but provides life-saving assistance to our families after natural disasters, like Hurricane Katrina.

Simply put, this Farm Bill strengthens our Nutrition safety net like no other firm bill has ever done before!

This farm bill is also historic in its commitment to diversity in Agriculture.

This bill increases agriculture opportunities for underserved communities such as African Americans, Hispanics, Native Americans, and Asian-Pacific Islanders.

We give $150 million dollars in mandatory funding for outreach to small and socially disadvantaged farmers.

This bill also requires an annual report to Congress to see if our outreach to minority farmers is working.

The Farm Bill also creates an Advisory Board to deal with civil rights violations.

We require that 10 percent of conservation funding go to our small and disadvantaged farmers and ranchers.

The Farm Bill also creates new programs and increases funding for minority serving institutions and tribal colleges.

In addition—we have preserved the Davis-Bacon provision to ensure workers in rural America earn a decent wage.

We have worked hard to create a Reform Farm Bill that includes all of us—farmers, working families, minorities, urban communities, rural America.

This bill is a good bill that will ensure that all Americans get a fair shot.

It makes a historic investment in nutrition and increases opportunities for traditionally underserved communities. I urge my colleagues to support this vital legislation.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. McCARTHY), a new member of the committee who has distinguished himself.

Mr. McCARTHY of California. I thank the ranking member.

Madam Chairman, I rise today in disappointment. Disappointment, because only 6 months ago I sat in this chair to be sworn into this body, and I listened to our Speaker sit up at that podium and say this body was going to talk about partnership, not partisanship.

When I went onto the Agriculture Committee, I thought I found that partnership. For 6 months, we worked in a bipartisan manner, and I will tell you, I was proud of the fact to work with my colleagues, my colleagues like JIM COSTA and DENNIS CARDOZA. We worked together in a bipartisan fashion on bills such as this farm bill. We even looked to the 21st century and putting in specialty crops. We have done tremendous items when it comes to this farm bill.

But I will tell you that that was all taken away this week. That all changed when we now decide to raise taxes, $4 billion. Instead of looking for the future, instead of thinking of our children, who are going to compete for the first time since the 1860s, to have economies that are going to compete in America, to be as large as or even larger when you talk about China and India, now we are going to take away jobs. That is not partnership. That is partisanship.

And it is not like we bring up a farm bill every year, or we even bring it up every 2 years. We only talk about a farm bill twice every decade. We are missing an opportunity. We are missing a very big opportunity.

That disappointment, when I think back 6 months ago when I listened to our Speaker say that, I listened earlier tonight to our debate when we had our chairman from the Ways and Means Committee down here talking about why he wanted to raise taxes. And I listened earlier this week when we had appropriation bills, and you wonder where does the money go? We build monuments to ourselves, because people think they have served in this body long enough that they should spend $2 million building their own libraries. That is not what the American people are asking for. That is not what the American people are looking for.

I guess I when I think back 6 months ago, the Speaker should have looked at a quote from Dwight Eisenhower, when Dwight Eisenhower said, "You don't lead by hitting people over the head. That is assault, not leadership."

Let's send this bill back and have real leadership, and go back to the bipartisanship that the Agriculture Committee has experienced for the last decades, because there is only two chances we have for it for the next decade.

Madam Chairman, I ask for a "no" vote.

Mr. PETERSON of Minnesota. Madam Chairman, I yield for purposes of a unanimous consent request to the gentleman from California (Mr. CARDOZA), the subcommittee chairman of the Subcommittee of Horticulture and Organic Agriculture, one of our outstanding Members, who has done a great job.

Mr. CARDOZA. Madam Chairman, I rise in support of the bill.

Madam Chairman, I'm proud to stand with you, on the House floor, at this historic moment in the development of U.S. farm and food policy.

For the first time in the history of the farm bill, this year our farm policies will put fruit and vegetable growers on an equal playing field with commodity farmers. Fruits and vegetables are a growing and important component of American agricultural output.

In 2006, U.S. production of specialty crops—fruits, vegetables, tree nuts, dried fruits and nursery crops—accounted for $53 billion, or 44 percent of total U.S. crop receipts.

The fruit and vegetable industry benefits from marketing, research, and educational programs, rather than traditional crop subsidies, to manage the challenges of increased global trade and foreign competition. These challenges include increasing domestic consumption, reviving export growth, aggressively managing food safety, and mitigating pest and disease problems.

The 2007 Farm Bill addresses these challenges by providing $365 million in new mandatory funding for the specialty crop block grant program. Block grants are vital for ensuring that solutions to these myriad challenges are flexible and locally driven.

This bill also responds to the pest and disease management needs of the specialty crop industry by establishing a comprehensive early pest detection and surveillance program. The bill provides $200 million in mandatory funding for this new program to work in cooperation with State departments of Agriculture.

The needs of America's nurseries are addressed by directing USDA to collaborate with nursery industry organizations as it develops, tests, and disseminates new systems of nursery pest and disease management.

It also establishes within USDA a program for a National clean plant network. This network will provide a sustainable source of pest and disease free horticulture stocks.

ORGANIC AGRICULTURE

This bill responds to the preferences of consumers across the United States by making an unprecedented investment in organic agriculture. Organic foods are the fastest growing sector of U.S. retail food sales—growing at approximately 20 percent annually over the past decade.

In 2006 organic retail sales reached almost 3 percent of the entire United States food and beverage market. The 2007 Farm Bill recognizes growth in the organic food sector by expanding the assistance available to producers converting from conventional agriculture to organic production.

To help with the transition the 2007 Farm bill provides $22 million in mandatory funding for the National Organic Certification Cost Share program.

Organic farmers need reliable market information to assist them in production and marketing decisions.

This bill does that by providing $3 million in mandatory funding for data collection on price, production volume, and other organic market characteristics. Most data currently collected by USDA is of little relevance to organic producers because it is collected without regard to the method of growing.

The historic recognition of the horticulture and organic industries in the 2007 Farm Bill is an important accomplishment and sets American farm policy in a new direction for the 21st Century.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT), one of our great committee members and a great friend of mine.

Mr. SCOTT of Georgia. Madam Chairman, we are at an extraordinarily important moment. The people of America are watching us all across this country.

The U.S. agricultural community and industry employs over 20 percent of our entire workforce and accounts for $3.5 trillion every year in our economy. And it is just somewhat baffling to me as we look, and we have worked together in the committee to get many competing forces together, that the gentleman and gentlewomen on the other side of the aisle would turn their backs on the American people and all the work that we did together and in bringing these competing forces together, whether it was black farmers or our Traditionally Black Colleges, or food stamp recipients, all with compelling needs, country of origin labeling, on a whimsical excuse, because we had to balance and score this at a time so that we would have pay-as-you-go so we wouldn't put it on the backs of our children and grandchildren to pay for this farm bill; went to Ways and Means and asked them to find a way to get us $4 billion, and they went and got a way that was first presented by President Bush.

President Bush said, let us close this loophole on foreign companies that are using what is known as earning strippings to stop paying taxes like every other American business. When President Bush said this just 6 months ago, there was no hue and cry about a tax increase.

There is no tax increase on this. This is a good bill. Let's pass it.

Mr. GOODLATTE. Madam Chairman, I yield myself 20 seconds to say to the gentleman from Georgia that no one on this side of the aisle is turning their back on anybody. We are simply recognizing that increasing taxes in order to pay for what is in this farm bill is the wrong thing to do. To set businesses who have invested in this country and the American workers whose jobs depend on them against that is very, very wrong, and I would suggest to the gentleman that everyone I have talked to has called this a tax increase.

Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), a distinguished member of the committee.

Mr. WALBERG. Madam Chairman, after months of bipartisan work in the House Agriculture Committee on a farm bill that meets the needs of American farmers without raising taxes, House leadership is inserting a 600 percent tax increase on U.S. subsidiary manufacturers in the 2007 farm bill. Democrats want to slap manufacturers, who employ 5.1 million American workers and pay $325 billion in wages, with a massive tax hike.

As representative of a State and a district where the agricultural and manufacturing industries account for a larger share of employment on average than in the rest of the Nation, this is a double slap in the face.

Many are not aware that Michigan, the auto capital of the world, is second in the Nation in agricultural diversity. Not only do I feel like the months I spent canvassing my district meeting with farmers and members of the agricultural community were for naught, I am also deeply worried about the impact of this proposed tax hike on south central Michigan.

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In the Wolverine State, U.S. subsidiaries play a vital role in supporting jobs and employing 201,000 Michiganers.

I just inquire of the other side: Why are we moving away from policies that encourage job development and investment? And what is a tax increase on manufacturers even doing in the farm bill?

The Ag Committee put aside partisan differences and worked together on a bill that meets the needs of American farmers without raising taxes. The House should be voting on that bill, crafted in a bipartisan manner, that meets those needs without foisting this on the public.

Mr. PETERSON of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Madam Chairman, I thank Mr. GOODLATTE for all of his time and hard work on this legislation, as well as the members of the committee who traveled to Washington State for a farm bill listening session last year.

I rise today to highlight the need for a strong farm policy that will ensure the success of farmers in eastern Washington and across the Nation. Agriculture is the number one employer in Washington State, and in eastern Washington, a $1.1 billion industry.

I support a farm bill that makes a strong commitment to specialty crops by investing in nutrition, research, pest management, and trade promotion programs.

Whitman County is the leading producer of wheat and barley in the United States. The 2002 farm bill changed how marketing loan rates were calculated for wheat, and as a result, our wheat growers have been left out of the intended safety net. Although I believe to ensure fairness we should calculate counter-cyclical payments by class of wheat, I am encouraged that growers will have the option to choose a revenue-based payment.

I am disappointed dried peas and lentils were not placed on equal ground, but we can work on that later. I am committed to working for policies that will help our farmers and ranchers compete. However, I am disappointed that this bill will raise taxes on companies.

Mr. GOODLATTE. I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the committee whose work we appreciate.

Mr. KING of Iowa. Madam Chairman, I thank the ranking member for yielding me this time.

I said earlier there were five reasons to vote against this bill. I just sat down and wrote a list. Now there are seven. Some of them have been added to it since it passed the committee. We are facing a tax increase, a huge tax increase. That is something that a lot of us can't cross.

The abrogation of treaties. When you think about the implications not just of companies doing business in the United States but the reaction when the retribution comes from foreign countries when they start to change their trade agreements and treaties with us. That is going to mean it is going to be nearly impossible for us to negotiate bilateral trade agreements, WTO trade agreements; and that draws a bright line against trade.

There is Davis-Bacon wage scale in this bill. I will make the prediction that the 5th Congressional District of Iowa will remain the number one renewable fuels congressional district in America. Last year we put over a billion dollars of private capital into that, and we did so without the Davis-Bacon wage scale. We did it with merit shop wages. We built good plants, state of the art, and developed the technology. We are number one in biodiesel in my district. We will be number one in ethanol by the end of this season. We will stay there because they are not going to use this component because they will not be able to afford it. It is a 20 percent increase in cost. Where you could build five plants before, now you can only build four. We have a 46 percent increase in Food Stamps under the argument of food insecurity, but yet no one was going without food. They just thought some future meal they might have to worry about. So 46 percent increase in food stamps.

The Pickford v. Glickman that was mentioned by the gentleman from Georgia, there were black farmers that were discriminated against. And some were. But a billion dollars was paid out to some of them. And $100 million was spent in administration of Pickford, and I looked into that. What we have are 18,000 black farmers in America, 96,000 claimants and a future liability to this bill of $3 billion in the Pickford piece. I know it is not all authorized, I know we have not found all of the money, but you open the door to that.

I will vote "no" on this bill.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON), the distinguished ranking member on the House appropriations agriculture subcommittee.

Mr. KINGSTON. I want to commend the members of the Ag Committee on a bill that is well put together in some parts. As the chairman knows, he has been very generous with his time, talking to me about the cotton section, the peanut section, and fruits and vegetables. I think there was a lot of good bipartisan support. I commend the committee for that.

Unfortunately, so much of this bill is not direct agriculture. So much of this bill, 60 to 70 percent, and this is true with all farm bills, it is the entitlement section, the school nutrition programs, there are a number of problems I have with that.

Number one, this tax increase is to support an increase in the entitlement section. It doesn't go directly to farmers or help the dirt farmer. It is not intended for that.

I have problems with the tax increase, and I do think it should have been gone through the Ways and Means Committee where it could have been thoroughly vetted and people could have decided what does this mean, because the truth of the matter is there are question marks on both sides.

The second thing, in agriculture appropriations we have had lots of hearings on the Indiana privatization of food stamps. I think it is a great program. I think reducing the government bureaucracy so that you can get more money to the people who need the food stamps, I think that is a good fundamental idea. I think it is one that President Clinton would have appreciated. It is searching for the third way. Not always a Democrat or Republican solution is adequate; you have to come up with something else. This is a hybrid program. This is a privatization program, and I know that is a bad thing for many on the fringe left, but I think most of us in the ag community will agree that it is a good thing. And yet this bill stops that.

The third thing is the special-interest payoff to the unions. Can you imagine, here we are at an energy crisis time. It is $3.05 if you shop all over town to find the bargain, and we are going to increase the cost of producing ethanol. We are going to say if you build an ethanol plant, you have to use the highly inflated union prevailing wages. It is a special payoff to the unions. We should not increase the price of producing energy during a fuel crunch. It is that simple. This bill does that.

Finally, one of the things that we all do, Republicans and Democrats, we want to balance the budget. We want to cut out the waste, as long as it is done in a different district than ours.

Now, the farm service agencies, there are too many of them. There are 58 that don't even have staff. This bill prevents them from being closed. We need to close some of the farm service agencies. Because of technological changes, we can do that without hurting the farmers, and yet this bill will prevent that from happening. One thing we are all hypocrites on is, hey, let's balance the budget; but, oh, not here where we have an opportunity to balance the budget. I think that is something that is ill conceived. I know there is bipartisan resistance on that, and it is very difficult for all of us.

I have four farm service agencies in my district that are being closed; and I tell you, it is tough. I hate to see any of them closed, but I realize in the big picture if you want to save money for the farmers for other programs, sometimes you have to make these decisions.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

I would just say, Madam Chairman, that we reach this point in a process that has been going on for about 2 years. It spanned both my chairmanship and the current chairman's chairmanship. It has encompassed a great deal of effort to write a bipartisan farm bill. We have listened to hundreds of farmers. We have received input from thousands of farmers and ranchers and others interested in this legislation.

We address the reform that has been requested in a farm bill. We have addressed the concerns about more funding for fruits and vegetables for nutrition and conservation and renewable fuels. And then to have this tax increase injected into this process after the bill has left the committee is why you have heard every single Member on this side of the aisle speak about how they feel betrayed by this process. It is unfortunate for us, but it is also unfortunate for this farm bill because what happens when it leaves the House, if it passes at all, will be very different than if it passed leaving this House with a veto-proof majority. That opportunity has been lost.

I would say to those on the other side of the aisle we can fix that if we would simply slow down and take a look at the appropriate way to pay for the additional funding that is due this committee because we took a $60 billion cut in the budget. The way to do that is to vote for the motion to recommit that we will offer later on that will say you can have this farm bill that we have all praised and send it back to the committee to look for an appropriate way to do this without pitting American agriculture against American industry by having a tax increase imposed to pay for the things that are in this bill.

That's the appropriate way to proceed here. That would restore the bipartisanship that is needed in this process, and that would restore a good future for this farm bill, which is very much endangered because of the injection of this partisan tax increase that has been laid at our doorstep, the most bipartisan committee in the House of Representatives that has worked so hard and so long. And to be faced with this at the end is wrong. I do not support this legislation.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself the balance of my time.

I would say to the gentleman from Virginia (Mr. GOODLATTE) we have enjoyed working with you and your Members, but I don't agree with you. I don't believe there is a tax increase in this bill. I have looked at it. I am a CPA, and I think you can say it either way, but I don't believe it is a tax increase.

The $60 billion did come out of baseline not because anybody cut it, but because the program worked the way it is supposed to. Prices are up and spending went down. We are missing the money, but it wasn't because anybody cut it.

We have a good bill, and I encourage all Members to support it.

Mr. BISHOP of Georgia. Madam Chairman, I rise today in strong support of the Farm, Nutrition, and Bioenergy Act of 2007. I'd also like to thank the members of the Agriculture Committee for their commitment to this effort which has yielded a farm bill that is a victory for all Americans.

This bipartisan agreement provides a strong safety net for not only our Nation's family farmers and small and disadvantaged farmers, but also for millions of American citizens who live below the poverty line and are dependents on Federal nutrition assistance.

Committee members worked diligently, day and night for weeks, to ensure that funding levels and payment limitations were fair, equitable, and available to farmers. It ensures a flexible, affordable and top-quality food supply for consumers while strengthening America's food safety and security.

The farm bill provides a 5-year reauthorization of the farm, rural development, conservation, and nutrition programs administered by the U.S. Department of Agriculture, USDA. The 2007 farm bill is fiscally responsible, fully compliant with the PAYGO rules, while still providing a strong safety net for America's farmers and ranchers. It makes vital investments in nutrition, conservation, and renewable energy. This bill will help producers of all commodities stay on the land that they hold and love, so that they can continue with their livelihood, while also conserving natural resources for future generations.

The bill before us today also addresses many of the needs of those in southwest and middle Georgia, Georgia's 2nd Congressional District, which I represent, in terms of protecting our Nation's farmers, conserving our natural resources, and feeding the hungry.

In addition, the bill will provide better balances in support programs between all types of crops. The bill's reforms further encourage farmers to plant for the market, and not for the benefit of government programs. It also provides a sharp increase in funding for fruit and vegetable and other specialty crops, mandates implementation of country of origin labeling, and increases assistance to small and disadvantaged farmers significantly, including important new language with respect to the Pigford case. In addition, the bill increases funding for school lunch and other nutritional programs, and provides for new and extended conservation, research, trade promotion, and rural development programs.

This bill makes much needed strides in reforming the nutrition title to better help Americans adequately cover food costs and sustain themselves for the entire month. It increases the minimum benefit for food stamp recipients, which is especially important for senior citizens in need. It also helps feed our military families by excluding special combat pay as income when qualifying for food assistance programs.

Finally, I am particularly pleased that the bill proposes and improves the quality of life of the people living in our rural communities by renewing successful programs that provide critical healthcare, emergency and communications needs to underserved areas. It creates a new grant program to assist rural health facilities, improves access to broadband telecommunications services in rural areas with a greater focus on the rural communities of greatest need, and supports critical infrastructure programs for rural cities and town.

Today, I urge my colleagues on both sides of the aisle to "Protect our Farmers." They protect us by satisfying our most basic needs—food, fiber, and fuel. Let us pass this Farm bill today for our farmers across this great Nation who desperately need this support, so that they are able to continue producing a safe and reliable food source.

I urge my colleagues to join me in voting for this bill.

Mr. SHULER. Madam Chairman, this bill includes important reforms that will help conservation efforts by private forest landowners.

Today I offer an amendment to help out a little more.

Over 260 million acres of forest lands are in the hands of families and individuals. At least 75 million acres of forests are part of farms. Forests provide habitats for wildlife, a source for clean water, and places to hunt, fish, hike and enjoy other recreational activities.

But many of our privately owned forest lands are threatened by insects or diseases, and these threats are real. Most of the insects or diseases are non-native and invasive, making them difficult to contain.

In my district, private landowners expect to lose all of their hemlocks from the attack of the hemlock wooly adelgid. This loss would permanently alter the diversity and unique forest environment in our region.

Madam Chairman, this bill provides emergency restoration funding for private forest lands that experience a loss or damage from natural disaster. My amendment would take this one step further and allow the emergency restoration funds to be used for treating private forest lands under imminent threat of attack by insect and disease.

In the case of insect or disease, we must stop their invasion before they create the disaster. Preventing the losses will save money and save our forests. Prevention is less expensive than restoration.

Madam Chairman, I thank the members of the committee for their work on this bill to support healthy forests, and I urge my colleagues to support the Shuler amendment.

Mr. HARE. Madam Chairman, on behalf of Illinois agriculture, I rise in strong support of the Farm, Nutrition, and Bioenergy Act.

This bill maintains a viable safety net for our farmers. Since my congressional district receives the second most crop payments of all the freshmen in Congress, a strong subsidy program is critical for farmers in the 17th Illinois Congressional District.

Additionally, the bill encourages biofuel research and production, which are vitally important to my congressional district and the energy security of our Nation.

The 2007 Farm bill also supports rural America through programs that provide healthcare, emergency communications, and broadband telecommunications services to rural areas.

Before the bill passed out of committee, I joined with many of my colleagues to ensure it funded nutrition programs so that Americans continue to have access to a high quality and inexpensive food supply.

In response, the bill increases the minimum benefit for the Food Stamp Program for the first time in more than 30 years.

For the safety and security of our food and the future of U.S. agriculture, I urge all my colleagues to support the passage of H.R. 2419.

Mr. HOLT. Madam Chairman, our Nation's food inspection system is a critical safeguard in guaranteeing the health and welfare of all Americans. However, the federal protections that have existed for over 40 years are now threatened by a provision in the Farm bill that would allow meat and poultry inspected by state inspectors to be sold across state lines.

The Nation's food inspection system has served our Nation well by providing clear guidelines and a network of dedicated professional Federal inspectors. Its roots go back to the early 1900s, where a Federal inspection system became one of the landmark legislative accomplishments of President Theodore Roosevelt. While occasional problems have developed, on the whole, our national meat and poultry inspection system has been an unqualified success, with minimal incidents of food borne illnesses due to poor practices, handling or hygiene.

So why would we change a system that is so successful? It is my understanding that this change is being proposed to encourage the growth of small meat processing facilities as well as create new markets for state-inspected meat. While more competition and building new markets are laudable goals, they need not come at the expense of food safety or result in the dismantlement of the federal inspection system. No one has made a compelling case that the federal inspection system has truly hindered competition or market development. Thousands of small plants do well under the current inspection regime.

However, in making this change, we are opening the door to problems that could multiply the exposure of consumers to food borne illnesses and food poisoning. The record of plants subject to state inspection is troubling. The USDA IG has repeatedly found that state inspection regimes often do not meet basic requirements for sanitation or cleanliness.

Despite this, language was added to the Farm bill to roll back these protections. A letter to Congress from a coalition of groups promoting food safety pointed out that the provision would:

> Eliminate the 40 year old protection in the federal meat and poultry inspection acts that prohibit shipping state inspected meat across state lines.
>
> Make 80% of all federally inspected plants eligible to leave federal inspection in favor of state programs which supporters of the bill insist are more understanding of company problems.
>
> Not allow states to impose additional or higher food safety standards.
>
> Ignore the inability of states to implement recalls of adulterated meat and poultry that have crossed state lines.

The potential for the spread of food-borne illnesses across the country will only increase if we are to allow this provision to remain in the legislation. I plan to work with my colleagues to ensure that this troubling provision be dropped when the conference to the Farm bill is convened. Americans deserve the piece of mind that comes with the knowledge that the next meal they consume will not make them sick nor cause them harm.

Mr. BLUMENAUER. Madam Chairman, I'd like to thank Representative ALCEE HASTINGS for bringing together, in his amendment, two important pieces of legislation for research funding and protection of habitat for pollinators—the bees, birds, bats and other animals and insects that help sustain more than two-thirds of the world's crop species. Pollinators are responsible for one out of every three mouthfuls of food eaten.

Despite the critical role that pollinators play for our food supply and ecosystem health, we are seeing disruptions of localized pollination systems and declines of certain species of pollinators on every continent except Antarctica. Populations of a variety of pollinator species have been declining in recent years due to loss of habitat, improper use of pesticides and herbicides, replacement of native plant species with non-native or engineered plants, and the introduction of non-native, invasive species, either by accident or through farming practices.

I'm pleased to see that this amendment places a greater emphasis in existing USDA conservation programs on habitat and other pollinator-beneficial best management practices to protect and enhance native and managed pollinators, which was the key component of H.R. 2913, which I introduced this Congress.

In addition, the amendment provides research funding to address Colony Collapse Disorder in honey bees places, an issue championed by my friend Mr. HASTINGS and his bill, H.R. 1709.

This amendment will help keep pollinator populations healthy and improve the viability of our food supply and our environment. I urge its adoption.

Mr. BARTON of Texas. Madam Chairman, this is an unfortunate day. Today, here on the floor of the House of Representatives, we are witnessing a blatant disregard for sound policy, fiscal restraint, and due process by the Majority Leadership. The Farm Bill that we are debating today is not the bill that was reported out of the Committee on Agriculture. It is a product of a late night raid by Leadership on the rules process to insert yet another tax increase.

Farm programs have always had their champions and their detractors, but in the 22 years that I have served in this body, it has never been a partisan issue. I have voted in favor of almost every Farm Bill that has come before me, but I cannot vote for this one. I have consistently supported the hard working farmers and ranchers in my district, and I will continue to do so. But I cannot support this tax increase that has been added without debate, and without relevant committee input.

Over the past year, I have had the chance to visit with producers from across my district. Practically every single one of them has told me that the Farm Bill we passed in 2002 has proven to be a sound safety net for their various enterprises. The bill that was reported out of the Agriculture Committee continued those proven principals. Unfortunately, this is not that bill.

As ranking Member of the Energy and Commerce Committee, I am also concerned that this bill, which has an entire title (Title 9) devoted to energy, was never seen by our committee. Beyond that, it seems that the left hand of our Majority in this body does not know what its right hand is doing. As the year began, I was a little surprised that the Majority seemed disinclined to work with me or other Members of the Minority in preparing energy legislation. But now I realize that they do not even consult with each other.

Take a look at the energy provisions of the Farm Bill. They overlap and duplicate provisions in the legislation reported a few weeks ago by the Committee on Energy & Commerce.

The Farm Bill has incentives for increased ethanol production; grants for consumer education on ethanol; a biomass fuel production section, etc.

Meanwhile, the Energy & Commerce Committee has provisions to do these and similar things in its bill. Energy & Commerce has grants for cellulosic ethanol production, consumer education for flexible fuel vehicles, a study of ethanol blended gasoline, and others.

If the Majority would like, I'll be happy to offer my services to help them sort out and reconcile these provisions among the two bills.

Of course, if the Agriculture Committee's bill had been referred to the Energy and Commerce Committee as it should have been, we could have accomplished that reconciliation before the Farm Bill ever got to the floor, avoiding this confusion, conflict, and redundancy. That is why we have rules in this body on jurisdiction and that's why we should go back to following those rules.

Mr. SKELTON. Madam Chairman, from the time I was young, I was taught that a farmer's livelihood depends on two things: the weather and the markets. While the government can't control the weather, federal Farm Bills provide an invaluable safety net, bringing a level of stability to commodity markets that helps farmers stay in business, make plans for the future, and continue to feed America and the world.

The 2007 Farm Bill would ensure farmers have economic stability by continuing the direct payment program and by keeping in place a strong safety net that allows producers to recoup some of their losses when agricultural markets collapse. The bill would give farmers the option of participating in the counter-cyclical initiative that was created in 2002 or in a new, revenue-driven program.

At the same time, the legislation would make historic reforms by prohibiting those who earn more than $1 million in annual adjusted gross income from receiving federal agricultural subsidies, by closing loopholes that have allowed some people to avoid payment limits, and by re-balancing loan rates. These changes in current programs would free up additional revenue for the safety net and for the bill's investments in conservation, nutrition, rural development, and renewable energy.

The Farm Bill would make conservation a top priority by increasing funding and access to conservation programs that preserve farmland, improve water quality and quantity, and enhance soil conservation, air quality, and wildlife habitat. Missouri is a very conservation friendly state, and the Conservation Reserve Program, the Wetlands Reserve Program, and the Environmental Quality Incentives Program, among others, have allowed farmers to more easily address conservation problems and comply with expensive, but important, environmental regulations.

By extending and improving the food stamp program and making a strong commitment to other nutrition initiatives, the 2007 Farm Bill would promote the health of the American people and help families in need. The measure would also renew our commitment to rural development, agricultural research, forestry and energy. Important to Missouri's corn and soybean producers, it would authorize $2 billion in loan guarantees for biorefineries to help finance the cost of developing and constructing renewable fuel facilities. In Saline County, I have witnessed the overwhelming success of Mid-Missouri Energy's ethanol production plant. I am hopeful this bill will foster similar success stories in Missouri and across our land.

Also important to Missourians, the Farm Bill would continue price supports for dairy farmers and create programs for fruit producers. It would also require that all meat sold to American consumers have a country-of-origin label beginning in September 2008. The measure retains the current prohibition on creating a national animal identification to verify the animal's country-of-origin.

I praise Chairman COLLIN PETERSON and other members of the Agriculture Committee for producing a good bipartisan bill. I support it, urge my colleagues to vote in favor of it, and ask them to defeat any attempt to strip away the meaningful safety net included in this legislation.

Mr. WU. Madam Chairman, this year's farm bill creates an education program to give college students an opportunity to participate in policy oriented internships to promote and further develop agricultural biofuels from biomass. I commend the Chairman for incorporating this program into the bill.

The biofuel industry has experienced rapid growth in recent years. Global climate change, and an unstable foreign oil supply, requires the United States to develop alternative energies. To do this, the United States must create leaders in alternative energies. We must recruit the best and brightest across the Nation to participate in the program.

My amendment makes the eligibility criteria fair and opens the door for more qualified students to apply.

As currently written, the program reaches only five specific states. It is important that Congress does not shut out qualified universities and students.

My amendment would expand the program to qualified universities that have fields of study related to the biomass and biofuel industry. Schools with programs in chemistry, environmental sciences, bioengineering, natural resources and public policy would be eligible to participate in the internship program.

This amendment will not add any additional cost to the bill; it will only make the internship more competitive.

Congress needs to provide all students who are studying relevant fields the opportunity to gain practical work experience and to contribute to America's move to greater energy security. As we continue toward that goal, this program will prove invaluable.

I urge my colleagues to vote "yes" on this amendment.

Mr. WYNN. Madam Chairman, as Chairman of the Environmental and Hazardous Materials Subcommittee, I rise today in strong opposition to language contained in the report that accompanies the Farm Bill Extension Act of 2007 (H.R. 2419). The report references a "sense of the committee" amendment that farm animal manure should not be deemed a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA). The Farm Bill Extension Act does not contain any legislative text discussing whether manure is a hazardous substance under these statutes.

I am strongly opposed to this report language because it would exempt releases or threatened releases of hazardous components of manure from CERCLA and EPCRA.

Large animal feeding operations can be significant sources of pollution. According to the EPA, animal farming operations generate approximately 500 million tons of waste each year, three times more raw waste than is generated yearly by people in the United States. This waste, which is usually untreated by operations, produces hazardous substances such as phosphorous, ammonia, and hydrogen sulfide.

Phosphorous has contaminated local drinking water supplies, requiring additional treatment and resulting in increased costs to ratepayers. The City of Waco Texas for example is spending more than $54 million for capital improvements to address taste and odor problems caused by excessive phosphorous released by cow waste.

I also attach a letter from the Association of Metropolitan Water Agencies, dated July 23, 2007, that discusses the negative impact that such an exemption would have on the quality of our Nation's drinking water supplies.

If hazardous substances from livestock waste are exempted from CERCLA, states and local governments would be denied the ability to protect their valuable water supplies and to recover costs associated with cleaning up these hazardous substances from drinking water sources.

If hazardous substances from livestock waste are exempted from EPCRA, toxic release information would be withheld from communities and emergency responders. Many of the large feeding operations release large volumes of hazardous air pollutants, such as ammonia and hydrogen sulfide. A number of studies have determined health problems among animal feeding operation workers and residents who live near these operations, including bronchitis, asthma and antibiotic-resistent bacterial infections.

This exemption is unwarranted because CERCLA already includes a specific exemption for the normal application of fertilizer. Only those livestock operators who excessively apply manure to the land to get rid of it, rather than use it to fertilize crops, have potential liability.

We should not allow these large animal feeding operations to escape liability for causing pollution to our communities and pass the costs onto community water systems and rate payers.

Livestock waste should not be exempt from the environmental protections that CERCLA and EPCRA provide.

ASSOCIATION OF
METROPOLITAN WATER AGENCIES,
Washington, DC, July 23, 2007.

Subject: Oppose CERCLA Animal
Waste Exemption in Farm Bill.

DEAR REPRESENTATIVES: As the House of Representatives prepares this week to consider legislation to reauthorize the Farm Bill, we urge you to reject language that would exempt components of animal waste from designation as a hazardous substance pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Enactment of such an exemption would bring about serious consequences for the quality of America's drinking water supplies.

During last week's markup of the legislation, the Agriculture Committee adopted an amendment expressing the "sense of the committee that farm animal manure should not be considered as hazardous substance" under CERCLA. This follows the introduction earlier this year of legislation in the House and Senate that would specifically exempt animal waste and its components from the law.

As representatives of community drinking water systems, we believe it is important to note that animal manure itself is not currently considered a hazardous substance, pollutant or contaminant under CERCLA. Moreover, the law already contains an exemption for the normal application of fertilizer that includes manure.

However, phosphorus and other CERCLA-regulated hazardous substances that are known to compromise the quality of drinking water are commonly present in animal manure. If Congress were to provide a blanket CERCLA exemption for animal waste, consolidated animal feeding operations (CAFOs) would be free to discharge manure containing such hazardous substances into the environment without regard to its impact or liability for its damages. As a result, the costs of additional treatment to make water potable would be forced upon community water systems and their ratepayers, unfairly shifting the burden of cleanup away from polluters.

Later this year, Congress will celebrate the 35th anniversary of the Clean Water Act, landmark legislation modeled on the belief that all Americans must share the responsibility of maintaining the health of our nation's water supply. Exempting CAFOs from their fair share of this duty not only threatens to reverse the water quality gains that have been realized over the recent decades, but would also set a dangerous precedent encouraging other polluters to seek waivers from our environmental laws.

Again, we urge you to oppose a blanket exemption for animal waste and its components from the important requirements of CERCLA.

Sincerely,

DIANE VANDE HEI,
Executive Director.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part A of House Report 110–261, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

(The bill will be printed in a subsequent edition of the CONGRESSIONAL RECORD.)

The CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report and amendments en bloc described in section 3 of House Resolution 574.

Each further amendment printed in the report shall be considered only in the order printed in the report; may be offered only by a Member designated in the report, shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of. Amendments en bloc shall be considered read (except that modifications shall be reported); shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. KIND

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–261.

Mr. KIND. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KIND:
[COMMODITY TITLE]

In section 1102, strike subsection (b) and insert the following new subsection:

(b) PAYMENT RATE.—

(1) 2008 CROP YEAR.—The payment rates used to make direct payments with respect to covered commodities for the 2008 crop year are as follows:

(A) Wheat, $0.52 per bushel.
(B) Corn, $0.14 per bushel.
(C) Grain sorghum, $0.25 per bushel.
(D) Barley, $0.17 per bushel.
(E) Oats, $0.02 per bushel.
(F) Upland cotton, $0.05 per pound.
(G) Rice, $1.65 per hundredweight.
(H) Soybeans, $0.22 per bushel.
(I) Other oilseeds, $0.01 per pound.
(J) Peanuts, $25.20 per ton.

(2) 2009 CROP YEAR.—The payment rates used to make direct payments with respect to covered commodities for the 2009 crop year are as follows:

(A) Wheat, $0.52 per bushel.
(B) Corn, $0.13 per bushel.
(C) Grain sorghum, $0.23 per bushel.
(D) Barley, $0.16 per bushel.
(E) Oats, $0.02 per bushel.
(F) Upland cotton, $0.04 per pound.
(G) Rice, $1.53 per hundredweight.
(H) Soybeans, $0.20 per bushel.
(I) Other oilseeds, $0.01 per pound.
(J) Peanuts, $23.40 per ton.

(3) 2010 CROP YEAR.—The payment rates used to make direct payments with respect to covered commodities for the 2010 crop year are as follows:

(A) Wheat, $0.52 per bushel.
(B) Corn, $0.11 per bushel.
(C) Grain sorghum, $0.21 per bushel.
(D) Barley, $0.14 per bushel.
(E) Oats, $0.02 per bushel.
(F) Upland cotton, $0.04 per pound.
(G) Rice, $1.41 per hundredweight.
(H) Soybeans, $0.18 per bushel.
(I) Other oilseeds, $0.01 per pound.
(J) Peanuts, $21.60 per ton.

(4) 2011 CROP YEAR.—The payment rates used to make direct payments with respect to covered commodities for the 2011 crop year are as follows:

(A) Wheat, $0.49 per bushel.
(B) Corn, $0.10 per bushel.
(C) Grain sorghum, $0.35 per bushel.
(D) Barley, $0.13 per bushel.
(E) Oats, $0.02 per bushel.
(F) Upland cotton, $0.04 per pound.
(G) Rice, $1.29 per hundredweight.
(H) Soybeans, $0.15 per bushel.
(I) Other oilseeds, $0.01 per pound.
(J) Peanuts, $19.80 per ton.

(5) 2012 CROP YEAR.—The payment rates used to make direct payments with respect to covered commodities for the 2012 crop year are as follows:

(A) Wheat, $0.47 per bushel.
(B) Corn, $0.08 per bushel.
(C) Grain sorghum, $0.18 per bushel.
(D) Barley, $0.12 per bushel.
(E) Oats, $0.02 per bushel.
(F) Upland cotton, $0.03 per pound.
(G) Rice, $1.18 per hundredweight.
(H) Soybeans, $0.13 per bushel.
(I) Other oilseeds, $0.01 per pound.
(J) Peanuts, $18.00 per ton.

(6) LIMITED RESOURCE FARMERS.—Notwithstanding paragraphs (2), (3), (4), and (5), the payment rates specified in paragraph (1) shall be used for each of the 2008 through 2012 crop years in the case of a limited resource farmer, as defined by the Secretary.

Section 1102 is amended by adding at the end the following:

"(e) CONSERVATION ENHANCED PAYMENT OPTION.—

"(1) IN GENERAL.—All producers on a farm that meet the eligibility requirements of paragraph (2) may, in lieu of direct payments otherwise provided in this section, make a one time election to receive enhanced direct payments through crop year 2012 in accordance with this subsection.

"(2) ELIGIBILITY.—To be eligible to obtain an enhanced direct payment for a covered commodity for a crop year under this subsection, the producers on a farm shall enter into a contract with the secretary under which the producers of the farm agree, for each crop year—

"(A) to forgo all counter-cyclical payments under this subtitle and all marketing assistance loans and all loan deficiency payments under subtitle B for the farm subject to a contract under this subsection;

"(B) to carry out conservation practices on the farm that are at least equivalent to the requirements for land enrolled under the a conservation security contract entered into under section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a); and

"(C) to meet such other requirements as are established by the Secretary.

"(3) AMOUNT.—The amount of an enhanced direct payment to be paid to the producers on a farm for a covered commodity for a crop year that enter into a contract with the secretary under this subsection shall be equal to the product obtained by multiplying—

"(A) the amount of the direct payment the producers on a farm would otherwise be eligible to receive under subsection (c); and

"(B) 110

"(4) ONE TIME ENROLLMENT.—Producers on a farm shall have one period of time (as determined by the Secretary) in which to enter into a contract for a conservation enhanced payment.

"(5) DE MINIMIS PAYMENTS.—A payment under this section that is less than $25.00 in amount shall not be tendered to a producer on a farm".

Section 1103 is amended to read as follows:

SEC. 1103. COUNTER-CYCLICAL PAYMENTS.

Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended to read as follows:

"SEC. 1103. COUNTER-CYCLICAL PAYMENTS.

"(a) PAYMENT REQUIRED.—The Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to a covered commodity, if the Secretary determines that the national actual revenue per acre for the covered commodity (except for other oilseeds) is less than the national target revenue per acre for the covered commodity, as determined in this section.

"(b) NATIONAL ACTUAL REVENUE PER ACRE.—For each covered commodity (except for other oilseeds) for the applicable year, the Secretary shall establish a national actual revenue per acre by multiplying the national average yield for the given year by the higher of:

"(1) the national average market price received by producers during the 12-month marketing year established by the Secretary; or

"(2) the loan rate.

"(c) NATIONAL TARGET REVENUE PER ACRE.—The national target revenue per acre shall be, on a per acre basis, as follows:

"(1) Wheat, $140.42.
"(2) Corn, $344.12.
"(3) Grain Sorghum, $131.28.
"(4) Barley, $123.13.
"(5) Oats, $88.36.
"(6) Upland cotton, $516.86.
"(7) Rice, $548.06.
"(8) Soybeans, $219.58 .
"(9) Peanuts, $683.83.

"(d) NATIONAL PAYMENT YIELD.—The national payment yield shall be as follows:

"(1) Wheat, 36.1 bushels per acre.
"(2) Corn, 114.2 bushels per acre.
"(3) Grain Sorghum, 58.1 bushels per acre.
"(4) Barley, 48.7 bushels per acre.
"(5) Oats, 49.8 bushels per acre.
"(6) Upland cotton, 636 pounds per acre.
"(7) Rice, 51.24 hundredweight per acre.
"(8) Soybeans, 34.1 bushels per acre.
"(9) Peanuts, 1.495 tons per acre.

"(e) NATIONAL PAYMENT RATE.—The national payment rate used to make counter-cyclical payments for a crop year shall be the result of—

"(1) the difference between the national target revenue per acre for the covered commodity and the national actual revenue per acre for the covered commodity; divided by

"(2) the national payment yield for the covered commodity.

"(f) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year for the covered commodity shall be equal to the product of—

"(1) the national payment rate for the covered commodity;

"(2) the payment acres of the covered commodity on the farm; and

"(3) the payment yield for counter-cyclical payments for the covered commodity.

"(g) TIME FOR PAYMENTS.—

"(1) GENERAL RULE.—If the Secretary determines that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, the Secretary shall make the counter-cyclical payments for the crop as soon as practicable after the end of the 12-month marketing year for the covered commodity.

"(2) AVAILABILITY OF PARTIAL PAYMENTS.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

"(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments available under paragraph (2) for a covered commodity—

"(A) the first partial payment for the crop year shall be made not earlier than October 1, and, to the maximum extent practicable, not later than October 31, of the calendar year in which the crop of the covered commodity is harvested;

"(B) the second partial payment shall be made not earlier than February 1 of the next calendar year; and

"(C) the final partial payment shall be made as soon as practicable after the end of the 12-month marketing year for the covered commodity.

"(4) AMOUNT OF PARTIAL PAYMENTS.—

"(A) FIRST PARTIAL PAYMENT.—The first partial payment under paragraph (3) to the producers on a farm may not exceed 35 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

"(B) SECOND PARTIAL PAYMENT.—The second partial payment under paragraph (3) for a covered commodity for a crop year may not exceed the difference between—

"(i) 70 percent of the projected counter-cyclical payment (including any revision thereof) for the crop of the covered commodity; and

"(ii) the amount of the payment made under subparagraph (A).

"(C) FINAL PAYMENT.—The final payment for the crop year shall be equal to the difference between—

"(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

"(ii) the amount of the partial payments made to the producers on a farm under subparagraphs (A) and (B) for that crop year.

"(5) REPAYMENT.—Producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

"(h) DE MINIMIS PAYMENTS.—A payment under this section that is less than $25.00 in amount shall not be tendered to a producer on a farm.".

In section 1105(a)(1)(D) insert ", residential" after "commercial" and after the period at the end insert the following: "In the case of a parcel of land that at anytime subsequent to the enactment of the Federal Agriculture Improvement and Reform Act of 1996 is subdivided, transferred to a new owner and used for the construction of a new residence, the base acres for covered commodities for the farm shall be eliminated, unless the owner of such residence receives at least $10,000 of gross income from farming or ranching and the owner of such residence receives gross income from farming or ranching exceeding at least half of their adjusted gross income." .

Section 1201(a)(1) is amended by striking "For each of" and all that follows through "loan commodity, the" and inserting "The"

Section 1201(b) is amended to read as follows:

(b) ELIGIBLE PRODUCTION.—

(1) IN GENERAL.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm. In addition, such producers must have beneficial interest, as determined under paragraph (2), in the commodity at the time the commodity is tendered as collateral for such loan.

(2) BENEFICIAL INTEREST.—In order to have beneficial interest in a commodity, a producer shall:

(A) be the producer of the commodity;

(B) possess and maintain ownership and control of the commodity;

(C) not have received any payment from any party with respect to the commodity; and

(D) satisfy other criteria, as determined by the Secretary.

(3) INELIGIBLE PRODUCTION.—A crop of a loan commodity shall be ineligible for a marketing assistance loan if the crop was produced on land of a farm that has been subject to a land transaction covered under section 1101(c).

Section 1201(e) is amended to read as follows:

(e) ADJUSTMENTS OF LOANS.—

(1) ADJUSTMENT AUTHORITY.—The Secretary may make appropriate adjustments in the loan rates for any commodity for differences in grade, type, quality, location, and other factors.

(2) MANNER OF ADJUSTMENT.—The adjustments under the authority of this section shall, to the maximum extent practicable, be made in such manner that the national average loan rate for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this title.

(f) HANDLING AND STORAGE CHARGES.—All payments for storage, handling or other charges associated with a loan commodity subject to a marketing assistance loan or loan deficiency payment under this subtitle are the responsibility of the producer and shall not be paid by the Secretary.

Section 1202 is amended to read as follows:

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) IN GENERAL.—Except as provided in subsection (b), the loan rate for each crop of a loan commodity shall be equal to the amount determined by multiplying:

(1) .85; and

(2) the average of the national average market price received by producers during the five preceding marketing years, excluding the highest and lowest prices determined for such years, as determined by the Secretary.

(b) LOAN RATES.—The loan rate determined under (a) shall not exceed, in the case of—

(1) wheat, $2.58 per bushel;
(2) corn, $1.89 per bushel;
(3) grain sorghum, $1.89 per bushel;
(4) barley, $1.70 per bushel;
(5) oats, $1.21 per bushel;
(6) upland cotton, $0.5192 per pound;
(7) extra long staple cotton, $0.7965 per pound;

(8) rice, $6.50 per hundredweight;

(9) soybeans, $4.92 per bushel;

(10) other oilseeds, $0.087 per pound;

(11) graded wool, $1.00 per pound;

(12) nongraded wool, $0.40 per pound;

(13) mohair, $4.20 per pound;

(14) honey, $0.60 per pound;

(15) dry peas, $6.22 per hundredweight;

(16) lentils, $11.72 per hundredweight;

(17) small chickpeas, $7.43 per hundredweight; and

(18) peanuts, $350.00 per ton.

Section 1204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended to read as follows:

(a) GENERAL RULE.—

(1) REPAYMENT OF COMMODITY LOANS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, rice, extra long staple cotton, confectionary and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(A) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of the commodity by the Federal Government;

(iii) minimize the cost incurred by the Federal Government in storing the commodity;

(iv) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(v) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(2) RATE ADJUSTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subsection (b), repayment rates established under this section shall be adjusted by the Secretary no more than once every month for all loan commodities.

(B) MONTHLY REPAYMENT RATE.—In establishing the monthly repayment rates with respect to wheat, corn, grain sorghum, barley, oats and soybeans, the rates shall be established by using the rates determined for five days in the previous month as determined in regulations issued by the Secretary, which shall—

(i) exclude the rates for days that represent the highest and lowest rates for the 5 day period; and

(ii) use the average of the three remaining rates to establish the monthly repayment rate.

(3) DATE FOR DETERMINING REPAYMENT RATE.—With respect to the monthly repayment rates established under paragraph (2) and subsection (b) and (c), the rate shall be—

(A) in the case of a producer who, as determined by the Secretary, loses beneficial interest immediately upon repayment of the loan, the monthly repayment rate determined under paragraph (2) and subsection (b) and (c) that is in effect on the date beneficial interest is lost; and

(B) in the case of other producers who did not lose beneficial interest upon repayment of the loan, the repayment rate in effect on the earlier of:

(i) the month in which the loan matures; or

(ii) the last month of the marketing year established by the Secretary for the commodity.

(4) REPAYMENT OF CONFECTIONARY AND OTHER KINDS OF SUNFLOWER SEEDS LOANS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionary and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(A) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(B) the repayment rate established for oil sunflower seed.

(5) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rates for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity.

Section 1204(e) is amended to read as follows:

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—During the period beginning on the date of the enactment of this Act through July 31, 2012, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under subsection (d) shall be further adjusted if—

(1) the adjusted prevailing world market price for upland cotton is less than 115 percent of the loan rate for upland cotton established under section 1202, as determined by the Secretary; and

(2) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe (referred to in this section as the "Northern Europe price").

Section 1204 is amended by striking subsections (f) through (h).

Section 1205(a) is amended by inserting after paragraph (1) the following new paragraph (and redesignating succeeding paragraphs accordingly):

(2) BENEFICIAL INTEREST.—At the time producers request payments under this section, the producers must have beneficial interest, as defined in section 1201(b)(2), in the commodity for which such payment is requested.

Section 1205(c) is amended to read as follows:

(c) PAYMENT RATE.—

(1) LOAN COMMODITIES.—

(A) IN GENERAL.—With respect to all loan commodities except extra long staple cotton, the payment rate shall be determined as of the day the producer loses beneficial interest in the commodity.

(B) FORMULA.—The payment rate under subparagraph (A) shall be the amount that equals the difference between—

(i) the loan rate established under section 1202 for the loan commodity; and

(ii) the monthly repayment rate determined for the commodity under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount that equals the difference between—

(A) the loan rate established under section 1202 for ungraded wool: and

(B) the rate at which ungraded wool may be redeemed under section 1204.

(3) HAY, SILAGE, FEED AND SIMILAR USES.—

(A) IN GENERAL.—In the case of a commodity that would otherwise be eligible to be pledged as collateral for a marketing assistance loan at the time of harvest of the commodity, but cannot be pledged due to the normal commercial state of the commodity, the payment rate shall be the average of the monthly repayment rates established for the first three months of the marketing year of the commodity, as determined by the Secretary.

(B) INCLUSIONS.—Commodities covered by subparagraph (A) shall be determined by the Secretary, and shall include hay, silage, cracked corn, and corn stored in a commingled manner by feedlots.

In section 1206(d) strike "A 2002 through 2007 crop of" and inserting "A crop of".

In section 1207 strike subsection (b) and redesignate subsection (c) as subsection (b).

Section 1208 of Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7938) is amended

(1) by striking the section;

(2) by redesignating section 1209 as section 1208;

(3) in section 1208 (as redesignated in paragraph (2)) (A) in subsection (a)(1) by striking "For each of the 2002 through 2007 crops of" and inserting "For each crop of" (B) in subsection (b) by striking "For each of the 2002 through 2007 crops of" and inserting "For each crop of"; and (C) by striking subsection (d).

In subtitle C strike sections 1301, 1302, and 1303 and insert the following:

SEC. 1301. SUGAR PROGRAM.

Section 156(j) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(j)) is amended by striking "2007" and inserting "2012".

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended in the matter preceding subparagraph (A) by striking "2007" and inserting "2012".

Section 1409 is amended to read as follows:

SEC. 1409. FEDERAL DAIRY COMMISSION.

(a) ESTABLISHMENT.—The secretary of agriculture shall establish a commission to be known as the "federal dairy commission", in this section referred to as the "commission", which shall conduct a comprehensive review and evaluation of—

(1) the current Federal and non-Federal milk marketing order systems;

(2) the milk income loss contracting program;

(3) the forward contracting program;

(4) the 9.90 dairy price support system; and

(5) programs in the European Union and other major dairy exporting countries that may have a trade distorting effect.

(b) ELEMENT OF REVIEW AND EVALUATION.—As part of the review and evaluation under this section, the commission shall evaluate how well the programs accomplish the following goals, providing legislative and regulatory recommendations for achieving these goals—

(1) ensuring the competitiveness of diary products;

(2) enhancing the competitiveness of American diary products in world markets;

(3) increasing the responsiveness of dairy programs to market forces;

(4) ensuring an adequate safety net for dairy farmers;

(5) streamlining, simplifying, and expediting the administration of these programs; and

(6) continuing to serve the interest of the public, diary processors, and diary farmers;

(7) operating in a manner to minimize costs to taxpayers;

(8) ensuring that we meet our trade obligations; and

(9) ensuring the safety of our dairy supply.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 16 members and shall include the following representation:

(A) Geographical diversity.

(B) Diversity in size of operation.

(C) At least one State with a Federal marketing order.

(D) At least one State with a state marketing order.

(E) At least one State with no marketing order.

(F) At least two dairy producers.

(G) At least two dairy processors.

(H) At least one trade experts.

(I) At least one State official.

(J) At least one Federal official.

(K) At least one nongovernmental organization.

(L) At least one economist.

(M) At least one representative of a land grant university.

(2) APPOINTMENTS.—Within 3 months of the date of enactment, commission members shall be appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate, in consultation with the Chair and ranking member of the Committee on Agriculture of the House of Representatives.

(B) Two members appointed by the Speaker of the House of Representatives, in consultation with the Chair and ranking member of the Senate Committee on Agriculture, Nutrition and Forestry of the Senate.

(C) Fourteen members appointed by the Secretary of Agriculture.

(3) CHAIR.—The commission shall elect one of its members to serve as chairperson during the duration of the commission's proceedings.

(4) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budgetary resources for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—Not later than three years after the date of establishment of the commission, the commission shall submit to Congress and the Secretary of Agriculture a report setting forth the results of the review and evaluation conducted under this section, including recommendations regarding legislative and regulatory options for accomplishing the goals under subsection (____). The report findings shall reflect, to the greatest extent possible, a consensus opinion of the commission members, but shall include majority and minority findings and their supporters regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature and bound by the requirements of the FACA.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any regulatory decisionmaking.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend such funds as necessary from existing budget authority to carry out this responsibility.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate 60 days after submission of the report under subparagraph (D), during which time it will remain available to answer question of Congress and the Secretary regarding the report.

Strike sections 1503 and 1504 and insert the following:

SEC. 1503. PAYMENT LIMITATIONS.

Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a) by striking paragraphs (1) and (2) and inserting the following:

"(1) ENTITY.—

"(A) IN GENERAL.—THE TERM 'ENTITY' MEANS.—

"(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

"(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, a grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

"(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

"(B) EXCLUSION.—Except in section 1001F, the term 'entity' does not include a general partnership or joint venture.

"(C) ESTATES.—In defining the term entities as it will apply to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries thereof.

"(D) IRREVOCABLE TRUSTS.—In defining the term entities as it will apply to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities and have not been created for the purpose of avoiding the payment limitation.

"(2) INDIVIDUAL.—The term 'individual' means—

"(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

"(B) a natural person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.".

(2) by striking subsections (b) through (f) and inserting the following:

"(b) LIMITATION ON DIRECT PAYMENTS.—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under subtitle A or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.) for 1 or more covered commodities or peanuts shall not exceed $20,000.

"(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under subtitle A or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.) for 1 or more covered commodities or peanuts shall not exceed $30,000.

"(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed $75,000.

"(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities or peanuts under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(2) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

"(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).

"(e) PAYMENT TO INDIVIDUALS AND ENTITIES.—Notwithstanding subsections (b) through (d), an individual or entity, directly or indirectly through all ownership interests of the individual or entity from all sources, may received payments for a fiscal or corresponding crop year up to but not exceeding twice the limitations established under subsections (b) through (d).

"(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), subject to paragraph (2), an individual or entity that participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, may receive payments for a fiscal or corresponding crop year up to but not exceeding twice the limitations established under subsections (b) through (d).

"(g) SPOUSAL EQUITY.—

"(1) IN GENERAL.—Notwithstanding subsections (b), (c), (d), (e) and (f) except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(2) EXCEPTIONS.—

"(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

"(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

"(h) PUBLIC SCHOOLS.—The provisions of this section that limit payments to any individual or entity shall not be applicable to land owned by a public school district or land owned by a State that is used to maintain a public school.

"(i) TIME LIMITS; RELIANCE.—Regulations of the Secretary shall establish time limits for the various steps involved with notice, hearing, decision, and the appeals procedure in order to ensure expeditious handling and settlement of payment limitation disputes. Notwithstanding any other provision of law, actions taken by an individual or other entity in good faith on action or advice of an authorized representative of the Secretary may be accepted as meeting the requirement under this section or section 1001A, to the extent the Secretary deems it desirable in order to provide fair and equitable treatment.".

SEC. 1504. PAYMENTS LIMITED TO ACTIVE FARMERS.

Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

"(a) SUBSTANTIVE CHANGE.—

"(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

"(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

"(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than one individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to —

"(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

"(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

"(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor."

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) or (c) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).";

(B) in paragraph (2)—

(i) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) DEFINITIONS.—In this paragraph:

"(i) ACTIVE PERSONAL MANAGEMENT.—The term 'active personal management' means with respect to an individual, administrative duties carried out by the individual for a farming operation—

"(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

"(II) relating to the supervision and direction of—

"(aa) activities and labor involved in the farming operation; and

"(bb) onsite services directly related and necessary to the farming operation. .

"(ii) FAMILY MEMBER.—The term 'family member', with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such and individual).

"(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

"(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

"(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

"(aa) capital, equipment, or land; and

"(bb) personal labor and active personal management;

"(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

"(III) a contribution of the individual is at risk.

"(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

"(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

"(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

"(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

"(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).

"(C) ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i), shall be considered to be actively engaged in farming with respect to the farming operation"; and

(ii) by adding at the end the following:

"(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

"(I) 1,000 hours; and

"(II) a period of time equal to—

"(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

"(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

"(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary."

(C) in paragraph (3) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if as determined by the Secretary—

"(i) the landowner share-rents the land at a rate that is usual and customary; and

"(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

"(B) FAMILY MEMBERS.—With respect to a farming operation conducted by individuals who are family members, or an entity the majority of whose stockholders or members are family members, an adult family member who makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

"(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of this Act."

(D) in paragraph (4)—

(i) in the paragraph heading, by striking "PERSONS" and inserting "INDIVIDUALS AND ENTITIES";

(ii) in the matter preceding subparagraph (A), by striking "persons" and inserting "individuals and entities"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary."

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

"(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001."

(G) In paragraph (6) (as redesignated by subparagraph (e))

(i) in the first sentence—

(I) by striking "A person" and inserting "An individual or entity"; and

(II) by striking "such person" and inserting "the individual or entity"; and

(ii) by striking the second sentence; and

(3) by adding at the end the following:

"(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

"(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

"(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.

"(4) FOUR LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

"(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through four levels of ownership in entities.

"(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier entity by the person.

"(C) SECOND LEVEL.—Any payments made to a first-tier entity that is owned in whole or in part by another legal entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the second-tier entity's ownership in the first-tier entity. If the second-tier entity is owned in whole or in part by a person, the amount of the payment made to the first-tier entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier entity by the person.

"(D) THIRD AND FOURTH LEVELS.—The Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C) unless the fourth-tier of ownership is that of a fourth-tier entity and not that of a person, in which case the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that represents the indirect ownership in the first-tier entity by the fourth-tier entity.".

SEC. 1505. SCHEMES OR DEVICES.

Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308-2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "if";

(2) in subsection (a) (as designated by paragraph (1)), by striking "person" each place it appears and inserting "individual or entity"; and

(3) by adding at the end the following:

"(b) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

"(1) the crop year for which the scheme or device is adopted; and

"(2) the succeeding 5 crop years.

"(c) JOINT AND SEVERAL LIABILITY.—All individuals and entities who participate in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was or was not a payment recipient.

"(d) WAIVER AUTHORITY.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (a)(2) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation. The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.".

SEC. 1506. FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.

Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308-3) is amended—

(1) in the section heading, by striking "**PERSONS**" and inserting "**INDIVIDUALS AND ENTITIES**";

(2) in subsection (a), by striking "person" each place it appears and inserting "individual"; and

(3) in subsection (b)—

(A) in the subsection heading, by striking "CORPORATION OR OTHER"; and

(B) by striking "a corporation or other entity" and inserting "an entity".

SEC. 1507. ADJUSTED GROSS INCOME LIMITATION.

(a) EXTENSION OF ADJUSTED GROSS INCOME LIMITATION.—

(b) MODIFICATION OF LIMITATION.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) CAPS.—

"(A) UPPER LIMIT.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year and no benefits shall be provided on land owned by an individual or entity if the average adjusted gross income of the entity or individual combined with the income of the individual"s spouse exceeds $250,000.

"(B) PRODUCER EXEMPTION.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) and no benefits shall be provided on land owned by an individual or entity during a crop year if the average adjusted gross income of the entity or individual combined with the income of the individual's spouse exceeds $125,000, unless not less than 66.66 percent of the average adjusted gross income of the entity or individual combined with the income of the individuals spouse is derived from farming, ranching, or forestry operations, as determined by the Secretary.";

(2) in paragraph (2), by striking subparagraph (C); and

(3) by adding at the end the following new paragraph:

"(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from the following:

"(A) The production of crops, livestock, or unfinished raw forestry products.

"(B) The sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water rights.

"(C) The sale, but not as a dealer, of equipment purchased to conduct farm, ranch, or forestry operations when the equipment is otherwise subject to depreciation expense.

"(D) The rental of land used for farming, ranching, or forestry operations.

"(E) The provision of production inputs and services to farmers, ranchers, and foresters.

"(F) The processing, storing, and transporting of farm, ranch, and forestry commodities.

"(G) The sale of land that has been used for agriculture.".

SEC. 1508. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendment made to this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, 21 United States Code.

Strike section 1512 (title I, page 109, beginning line 1), relating to mandatory reporting for peanuts

At the end of title I insert the following:

Subtitle F—Risk Management Accounts

SEC. 1601. ESTABLISHMENT OF RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—The Secretary shall establish optional Risk Management Accounts for all eligible farmers and offer incentives to encourage farmers to save money during years of high profits to use during years of low profits, and for retirement.

(b) DEFINITIONS.—For purposes of this section—

(1) OPERATOR.—The term "operator" means an individual or entity that—

(A) either—

(i) during each of the preceding 5 taxable years, filed a schedule F of the Federal income tax returns or a comparable tax form related to the agricultural operations of the individual or entity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, as determined by the Secretary; and

(B) earned—

(i) at least $10,000 in average adjusted gross revenue for the preceding 5 taxable years;

(ii) less than such amount, but is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) at least $10,000 in estimated income from all agricultural operations for the applicable year, as determined by the Secretary, and is a beginning farmer or rancher under subparagraph (A)(ii).

(2) FARM.—The term "farm" is land used for production of crops, livestock and other agricultural products of which the operator has more than de-minimis control or ownership.

(3) ADJUSTED GROSS REVENUE.—The term "adjusted gross revenue" means the adjusted gross income as determined by the Secretary, from the sale of agricultural crops grown, dairy products produced, and livestock raised as part of an agricultural operation—

(A) by taking into account gross receipts from the sale of agricultural crops, eligible livestock and dairy products on the agricultural operation, including insurance indemnities;

(B) by including all farm payments paid by the Secretary or any other government entity for the agricultural operation related to agricultural crops, eligible livestock and dairy products;

(C) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on the agricultural operation;

(D) by excluding revenues that do not arise from the sale of crops grown, dairy products produced or livestock raised on an agricultural operation, such as revenues associated with the packaging, merchandising, marketing and reprocessing of the agricultural product beyond that typically undertaken by a producer of the crop, dairy products or livestock as determined by the Secretary;

(E) by using with such adjustments, additions and additional documentation as the Secretary determines is appropriate, information presented on—

(i) a schedule F of the Federal income tax returns of the producer; or

(ii) a comparable tax form related to the agricultural operations of the producer, as approved by the Secretary.

(c) Establishment.—Any operator of a farm, including dairy farms and "specialty crop" farms, may establish a Risk Management Account in the name of the farm to be jointly administered by the Secretary and a private banking institution, credit union, or other approved lender.

(d) Voluntary Contributions.—An operator of a farm may make voluntary contributions to their Risk Management Account up to the limits specified in section 219(b)(5)(A) of the Internal Revenue Code of 1986, as amended.

(e) Incentives for Contributions.—For producers eligible for Direct Payments under Subtitle A of this Act, for each dollar contributed to the account by the producer, up to the full amount of the Direct Payment received in that year, the Secretary shall make a matching contribution of 5 percent.

(f) Withdrawals.—An operator who establishes an account may withdraw funds under the following conditions and amounts:

(1) In a year when the farm's adjusted gross revenue is less than 95 percent of the five-year average adjusted gross revenue, the producer may withdraw funds up to the amount of the difference.

(2) Up to 10 percent of the account balance for investments in rural enterprises that contribute to the agricultural economy, as defined by the Secretary, no more than once in any five-year period.

(3) When withdrawals are necessary to protect the solvency of the farm, as determined by the Secretary.

(4) To purchase revenue or crop insurance.

(5) Without restriction once the farmer has retired from farming, as determined by the farmer's no longer filing a Schedule F Income Tax Return.

(g) Violations.—If an operator fails to meet the conditions established for a contribution to an account, the operator shall refund to the Secretary an amount equal to the contribution in any fiscal year in which a violation occurred.

(h) Sale or Transfer.—If an operator sells or transfers a farm, the operator may elect to—

(1) transfer all or a portion of the account to another farm in which the operator has a controlling ownership interest or acquires a controlling ownership interest within two years of the sale or transfer of the original agricultural operation;

(2) transfer the account to the purchaser of the farm if the operator is not already a holder of an account; or

(3) rollover the account into an Individual Retirement Account pursuant to section 408 of the Internal Revenue Code of 1986 of the operator, if the operator is a natural person, or, if the operator is an entity, into the accounts of any natural person who has a substantial beneficial interest in the farm that is the subject of the account.

(i) Conservation Compliance.—Any operator and any holder of a beneficial interest in a farm subject to an account shall—

(1) comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(2) comply with applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

[CONSERVATION TITLE]

In the matter proposed to be inserted by section 2103 strike "2012" and inserting "2009".

[Section 2104 is amended in subsection (b) by striking "by striking paragraph (1)" and all that follows through "2012" and inserting in paragraph (1), by striking "2,000,000 acres" and inserting "5,000,000 acres".]

In section 2104 redesignate subsections (d) and (e) as subsections (e) and (f) and insert after subsection (c) the following:

(d) Grassland Reserve Program.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) For each of fiscal years 2008 through 2012, the grassland reserve program under subchapter C of chapter 2".

Add at the end of section 2104 insert the following:

(e) Extension and Funding.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) For each of fiscal years 2008 through 2012, the grassland reserve program under subchapter C of chapter 2.".

(f) Enrollment Goals.—Section 1238N(b) of such Act (16 U.S.C. 3838N(b)) is amended in paragraph (1), by striking "2,000,000 acres" and inserting "5,000,000 acres".

In the matter to be inserted by section 2301 strike subparagraphs (A) through (E) and insert the following:

(A) $20,000,000.
(B) $40,000,000.
(C) $50,000,000.
(D) $90,000,000.
(E) "$100,000,000.

At the end of subtitle C of title I insert the following:

SEC. 2303. COMMUNITY FORESTS AND OPEN SPACE CONSERVATION PROGRAM.

(a) Findings.—Congress makes the following findings:

(1) The United States Forest Service projects that 44 million acres of privately owned forested land will be developed in the United States by 2030, including many of the most important remaining forested parcels within and adjacent to communities.

(2) There is an urgent need to assist local governments in raising the funds necessary to purchase the most important of these parcels of privately owned forested land as they come up for sale.

(3) The breakup of forested land into smaller parcels has resulted in an increasing number of owners of privately owned forested land, but many of these owners have little or no experience in forest stewardship.

(4) In fast growing communities of all sizes across the United States, the remaining parcels of privately owned forested land play an essential role in protecting public water supplies, which has lead many local governments to purchase these lands for municipal or county ownership.

(5) Rising rates of obesity and other public health problems related to inactivity have been shown to be ameliorated by improving public access to safe and pleasing areas for outdoor recreation, which has lead many local governments to purchase lands for recreational purposes under municipal or county ownership.

(6) Across the United States, many communities of diverse types and sizes are deriving significant financial benefit from owning and managing municipal or county forestlands as a source of local revenue that also contributes significantly to the health of the forest products economy at the local and national levels.

(7) The access to privately owned forested land for hunting, fishing, and trapping has declined, and the number of persons participating in these activities has likewise declined, as these lands are divided into smaller parcels and more owners of privately owned forested land post their land against public use, which has lead many local governments to purchase forestlands to guarantee access for hunting, fishing, and trapping.

(8) There is a national interest and an urgent need to assist local governments in raising the funds necessary to purchase important privately owned forested land that will maintain the diverse public benefits of forestlands close to or within all manner of communities nationwide, from close-knit rural communities to fast growing suburban and exurban areas.

(b) Establishment of Program.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following new section:

"SEC. 21. FORESTS AND OPEN SPACE CONSERVATION PROGRAM.

"(a) Establishment and Purpose.—The Secretary of Agriculture shall establish within the Forest Service a program to be known as the 'Community Forests and Open Space Conservation Program' (in this section referred to as the 'Program') for the purpose of assisting local governments in a State selected to participate in the Program to acquire forested land that—

"(1) is economically, culturally, and environmentally important to the locality in which the land is located;

"(2) is threatened by conversion to non-forest uses; and

"(3) will conserve public access to and benefit from the land for a wide variety of public purposes, including model forest stewardship, sustainable timber production, forest-based educational and cultural activities, wildlife habitat protection, watershed protection, or outdoor recreation, including hunting and fishing.

"(b) SELECTION OF PARTICIPATING STATES.—

"(1) SELECTION.—Not later than one year after the date of the enactment of this section, the Secretary shall select at least one State in each of the New England, Mid-Atlantic, Midwest, South, West, and Pacific Northwest regions of the United States to participate in the Program. The Secretary shall make the selections from among applications submitted by willing States. No State shall be compelled to participate in the Program.

"(2) IMPLEMENTATION.—Authority for implementation of the Program in a participating State shall lie with the State forester, equivalent State official, or other appropriate State natural resource management agency designated by the Governor of the State.

"(c) ELIGIBILITY AND RANKING CRITERIA.—

"(1) STATE ASSESSMENT OF NEED.—Each participating State shall prepare an assessment of need that identifies the geographic areas within the State that will be the focus of land acquisition activities under the Program and priority objectives for conservation, based on conditions and public needs in the State. This requirement may be satisfied by inclusion of the assessment as part of an integrated State-wide forest planning process for application of Federal programs in the State.

"(2) ESTABLISHMENT OF CRITERIA.—Not later than one year after the date of the enactment of this section, the Secretary shall establish eligibility and ranking criteria for the selection of land acquisition proposals to receive funding under the Program. The Secretary shall establish the criteria in consultation with State Forest Stewardship Advisory Committees, State Urban and Community Forestry Advisory Committees, and similar organizations.

"(3) PRIORITIES.—In establishing the eligibility and ranking criteria under paragraph (2), the Secretary shall give priority to the acquisition of lands that—

"(A) meet identified local open space and natural resource needs, as expressed in town plans, regional plans, or other relevant local planning documents;

"(B) can be effectively managed to model good forest stewardship for private landowners and support forest-based educational programs, including vocational education in forestry;

"(C) provide significant protection of public water supplies or other waterways;

"(D) can offer long-term economic benefit to communities through forestry;

"(E) contain important wildlife habitat;

"(F) provide convenient public access for outdoor recreation, including hunting and fishing; and

"(G) are most threatened with conversion to nonforest uses.

"(d) APPLICATION AND RANKING OF PROPOSALS.—

"(1) PREPARATION AND CONTENTS.—A local government in a participating State may prepare an application for assistance under the Program in the acquisition of forested land within the geographic program focus area in the State identified under subsection (c)(1). The application shall include certification by the appropriate unit or units of local government that the proposed land acquisition is consistent with any comprehensive plans for development adopted by the unit of local government and include such other information as the Secretary may prescribe.

"(2) SUBMISSION.—Participating States shall rank all applications according to priority and submit the applications to the Secretary at such times and in such form as the Secretary may prescribe.

"(3) NATIONAL LIST.—The Secretary shall maintain a national list of all submitted applications, ranked according to the criteria established pursuant to subsection (c).

"(e) OWNERSHIP OF LAND.—

"(1) GOVERNMENT OWNERSHIP.—Except as provided in paragraph (2), all land acquired in whole or in part using funds provided under the Program shall be owned in fee simple by a local government, such as a municipality or county.

"(2) NONPROFIT ORGANIZATION OWNERSHIP.—Upon the request of a participating State, designated nonprofit organizations operating within that State may also own land acquired using funds provided under the Program, subject to the condition that the land is open for public access consistent with the purposes and criteria of the Program.

"(3) EFFECT OF VIOLATION.—If the owner of land acquired in whole or in part using funds provided under the Program sells the land, the owner shall reimburse the Secretary for the full amount of the funds provided under the Program, plus a penalty equal to 50 percent of the sale price or appraised value of the land at the time of the sale, whichever is greater. The local government or designated nonprofit organization that sold the land shall no longer be eligible for assistance under the Program.

"(f) DUTIES OF OWNERS.—

"(1) USE AND PROHIBITION ON CONVERSION.—The owner of land acquired in whole or in part using funds provided under the Program shall manage the land in a manner that is consistent with the purposes for which the land was purchased under the Program and shall not convert the property to other nonforest uses. Public access for compatible recreational uses, as determined by the owner, shall be required.

"(2) MANAGEMENT PLAN.—Not later than two years after the closing date on the purchase of land using funds under the Program, the owner of the land shall complete a management plan for the land, which shall be subject to the approval of the responsible State agency. Management plans shall be created through a public process that allows for community participation and input.

"(g) COST SHARING REQUIREMENTS.—

"(1) COST SHARING.—In accordance with such terms and conditions as the Secretary may prescribe, costs for the acquisition of land under the Program, and other costs associated with the Program, shall be shared among participating entities, including State, county, municipal, and other governmental units, landowners, corporations, or private organizations. Such costs may include costs associated with planning, administration, property acquisition, and property management. The Secretary may authorize in-kind contributions.

"(2) FEDERAL COST SHARE.—The Federal share of the cost to acquire land under the Program shall not exceed 50 percent of the total cost to acquire the land. Payments under this section shall be made in accordance with Federal appraisal and acquisition standards and procedures.

"(3) ADMINISTRATION AND TECHNICAL ASSISTANCE.—In order to assist local governments in achieving model stewardship of land acquired under the Program, 10 percent of all funds appropriated for a fiscal year for the Program shall be allocated to the responsible State agencies in participating States to administer the Program and to provide technical assistance to local governments for forest stewardship, including development and implementation of management plans required by subsection (f)(2).

"(h) PRIVATE PROPERTY PROTECTIONS.—

"(1) ACCESS.—Nothing in this section—

"(A) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

"(B) modifies any provision of Federal, State, or local law with regard to public access to, or use of, private land.

"(2) LIABILITY.—Nothing in this section creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

"(3) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this section modifies any authority of Federal, State, or local governments to regulate land use.

"(4) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this section requires a private property owner to participate in the Program.

"(i) AUTHORIZATION OF APPROPRIATIONS.—Of the funds available through the Commodity Credit Corporation, The Secretary shall use to carry out the Program $10,000,000 for each of the fiscal years 2008 through 2012.".

In the matter to be inserted by section 2401(b) strike "2011" and insert "2008" and before clause (i) insert the following (and redesignate subsequent clauses accordingly):

"(i) $200,000,000 for fiscal year 2009;

"(ii) $350,000,000 for fiscal year 2010;

"(iii) $500,000,000 for fiscal year 2011;".

In the matter to be inserted by section 2401(d) strike subparagraphs (A) through (D) and insert the following:

"(A) $1,675,000,000 in fiscal year 2008;

"(B) $1,840,000,000 in fiscal year 2009;

"(C) $1,840,000,000 in fiscal year 2010;

"(D) $1,940,000,000 in fiscal year 2011; and".

Section 2401(e) is amended to read as follows:

(e) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(7) The wildlife habitat incentives program under section 1240N, using, to the maximum extent practicable—

"(A) $85,000,000 in fiscal year 2008;

"(B) $100,000,000 in fiscal year 2009;

"(C) $140,000,000 in fiscal year 2010;

"(D) $150,000,000 in fiscal years 2011 and 2012.".

[TRADE TITLE]

Strike section 3005 (relating to the McGovern-Dole International Food for Education and Child Nutrition Program) and insert the following:

SEC. 3005. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) ADMINISTRATION OF PROGRAM.—Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking "The President shall designate 1 or more Federal agencies to" and inserting "The Secretary shall";

(2) in subsection (f)(2), in the matter preceding subparagraph (A), by striking "implementing agency" and inserting "Secretary"; and

(3) in subsections (c)(2)(B), (f)(1), (h)(1) and(2), and (i), by striking "President" each place it appears and inserting "Secretary".

(b) FUNDING.—Subsection (1) of such section is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $140,000,000 for fiscal year 2008;

"(B) $180,000,000 for fiscal year 2009;

"(C) $220,000,000 for fiscal year 2010;

"(D) $260,000,000 for fiscal year 2011; and

"(E) $300,000,000 for fiscal year 2012.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as redesignated by paragraph (2)), by striking "any Federal agency implementing or assisting" and inserting "the Department of Agriculture or any other Federal department or agency assisting".

[NUTRITION TITLE]

In title IV of the bill, strike section 4008 (relating to Adjusting Countable Resources for Inflation), as added to the bill by the En Bloc Amendment adopted, and insert the following (and make such technical and conforming changes as may be appropriate).

SEC. 4008. ADJUSTING COUNTABLE RESOURCES FOR INFLATION.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking "(g)(1) The Secretary" and inserting the following:

"(g) ALLOWABLE FINANCIAL RESOURCES.—

"(1) TOTAL AMOUNT.—

"(A) IN GENERAL.—The Secretary".

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by striking "$2,000" and inserting "$2,700 (as adjusted in accordance with subparagraph (B))"; and

(B) by striking "$3,000" and inserting "$3,900 (as adjusted in accordance with subparagraph (B)),"; and

(3) by adding at the end the following:

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts in subparagraph (A) shall be adjusted to the nearest $100 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.".

At appropriate places throughout title IV, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. ___. EXCLUDING COMBAT RELATED PAY FROM COUNTABLE INCOME.

Section (5)(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking "and (18)", and inserting "(18)", and

(2) by inserting before the period at the end the following: "and (19) any additional payment received under Chapter 5 of title 37, United States Code, by (or as an allotment to or transfer from) a member of the United States Armed Forces deployed to a designated combat zone for the duration of the member's deployment to or service in a combat zone if the additional pay was not received immediately prior to serving in that or another combat zone.".

SEC. ___. INCREASING THE STANDARD DEDUCTION.

Section (5)(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii) by striking "not less than $134" and all that follows through the period at the end, and inserting the following: "not less than $156, $267, $220, and $137, respectively. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30."; and

(2) in subparagraph (B)(ii) by striking "not less than $269." and inserting the following: "not less than $313. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount of the previous fiscal year adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30.".

SEC. ___. EXCLUDING DEPENDENT CARE EXPENSES.

Section (5)(e)(3)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(3)(A)) is amended by striking ", the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,".

SEC. ___. ADJUSTING COUNTABLE RESOURCES FOR INFLATION.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking "(g)(1) The Secretary" and inserting the following:

"(g) ALLOWABLE FINANCIAL RESOURCES.—

"(1) TOTAL AMOUNT.—

"(A) IN GENERAL.—The Secretary".

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting "(as adjusted in accordance with subparagraph (B))" after "$2,000"; and

(B) by inserting "(as adjusted in accordance with subparagraph (B))" after "$3,000"; and

(3) by adding at the end the following:

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—Beginning on October 1, 2007, and each October 1 thereafter, the amounts in subparagraph (A) shall be adjusted to the nearest $100 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.".

SEC. ___. EXCLUDING EDUCATION ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(7) EXCLUSION OF EDUCATION ACCOUNTS FROM COUNTABLE RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

"(B) DISCRETIONARY EXCLUSIONS.—The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.".

SEC. ___. EXCLUDING RETIREMENT ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)), as amended by the preceding section, is amended—

(1) in subsection (g)(2)(B)(v) by striking "or retirement account (including an individual account)" and inserting "account"; and

(2) adding at the end the following:

"(8) EXCLUSION OF RETIREMENT ACCOUNTS FROM COUNTABLE RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a plan, contract, or account as described in section 401(a), 403(a), 403(b), 408, 408A, 457(b), or 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided section 8439 of title 5, United States Code.

"(B) DISCRETIONARY EXCLUSIONS.—

"(i) The Secretary may exclude from financial resources under this subsection any other retirement plans, contracts, or accounts that have been determined to be tax qualified retirement plans, contracts, or accounts, under the Internal Revenue Code of 1986.

"(ii) The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.".

SEC. ___. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking "$10 per month" and inserting "10 percent of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3(o)".

SEC. ___. EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended by—

(1) by striking "(a) PURCHASE OF COMMODITIES" and all that follows through 2007' and inserting the following:

"(a) PURCHASE OF COMMODITIES.—

"(1) IN GENERAL.—As provided in paragraph (2), for each of the fiscal years 2008 through 2012";

(2) by striking "$140,000,000 of"; and

(3) by adding at the end the following:

"(2) AMOUNTS.—The following amounts are made available to carry out this subsection:

"(A) for fiscal year 2008, $250,000,000; and

"(B) for each of the fiscal years 2009 through 2012, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(o)(4) between June 30, 2007 and June 30 of the immediately preceding fiscal year.".

SEC. ___. FRUIT AND VEGETABLE NUTRITION PROMOTION PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Agricultural Marketing Service, shall establish and carry out a program to provide assistance to eligible trade organizations described in paragraph (3) to increase the consumption of fruits and vegetables in the United States to meet Federal health guidelines.

(b) REQUIREMENTS FOR PARTICIPATION.—To be eligible for assistance under this section, an eligible trade organization shall—

(1) prepare and submit a plan to increase the consumption of fruits and vegetables in the United States to the Administrator of the Agricultural Marketing Service that meets any guidelines governing such plans established by the Administrator; and

(2) meet any other requirements established by the Administrator.

(c) ELIGIBLE TRADE ORGANIZATIONS.—An eligible trade organization referred to in paragraph (1) means any of the following:

(1) A nonprofit fruit and vegetable trade organizations in the United States.

(2) A nonprofit State or regional fruit and vegetable organization.

(3) A fruit and vegetable agricultural cooperative in the United States.

(4) A commodity board or commission in the United States.

(5) A small business engaged in the fruit and vegetable industry in the United States.

(d) MATCHING FUNDS.—Assistance provided under this section shall not exceed—

(1) in the case of an organization described in paragraphs (1) through (5) of subsection (c), 90 percent of the cost of the plan to increase the consumption of fruits and vegetables in the United States submitted under paragraph (b)(1); and

(2) in the case of an organization described in paragraph (c)(5), 50 percent of the cost of the plan to increase the consumption of fruits and vegetables in the United States submitted under paragraph (b)(1).

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Administrator of the Agricultural Marketing Service shall use $15,000,000 in each of fiscal years 2008 through 2012 to carry out this section.

In section 4020(a), strike paragraph (4) and insert the following:

(4) by inserting after subsection (f) the following:

"(g) FUNDING.—For each of the fiscal years 2008 through 2012, the Secretary shall use $30 million of the funds, facilities and authorities of the Commodity Credit Corporation to carry out this section.".

In section 4303(4)(A), strike clause (ii) and insert the following:

(ii) by striking "$9,000,000" and inserting "$100,000,000".

At the end of subtitle C of title IV, insert the following(and make such technical and conforming changes as may be appropriate):

SEC. _____. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) DOMESTIC HUNGER GOAL.—The term "domestic hunger goal" means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term "emergency feeding organization" has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term "food security" means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term "hunger-free communities goal" means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER REPORTS.—

(1) STUDY.—

(A) TIMELINE.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(ii) UPDATE.—Not later than 5 years after the date on which the study under clause (i) is conducted, the Secretary shall update the study.

(B) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary in the study and update under this paragraph shall include—

(i) data on hunger and food insecurity in the United States;

(ii) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals;

(iii) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(iv) the impact of hunger and household food insecurity on obesity, in the context of poverty and food assistance programs.

(2) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(A) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(B) otherwise reducing domestic hunger.

(3) REPORT.—The Secretary shall submit to the President and Congress—

(A) not later than 1 year after the date of enactment of this Act, a report that contains—

(i) a detailed statement of the results of the study, or the most recent update to the study, conducted under paragraph (1)(A); and

(ii) the most recent recommendations of the Secretary under paragraph (2); and

(B) not later than 5 years after the date of submission of the report under subparagraph (A), an update of the report.

(c) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 55 percent of any funds made available under subsection (f) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (4).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (4) that the grant will be used to fund;

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity;

(iii) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(iv) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(v) if an assessment described in paragraph (4)(A) has been performed, include—

(I) a summary of that assessment; and

(II) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that—

(i) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(ii)(I) serve a predominantly rural and geographically underserved area;

(II) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(III) provide evidence of long-term efforts to reduce hunger in the community;

(IV) provide evidence of public support for the efforts of the eligible entity; or

(V) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(4) USE OF FUNDS.—

(A) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(i) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in clause (ii) may use a grant received under this subsection to perform the assessment for the community.

(ii) ASSESSMENT.—The assessment referred to in clause (ii) shall include—

(I) an analysis of the problem of hunger in the community served by the eligible entity;

(II) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(III) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(IV) a plan to achieve any other hunger-free communities goal in the community.

(B) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this subsection for any fiscal year for activities of the eligible entity, including—

(i) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(I) distributing food;

(II) providing community outreach; or

(III) improving access to food as part of a comprehensive service;

(ii) developing new resources and strategies to help reduce hunger in the community;

(iii) establishing a program to achieve a hunger-free communities goal in the community, including—

(I) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(II) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(iv) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

(d) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 45 percent of any funds made available under subsection (f) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (4).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (4) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(i) The eligible entity serves a predominantly rural and geographically underserved area.

(ii) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(iii) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(iv) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(v) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(4) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection for any fiscal year to carry out activities of the eligible entity, including—

(A) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(B) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(C) assisting an emergency feeding organization in the community to process and serve wild game.

(e) REPORT.—Not later than September 30, 2013, the Secretary shall submit to Congress a report describing—

(1) each grant made under this section, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this section in achieving domestic hunger goals.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2013.

In subsection (a)(1) of the amendment made by section 4401(a) of the bill, strike "$15,000,000" and insert "$45,000,000" .

In subsection (a) of the amendment made by section 4401(a) of the bill, strike paragraph (2) and insert the following:

(2) There is authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out and expand the senior farmers' market nutrition programs.

At the end of subtitle D of title IV, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. ___. GRANTS FOR LOCAL FARMERS AND COMMUNITY FARMING.

(a) GRANTS TO ASSIST MUNICIPALITIES TO HELP LOCAL FARMERS TO GROW FOOD TO BE SOLD LOCALLY.—

(1) IN GENERAL.—The Secretary of Agriculture may make a grant in accordance with this subsection to a municipality to enable the municipality to facilitate the ability of local farmers to grow food crops or raise beef, poultry, or other consumable agricultural products to be sold to the local community.

(2) MAXIMUM AMOUNT OF GRANT.—The amount of a grant under this subsection shall not exceed $100,000.

(3) USE OF GRANTS.—

(A) IN GENERAL.—A municipality to which a grant is made under this subsection shall use the grant, subject to subparagraph (B), to establish a community supported agriculture project, by—

(i) leasing municipal land to a participating farmer;

(ii) providing a loan guarantee for a loan made for the purchase or lease of equipment or facilities to be used by a participating farmer;

(iii) establish a kitchen certified by relevant health authorities for use by the participating farmer and other farmers operating, as determined by the municipality, locally or regionally; or

(iv) establish a beef, poultry or other agricultural product processing plant certified by relevant health authorities for use by the participating farmer or other farmers operating, a determined by the municipality, locally or regionally.

(B) REQUIREMENTS RELATING TO MINIMUM OUTPUT, LOCAL SALE, AND UNDER-SERVED COMMUNITIES.—

(i) IN GENERAL.—A lease entered into or a loan guarantee provided pursuant to this subsection shall provide that the municipality may terminate the lease or rescind the loan guarantee, as the case may be, if, during each year for which the lease or loan guarantee is in effect—

(I) the total value of the crops, beef, poultry, or other consumable agricultural products produced from the land involved is less than $5,000;

(II) at least 30 percent of the crops, beef, poultry, or other consumable agricultural products are not made available for sale in an under-served community; or

(III) at least 70 percent of the crops, beef, poultry, or other consumable agricultural products are not made available for sale locally or regionally.

(ii) LOCAL OR REGIONAL SALE.—An agricultural product shall be considered to be made available for sale locally or regionally for purposes of this subsection if the product is distributed within the locality or region where produced, in a manner which—

(I) ensures that information regarding the product origin, production practices, or other similar information which is a source of value to the end-use consumer is typically conveyed;

(II) facilitates the likelihood that the income of the community supported agriculture operation is increased through maximization of the share of the retail food price retained by the producer;

(III) ensures that consumers are provided with an affordable product produced, processed, and distributed in the locality or region where the end-use consumers acquire the product; and

(IV) ensures that the product has traveled less than half of the current average distance of all food produced and consumed in the United States, as determined by the Secretary.

(C) PUBLIC BIDDING REQUIRED.—The municipality shall solicit bids from the general public for the leases and loan guarantees to be provided by the municipality pursuant to this subsection. The municipality shall conduct the bidding in a manner that creates a primary preference for minority and socially-disadvantaged farmers and ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003 (e))) and a secondary preference for participating farmers who will farm the land organically.

(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this subsection, there are authorized to be appropriated to the Secretary not more than $40,000,000 for each of fiscal years 2008 through 2013.

(b) GRANTS TO SUPPORT THE FORMATION OF COMMUNITY-SUPPORTED AGRICULTURAL PROJECTS.—

(1) IN GENERAL.—The Secretary of Agriculture may make a grant to enable a local nongovernmental farming association that promotes community-based farming or to a qualified farmer to provide technical, advisory, and other assistance to support the formation of a municipally-based community-supported agricultural project.

(2) MAXIMUM AMOUNT OF GRANT.—The amount of a grant under this subsection shall not exceed $25,000.

(3) USE OF GRANTS.—A grant recipient shall use the grant to—

(A) provide public information about the assistance available pursuant to this section;

(B) provide technical and advisory assistance to participating farmers who enter into a lease or receive a loan guarantee from a municipality pursuant to section 1; or

(C) conduct training sessions on subjects relevant to starting, operating, maintaining, or marketing crops produced by participating farmers.

(4) DEFINITION.—In this subsection, the term "qualified farmer" means a farmer who demonstrated expertise in setting up a profit-making enterprise, such as a farm, a community supported agriculture operation, or a farmers market that has been in operation at least five years.

(5) DISPUTE RESOLUTION.—In the event of a landlord-tenant dispute, dispute concerning

ownership rights to improved infrastructure, or other dispute between a municipality and a participating farmer, the parties shall utilize the services of the Certified State Agricultural Mediation Program is administered by the Farm Service Agency.

(6) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this subsection, there are authorized to be appropriated to the Secretary not more than $10,000,000 for each of fiscal years 2008 through 2013.

(c) GRANTS TO PROVIDE START-UP FUNDS TO FARMERS WHO MUST DIVERSIFY THEIR OPERATIONS IN ORDER TO PARTICIPATE IN COMMUNITY-SUPPORTED AGRICULTURAL PROJECTS.—

(1) IN GENERAL.—The Secretary of Agriculture may make a one-time grant to provide start-up funding to an agricultural producer who must diversify the agricultural operations of the producer in order to participate in a community-supported agricultural project.

(2) MAXIMUM AMOUNT OF GRANT.—The amount of a grant under this subsection shall not exceed $5,000.

(3) USE OF GRANTS.—An agricultural producer to whom a grant is made under this subsection shall use the grant to begin a new agricultural operation.

(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this subsection, there are authorized to be appropriated to the Secretary not more than $2,000,000 for each of fiscal years 2008 through 2013.

(d) MARKETING ASSISTANCE FOR COMMUNITY SUPPORTED AGRICULTURE PROJECTS.—The Secretary of Agriculture shall provide marketing assistance to a participating farmer who has received a lease or loan guarantee under section 1 that has not been terminated, to assist the farmer in marketing to community institutions, including schools, child care centers, and senior centers.

(e) DEFINITIONS.—In this section:

(1) COMMUNITY-SUPPORTED AGRICULTURAL PROJECT.—The term "community-supported agricultural project" means a contract under which a group of consumers, a nonprofit organization, or a public agency which represents consumers is obligated to purchase a specified amount of 1 or more agricultural products directly from 1 or more agricultural producers during a specific period.

(2) FARM VENDOR.—The term 'farm vendor' means a farmer, a member of the farmer's family, or employee of the farmer, who sells their products at a farmers market. The farm vendor must offer for sale at the market only the food or other items that are grown or produced by that farm.

(3) MARKETING ALLIANCE.—The term "marketing alliance" means a legally recognized entity, such as the National Farmers Market Coalition, from which growers and farmers market managers can obtain technical support on farmers market issues.

(4) MUNICIPALITY.—The term "municipality" includes any city, town, borough, county, parish, district, transportation district, assessment jurisdiction, or other public body, or any other political subdivision within the territorial limits of the United States, created by or pursuant to State law or the law of an Indian tribe or tribal organization, with the authority to impose a tax, charge, or fee.

(5) NONGOVERNMENTAL FARMING ASSOCIATION.—The term "nongovernmental farming association" means any of the following entities that has legal standing:

(A) A group of agricultural producers that operates as a marketing alliance.

(B) A cooperative association, each of whose owners and members is an agricultural producer.

(C) A group of 2 or more agricultural producers or farm vendors who sell an agricultural product through a common distribution channel.

(D) A nonprofit organization with expertise in farming.

(E) A network or association of agricultural producers.

(6) PARTICIPATING FARMER.—The term "participating farmer" means an agricultural producer who has made a binding commitment to participate in a community-supported agricultural project.

(7) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, and American Samoa.

(8) UNDER-SERVED COMMUNITY.—The term "under-served community" means an urban, rural, or tribal community which has—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables, in retail grocery stores or farmer-to-consumer direct markets;

(B) a high incidence of diet-related diseases, including obesity;

(C) a high rate of hunger or food insecurity; or

(D) severe or persistent poverty.

(f) REGULATIONS.—The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out this section.

[RURAL DEVELOPMENT TITLE]

Strike section 6013 and insert the following:

SEC. 6013. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 364 (7 U.S.C. 2006f) the following:

"SEC. 365. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISADVANTAGED MICROENTREPRENEUR.—The term 'economically disadvantaged microentrepreneur' means an owner, majority owner, or developer of a microenterprise that has the ability to compete in the private sector but has been impaired because of diminished capital and credit opportunities, as compared to other microentrepreneurs in the industry involved.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) INTERMEDIARY.—The term 'intermediary' means a nonprofit entity that has a demonstrated capacity to provide assistance—

"(A) to a microenterprise development organization; or

"(B) for a microenterprise development program.

"(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual with an income (adjusted for family size) of not more than the greatest of—

"(A) 80 percent of median income of the non-metropolitan statistical area in which the individual resides;

"(B) 80 percent of the statewide non-metropolitan area median income; or

"(C) 80 percent of the national median income.

"(5) MICROCREDIT.—The term 'microcredit' means a business loan or loan guarantee of not more than $50,000 that is provided to a rural entrepreneur.

"(6) MICROENTERPRISE.—The term 'microenterprise' means—

"(A) a self-employed individual; or

"(B) a business entity with not more than 10 full-time-equivalent employees.

"(7) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means a private, nonprofit entity that—

"(A) provides training and technical assistance to rural entrepreneurs;

"(B) facilitates access to capital or another service described in subsection (b) for rural entrepreneurs; and

"(C) has a demonstrated record of delivering services to economically disadvantaged microentrepreneurs, or an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary.

"(8) MICROENTERPRISE DEVELOPMENT PROGRAM.—The term 'microenterprise development program' means a program administered by an organization serving a rural area.

"(9) MICROENTREPRENEUR.—The term 'microentrepreneur' means the owner, operator, or developer of a microenterprise.

"(10) PROGRAM.—The term 'Program' means the rural entrepreneur and microenterprise program established under subsection (b)(1).

"(11) QUALIFIED ORGANIZATION.—The term 'qualified organization' means——

"(A) an intermediary;

"(B) a microenterprise development organization or microenterprise development program that—

"(i) has a demonstrated record of delivering microenterprise services to rural entrepreneurs; or

"(ii) has an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary; or

"(C) an Indian tribe, the tribal government of which certifies to the Secretary that no microenterprise development organization or microenterprise development program exists under the jurisdiction of the Indian tribe;

"(D) a group of 2 or more organizations or Indian tribes described in subparagraph (A) or (B) that agree to act jointly as a qualified organization under this section; or

"(E) for purposes of subsection (b), a public college or university.

"(12) RURAL CAPACITY-BUILDING SERVICE.—The term 'rural capacity-building service' means a service provided to an organization that—

"(A) is, or is in the process of becoming, a microenterprise development organization or microenterprise development program; and

"(B) serves rural areas for the purpose of enhancing the ability of the organization to provide training, technical assistance, and other related services to rural entrepreneurs.

"(13) RURAL ENTREPRENEUR.—The term 'rural entrepreneur' means a microentrepreneur, or prospective microentrepreneur—

"(A) the principal place of business of which is in a rural area; and

"(B) that is unable to obtain sufficient training, technical assistance, or microcredit elsewhere, as determined by the Secretary.

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Rural Business and Cooperative Development Service.

"(15) TRIBAL GOVERNMENT.—The term 'tribal government' means the governing body of an Indian tribe.

"(b) Rural Entrepreneurship and Microenterprise Program.—

"(1) Establishment.—The Secretary shall establish a rural entrepreneurship and microenterprise program.

"(2) Purpose.—The purpose of the Program shall be to provide low-income individuals and moderate-income individuals with—

"(A) the skills necessary to establish new microenterprises in rural areas; and

"(B) continuing technical and financial assistance as individuals and business starting or operating microenterprises.

"(3) Grants.—

"(A) In general.—The Secretary may make a grant under the Program to a qualified organization or intermediary—

"(i) to provide training, operational support, or a rural capacity-building service to another qualified organization to assist the other organization in developing microenterprise training, technical assistance, market development assistance, and other related services, for microenterprise, with an emphasis on those that—

"(I) have 5 or fewer full-time equivalent employees;

"(II) serve low income individuals; or

"(III) serve areas that have lost population;

"(ii) to assist in researching and developing the best practices in delivering training, technical assistance, and microcredit to rural entrepreneurs; and

"(iii) to carry out such other projects and activities as the Secretary determines to be consistent with the purposes of this section.

"(B) Subgrants.—Subject to such regulations as the Secretary may promulgate, a qualified organization that receives a grant under this paragraph may use the grant to provide assistance to other qualified organizations, such as small or emerging qualified organizations.

"(C) Diversity.—In making grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, that grant recipients include qualified organizations—

"(i) of varying sizes; and

"(ii) that serve racially and ethnically diverse populations.

"(D) Matching requirement.—

"(i) In general.—As a condition of any grant made under this paragraph, the Secretary shall require the grantee to expend for the project involved, from non-Federal sources, not less than 25 percent of the total amount of the grant.

"(ii) Form of contribution.—The non-Federal share of the cost of a project described in clause (i) may be provided—

"(I) in cash (including through fees, grants (including community development block grants), and gifts); or

"(II) in-kind.

"(4) Rural microloan program.—

"(A) Establishment.—In carrying out the Program, the Secretary may carry out a rural microloan program.

"(B) Purpose.—The purpose of the rural microloan program shall be to provide technical and financial assistance to microenterprises in rural areas and rural entrepreneurs, with an emphasis on those that—

"(i) have 5 or fewer full-time equivalent employees;

"(ii) serve low income individuals; or

"(iii) serve areas that have lost population.

"(C) Authority of Secretary.—In carrying out the rural microloan program, the Secretary may—

"(i) make loans to qualified organizations for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing microenterprises in rural areas; and

"(ii) in conjunction with the loans, provide grants in accordance with subparagraph (E) to the qualified organizations for the purpose of providing intensive marketing, management, and technical assistance to microenterprises in rural areas that are borrowers under this subsection.

"(D) Loan duration; interest rates; conditions.—

"(i) Loan duration.—A loan made by the Secretary under this paragraph shall be for a term not to exceed 20 years.

"(ii) Applicable interest rates.—A loan made by the Secretary under this paragraph shall bear an annual interest rate of at least 1 percent.

"(E) Grant amounts.—

"(i) In general.—Except as otherwise provided in this section, each qualified organization that receives a loan under this paragraph shall be eligible to receive a grant to provide marketing, management, and technical assistance to microenterprises in rural areas that are borrowers or potential borrowers under this subsection.

"(ii) Maximum amount of grant for microenterprise development organizations.—The amount of the grant referred to in clause (i) shall be not more than 25 percent of the total outstanding balance of loans made by the microenterprise development organization under this paragraph as of the date of provision of the grant, except that for the first loan made to a microenterprise development organization, the Secretary may make a grant not to exceed 25 percent of the outstanding balance of the loan.

"(iii) Matching requirement.—

"(I) In general.—As a condition of any grant made to a qualified organization under this subparagraph, the Secretary shall require the organization to expend for the grant project involved, from non-Federal sources, not less than 15 percent of the total amount of the grant.

"(II) Form of non-Federal share.—The non-Federal share of the cost of a project described in subclause (I) may be provided—

"(aa) in cash; or

"(bb) in-kind.

"(c) Administrative Expenses.—Not more than 10 percent of the assistance received by a qualified organization for a fiscal year under this section may be used to pay administrative expenses.

"(d) Funding.—

"(1) Mandatory funding.—

"(A) In general.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"(B) Allocation of funds.—Of the amount made available by subparagraph (A) for each fiscal year—

"(i) not less than $24,000,000 shall be available for use in carrying out subsection (b)(3); and

"(ii) not less than $16,000,000 shall be available for use in carrying out subsection (b)(4), of which not more than $6,000,000 shall be used to support loans.

"(2) Authorization of appropriations.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

In section 231(b)(5)(A) of the Agricultural Risk Protection Act of 2000, as proposed to be added by section 6027(b)(1) of the bill—

(1) strike "10" and insert "15";

(2) insert "(i)" after "benefit";

(3) strike "or socially" and insert ", (ii) socially"; and

(4) insert ", or (iii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))" before the period.

In section 6045(g)(1) of the Farm Security and Rural Investment Act of 2002, as proposed to be amended by section 6027(b) of the bill, strike "$30,000,000" and insert "$50,000,000".

[RESEARCH TITLE]

In section 7310, strike subsections (f) and (g) and insert the following:

(f) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $25,000,000 for each of fiscal years 2008 through 2012.

In section 7411, strike subsections (g) and (h) that appear within quotation marks and insert the following:

"(g) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $100,000,000 for each of fiscal years 2008 through 2012.".

[ENERGY TITLE]

Strike section 9013.

At the end of title IX, add the following new section:

SEC. ___. VOLUNTARY RENEWABLE FUELS CERTIFICATION PROGRAM.

(a) Establishment.—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, shall establish a program to certify biomass crops that meet sustainable growing standards designed to reduce greenhouse gases, protect wildlife habitat, and protect air, soil, and water quality.

(b) Certification Requirements.—To qualify for certification under the program established under subsection (a), a biomass crop shall be inspected and certified as meeting the standards adopted under subsection (c) by an inspector referred to in subsection (d).

(c) Production Standards.—The Secretary shall adopt standards for the certification of biomass crops under subsection (b) that provide measurement of a numerical reduction in greenhouse gases and soil and water pollutants, based upon the recommendations of an advisory committee jointly established by the Secretary and the Administrator.

(d) Inspectors.—The Secretary shall designate inspectors that the Secretary determines are qualified to certify biomass crops under this section to carry out inspections under subsection (b).

(e) Designation of Certified Products.—A product produced from a biomass crop that is certified under this section may be designated as having been produced from a certified biomass crop if the producer of the product verifies the product was produced from such crop and the verification includes a copy of the certification under subsection (b).

[HORTICULTURE TITLE]

At the end of subtitle C of title X, add the following new section:

SEC. ___. PESTICIDES.

(a) Recordkeeping and Reporting.—

(1) Amendment.—Section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i-1) is amended to read as follows:

"SEC. 1491. PESTICIDE RECORDKEEPING.

"(a) Requirements.—

"(1) IN GENERAL.—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, shall require certified commercial applicators and private applicators of pesticides (whether for general use or restricted use) to maintain—

"(A) records comparable to records maintained by commercial applicators of pesticides, as required by the State in which the pesticide is used, or

"(B) if there is no State requirement for the maintenance of records, records that contain the product and chemical name, the registration number assigned to the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, amount, date and time of application, and location of application of each such pesticide used in agricultural production,

for a period of 20 years after the pesticide is used.

"(2) PROVISION OF RECORDS TO CERTAIN PERSONS.—Within 30 days of a pesticide application, a certified commercial applicator shall provide a copy of records maintained under paragraph (1) to the person for whom such application was provided.

"(3) PROVISION OF RECORDS TO SECRETARY.—Within 30 days of a pesticide application, a certified commercial applicator or private applicator shall provide a copy of records maintained under paragraph (1) to—

"(A) any State agency designated by the State for such purpose; and

"(B) the Secretary of Agriculture.

"(4) MAINTENANCE BY SECRETARY.—

"(A) REQUIREMENT.—Subject to subparagraph (B), the Secretary of Agriculture shall maintain records submitted to the Secretary under paragraph (3) for a period of at least 20 years after the pesticide is used.

"(B) EXCEPTION.—The Secretary of Agriculture is not required to maintain records pursuant to subparagraph (A) if the Secretary determines that the State in which the pesticide is used will maintain such records for a period of at least 20 years after such use.

"(b) ACCESS TO RECORDS.—

"(1) IN GENERAL.—Upon request, records maintained under subsection (a) shall be made available by applicators and by the Secretary of Agriculture to the following:

"(A) A Federal or State agency that deals with pesticide use or any health, occupational safety, or environmental issue related to the use of pesticides.

"(B) Health care professionals treating persons who reasonably believe that they have been exposed to pesticides.

"(C) Agricultural workers who reasonably believe they have been exposed to pesticides, their immediate family members, and their representatives.

"(D) Researchers conducting studies on pesticides, occupational safety or health, or environmental conditions.

"(2) AGENCIES.—In the case of Federal agencies, such access to records maintained under subsection (a) shall be through the Secretary of Agriculture, or the Secretary's designee. State agency requests for access to records maintained under subsection (a) shall be through the lead State agency so designated by the State.

"(3) HEALTH CARE PERSONNEL.—When a health professional determines that pesticide information maintained under this section is necessary to provide medical treatment or first aid to an individual who may have been exposed to pesticides for which the information is maintained, upon request applicators and the Secretary of Agriculture shall promptly provide applicable records maintained under subsection (a) and available label information to that health professional. In the case of an emergency, such records and information shall be provided immediately.

"(4) AGRICULTURAL WORKERS.—When an agricultural worker reasonably believes he or she has been exposed to pesticides, upon request applicators and the Secretary of Agriculture shall provide applicable records maintained under subsection (a) to such worker, the worker's family member, or the worker's representative within 5 business days of the request. In the case of an emergency, such records shall be provided immediately.

"(5) RESEARCHERS.—When a researcher is conducting a study on a pesticide, occupational safety or health, or environmental conditions, upon request applicators and the Secretary of Agriculture shall provide applicable records maintained under subsection (a) to such researcher within 30 days of the request.

"(c) ACCESS TO CONTACT INFORMATION.—Upon request, the person for whom a pesticide application was provided shall provide the name and contact information of the applicator to a health care professional described in subsection (b)(3) or an agricultural worker, family member, or representative described in subsection (b)(4).

"(d) SURVEYS AND ANALYSES.—Each Federal agency described in subsection (b)(1)(A) shall conduct surveys and record the data from individual applicators to facilitate statistical analysis for environmental and agronomic purposes, but in reports based on survey data the Federal agency shall not release data, including the location from which the data was derived, that would directly or indirectly reveal the identity of individual producers.

"(e) PENALTY.—The Secretary of Agriculture shall be responsible for the enforcement of subsections (a), (b), and (c). A violation of subsection (a) or (b) by an applicator, or a violation of subsection (c) by a person described in such subsection, shall—

"(1) in the case of the first offense, be subject to a fine of not more than $ 1,000; and

"(2) in the case of subsequent offenses, be subject to a fine of not less than $ 2,000 for each violation, except that the penalty shall be less than $1,000 if the Secretary determines that the applicator or person made a good faith effort to comply with such subsection.

"(f) FEDERAL OR STATE PROVISIONS.—The requirements of this section shall not affect provisions of other Federal or State laws.

"(g) SURVEYS AND REPORTS.—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall survey the records maintained under subsection (a) to develop and maintain a database that is sufficient to enable the Secretary and the Administrator to publish comprehensive reports, at least on an annual basis, concerning agricultural and nonagricultural pesticide use. The Secretary and Administrator shall enter into a memorandum of understanding to define their respective responsibilities under this subsection in order to avoid duplication of effort. Such reports shall be transmitted to Congress not later than April 1 of each year.

"(h) REGULATIONS.—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall promulgate revised regulations on their respective areas of responsibility implementing this section not later than 180 days after the enactment of the NOURISH Act of 2007.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date that is 180 days after the enactment of the NOURISH Act of 2007.

(b) INCLUSION OF LONG-TERM ADVERSE HEALTH EFFECTS IN LABELING.—Paragraph (2) of section 2(q) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(q)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) the pesticide is registered for an agricultural use and its labeling does not include information on long-term adverse health effects associated with exposure to the pesticide, such as cancer in individuals so exposed and their children, birth defects, adverse reproductive effects such as infertility or still births, and neurological damage.".

(c) RESEARCH BY CDC.—

(1) INCREASED RISKS AMONG FARM WORKERS.—

(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct or support research on increased risks of cancer or birth defects among farm workers who have occupational exposure to pesticide and their children.

(B) AUTHORIZATION OF APPROPRIATIONS.—To carry out this paragraph, there is authorized to be appropriated $5,000,000 for fiscal year 2008.

(2) BIOLOGICAL INDICATORS AND CLINICAL TESTS.—

(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct or support research to identify objective biological indicators, and to develop new and additional inexpensive clinical tests, to enable clinicians to diagnose overexposure to pesticides.

(B) AUTHORIZATION OF APPROPRIATIONS.—To carry out this paragraph, there is authorized to be appropriated $5,000,000 for fiscal year 2008.

(d) RESEARCH BY USDA.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct or support research on alternatives to agricultural pesticides that have been associated with cancer, birth defects, adverse reproductive effects, or severe neurological disorders in animal studies or epidemiological research.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $5,000,000 for fiscal year 2008.

(e) RESEARCH BY EPA.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct or support research to develop field level tests to determine when pesticide-treated fields are safe to reenter.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $7,500,000 for fiscal year 2008.

Section 10301(1) is amended by striking "$22,000,000" and inserting "$25,000,000".

Section 10303(f) is amended by striking the text and inserting the following: "Of the funds of the Commodity Credit Corporation, the Secretary shall make available $50,000.000 for each of fiscal years 2008 through 2012 to carry out this section. Such funds shall remain available until expended.".

Section 10102 is amended by striking subsection (b) and inserting the following new subsection:

(b) AVAILABILITY OF FUNDS.—Subsection (i) of section 101 of the Specialty Crops Competitiveness Act of 2004 is amended to read as follows:

"(i) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(1) $110,000,000 in fiscal year 2008;

"(2) $115,000,000 in fiscal year 2009;

"(3) $120,000,000 in fiscal year 2010;

"(4) $125,000,000 in fiscal year 2011; and

"(5) $145,000,000 in fiscal year 2012.".

In section 6(f)(1) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), as added by section 10404(b)(4) of the bill, strike "Secretary of Agriculture use to carry out this section" and all that follows and insert "Secretary of Agriculture shall use to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.".

[MISCELLANEOUS TITLE]

At the end of subtitle A of title XI add the following new sections:

SEC. ___. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

"(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to cede to the Corporation 30 percent of its cumulative underwriting gain or loss."

SEC. ___. REIMBURSEMENT RATE.

Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

"(ii) for each of the 2008 and subsequent reinsurance years, 15 percent of the premium used to define loss ratio.".

Subparagraph (D) of section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(2)), as added by section 11201(a)(1)(B)(ii) of the bill, is amended to read as follows:

"(D) ADDITIONAL CONTRACTING AUTHORITY.—Any agency of the Department of Agriculture may make grants and enter into contracts and cooperative agreements with a community-based organization that meets the definition of an eligible entity under subsection (e) in order to utilize the community-based organization to provide outreach and technical assistance.".

Section 2501(a)(4)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)(A)), as amended by section 11201(a)(1)(C)(i) of the bill, is amended by striking "$15,000,000" and inserting "$35,000,000".

At the end of subtitle C of title XI add the following new section:

SEC. ___. MORATORIUM ON FORECLOSURES.

(a) MORATORIUM.—The Secretary of Agriculture shall, except for the purposes referred to in subsection (c), immediately issue a moratorium on all current, pending, and future foreclosures, loan accelerations, and adverse actions, with respect to Department of Agriculture loans to any farm or ranch owned or operated by a socially disadvantaged farmer or ranchers (as defined in section 355(e)(2) of the Consolidated Farm and Rural Development Act). The Secretary shall waive the accrual of interest and offsets on all loans affected by this section for the full period of the moratorium or review shall issue write offs of accrued interest and may take such additional actions as recommended by the Commission established in subsection (b).

(a) SOCIALLY DISADVANTAGED FARMERS AND RANCHERS COMMISSION.—

(1) IN GENERAL.—The Secretary of shall establish in the Department of Agriculture a commission to be known as the "USDA Socially Disadvantaged Farmers and Ranchers Commission" (in this section referred to as the "Commission").

(2) DUTIES.—The Commission shall review all actions covered by the moratorium under subsection (a) to—

(A) determine whether Federal, State, or local government actions or inactions contributed to the conditions leading to foreclosure;

(B) determine whether the acceleration of foreclosure by the Department of Agriculture of loans on farm land owned by socially disadvantaged farmers and ranchers was in accordance with applicable laws or regulations;

(C) improve upon the credibility and accuracy of all Department of Agriculture programs land foreclosure process and procedures;

(D) recommend to the Secretary actions for the fair resolution of cases reviewed; and

(E) submit to the Committee on Agriculture and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Government Reform and Homeland Security of the Senate a report on programmatic inefficiencies and possible remedies to address any land loss directly resulting from illegal or manifestly unfair acts of the Department of Agriculture.

Strike section 10202 and add at the end of title XI the following:

SEC. ___. MULTI-SPECIES FRUIT FLY RESEARCH AND STERILE FLY PRODUCTION.

(a) CONSTRUCTION.—The Secretary of Agriculture shall construct a warehouse and irradiation containment facility in Waimanalo, Hawaii, to support fruit fly rearing and sterilization activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $15,000,000 for the construction of a warehouse and irradiation containment facility pursuant to subsection (a); and

(2) $1,000,000 for fiscal year 2008 and each subsequent fiscal year for maintenance to the facilities constructed pursuant to this section.

Strike section 11305.

At the end of subtitle A of title XI add the following new section:

SEC. ___. PARITY FOR ORGANIC CROP ACRES PRICE ELECTIONS, DOLLAR AMOUNTS OF INSURANCE, AND PREMIUM DETERMINATION.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following new paragraph:

"(9) ORGANICS.—Notwithstanding any other provision of this title, the Secretary may not charge a premium, deductable, or other fee for an insurance policy or plan on crops that are certified organic or transitioning to organic production that is more than the premium, deductable, or other fee for an insurance policy or plan on crops that are not certified organic or transitioning to organic production.".

At the end of subtitle C of title XI, add the following new sections:

SEC. ___. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

Section 2 of Public Law 87-788 (16 U.S.C. 582a-1) is amended—

(1) by inserting "and 1890 Institutions," before "and (b)"; and

(2) by adding at the end the following: "In States that have both 1862 Institutions and 1890 Institutions eligible for and receiving funds under this Act, the institutions shall, to the maximum extent practicable, develop complementary plans for forestry research in the State. In this section, the terms '1862 Institutions' and '1890 Institutions' have the same meanings as in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601(2)).".

SEC. ___. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after "universities" the following: "(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998.(7 U.S.C. 7601(2))).".

SEC. ___. CHILDREN, YOUTH, AND FAMILIES EDUCATION AND RESEARCH NETWORK (CYFERNET) PROGRAM.

(a) IN GENERAL.— In carrying out the Children, Youth, and Families Education and Research Network Program under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), the Secretary shall include 1890 Institutions as eligible program applicants and participants.

(b) 1890 INSTITUTIONS DEFINED.—In this section, the term "1890 Institutions" has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601(2)).

SEC. ___. SOCIALLY DISADVANTAGED PRODUCERS ACCESS PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish and carry out, for each of fiscal years 2008 through 2013, a program to enhance the viability of minority and socially disadvantaged farmer and ranchers who own or operate agricultural operations by assisting such farmer and ranchers to reduce their risks, improve their access to markets, and better utilize the programs and services of the Department of Agriculture.

(2) IMPROVED ACCESS.—One of the purposes of the program shall be to ensure the viability and success of minority and socially disadvantaged farmers and ranchers by promoting the involvement of socially disadvantaged farmers and ranchers in the full range of services to ensure producer access to commodity, credit, risk management and disaster protection, conservation, marketing, nutrition, value-added, rural development, and other programs and services of the Department.

(3) ACCURATE REFLECTION OF CONTRIBUTIONS.—Another of the purposes of the program shall be to assure that the number and economic contributions of socially disadvantaged farmers and ranchers are accurately reflected in the census of agriculture.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to participate in programs made available under this title, a producer shall—

(A) be a socially disadvantaged farmer or rancher;

(B) be a producer who, as an owner, operator, landlord, tenant, sharecropper or enrolled member of an Indian tribe—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced) or produces more than 50 percent of the food needed for family consumption;

(C) enter into a risk management and marker access contract with the Secretary to carry out the risk management and market access plan.

(2) DEFINITIONS.—In this section:

(A) SOCIALLY DISADVANTAGED.—The term "socially disadvantaged" means, with respect to a farmer or rancher, that the farmer or rancher is a member of a socially disadvantage group.

(B) SOCIALLY DISADVANTAGED GROUP DEFINED.—The term "socially disadvantaged group" means a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

(c) PRODUCER PAYMENT STRUCTURE.—

(1) PRODUCER DEVELOPMENT PAYMENTS.—The Secretary is authorized to provide direct payments to the producers defined under subsection (b) if risk management and market access plans are implemented within any fiscal year pursuant to a plan developed in a fiscal year prior to payment by the Secretary.

(2) ENROLLMENT PROCEDURE.—To enroll in this program, an eligible producer must—

(A) complete and maintain the practices in the qualification level in paragraph (3)(A)(i);

(B) describe the tier of the risk management and market access plan, and the particular risk management and market access practices to be implemented in accordance with this subsection; and

(C) identify the qualified technical assistance provider who will serve as a liaison to the Department and supply technical assistance to assure completion of the plan.

(3) PAYMENT STRUCTURE.—The Secretary shall make annual producer payments under this title for participation at 1 of the following levels for a period not to exceed a total of 7 years, as follows:

(A) USDA ACCESS PAYMENTS.—The qualification level payment shall be not more than $5,000 with up to $2,500 paid up front if, within the first year, the producer—

(i) files an IRS schedule F or a qualified substitute for enrolled members of Indian Tribes;

(ii) registers at the Farm Service Agency office as a farm or rancher, or informs the Secretary the reason for which registration was not allowed;

(iii) signs up for any crop insurance or NAP programs for which the producer is qualified, or provides a plan to achieve qualification or inform the Secretary if no plan or program exists for the form of production on the farm or ranch; and

(iv) receives technical assistance to be included in the Minority Farm Registry and complete the next Census of Agriculture.

The Secretary shall provide to the National Agriculture Statistics Service information sufficient for inclusion of each producer who qualifies under this section in the next census of agriculture.

(B) PROGRAM ACCESS PAYMENTS.—Program access payments shall at least $5000 and not more than $10,000 annually for up to 3 years if the producer provides, develops, and implements a plan to complete at least two of following practices in each year:

(i) a farm and home plan;

(ii) an estate plan;

(iii) a risk management plan, including accessing family health insurance;

(iv) a conservation plan;

(v) enters into a contract for purchase or sale of farm land;

(vi) acquires a computer, high-speed internet access, and software, and training in the use of these tools;

(vii) prepares a plan to transition to another crop or crops;

(viii) applies for at least one farm program of the Department; or

(ix) other practices as determined by the Secretary.

(C) MARKET ACCESS AND RISK PROTECTION PAYMENTS.—

(i) TIER ONE.—Market Access and Risk Protection Payments shall be at least $10,000 and not more than $25,000 annually for up to three years if the producer develops and implements at least two of the following practices in each year:

(I) Mentor another farmer.

(II) Seek nomination and election to a Conservation District Board or FSA County Committee.

(III) Meet standards for Good Agricultural Practices, Organic Certification or other market certifications.

(IV) Develop and implement a marketing plan or a business plan.

(V) Access liability or other expanded insurance, including revenue insurance.

(VI) Access farmers markets or improved marketing contracts.

(VII) Participate in farmers market nutrition, school food or other nutrition programs.

(VIII) Develop and implement plan to meet regulatory requirements, including labor, workers compensation, and pesticide health and safety standards, Livestock and Animal ID.

(IX) Seek irrigation and other production assistance, Land or waste management.

(X) Other practices as determined by the Secretary.

(iii) TIER TWO.—Market Access and Risk Protection Payments shall be not more than to $35,000 annually for up to three years if the producer completes at least two of the following practices in each year:

(I) Develop or participate in a cooperative or marketing association.

(II) Develop a value-added enterprise.

(III) Implements improve marketing strategies, including development of brands and innovative forms of marketing by web or other means.

(IV) Develop infrastructure or processing capacity.

(V) Enhance the participation of a cooperative or a group of farmers in nutrition and health programs.

(VI) Construct or improve housing for farmworkers.

(VII) Enter into direct contracts to secure adequate labor to meet production needs.

(VIII) Protect of land use and development rights.

(IX) Other practices as determined by the Secretary.

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—For each of fiscal years 2008 through 2013, the Secretary shall provide technical assistance through qualified technical assistance providers to producers for the development and implementation of a risk management and market access plans at each tier.

(2) TECHNICAL ASSISTANCE PROVIDER.—In this section, the term "technical assistance provider" is an organization or educational institutions that qualifies as an eligible entity under section 2501(e)(5) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(5)).

(3) QUALIFIED TECHNICAL ASSISTANCE PROVIDER.—In this section, the term "qualified technical assistance provider" means a technical assistance provider that has been recognized by the Risk Management Agency as qualified to provide the service in this program.

(4) LIMITATIONS.—A qualified technical service provider shall not receive payment for services in excess of—

(A) $2,000, for services under subsection (c)(3)(A);

(B) $3,000, for services under subsection (c)(3)(B); or

(C) $4,000, for services under subsection (c)(3)(C).

(f) DUTIES OF THE SECRETARY.—

(1) OFFICE OF SMALL FARMS COORDINATION.—The Secretary of Agriculture shall establish an office of Small Farm Coordination, which shall be led by the Small Farms Coordinator, who shall be a career employee.

(2) DUTIES.—The Secretary may delegate to the Small Farms Coordinator responsibility for the following:

(A) Administering the program established under subsection (a).

(B) Administering the activities established under Departmental Regulation 9700-1 issued on August 3, 2006, in coordination with any other office, agency, or mission area as deemed necessary by the Secretary to facilitate the implementation of the programs under this section, and other such duties as assigned to assure the Department best understands, meets, and prioritizes the needs of small, socially disadvantaged, and beginning and new entry farmers.

(C) Other duties deemed appropriate by the Secretary.

(3) OUTREACH.—The Secretary shall use not less than $1,000,000 annually from funding under this section to support consultation, training, and liaison activities with qualified technical assistance providers under subsection (b).

(4) STAFFING AND ADMINISTRATION.—The Secretary shall provide not less than 10 staff positions within the Office of Small Farms Coordination at headquarters in Washington and not less than 10 field staff for the Office as the Secretary deems necessary to implement this program, with additional field staff provided in States where the number of applicants exceeds 500 to conduct administration of this program.

(5) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to carry out this subsection.

(g) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $80,000,000 to carry out this section for each of fiscal years 2008 through 2012.

At the end of title XI, insert the following new section:

SEC. ___. SENSE OF CONGRESS ON USE OF SAVINGS FOR DEFICIT REDUCTION.

It is the sense of the Congress that any budgetary savings created as a result of this Act will be used to reduce the Federal budget deficit and not used to offset other Federal spending.

Strike the title of the bill entitled "PREVENTION OF TAX TREATY EXPLOITATION TO EVADE UNITED STATES TAXATION".

The CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. Madam Chairman, I ask unanimous consent for purposes of this debate that the gentleman from Arizona (Mr. FLAKE) be allowed to control 10 minutes of my 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KIND. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this farm bill is one of the most important pieces of legislation before this Congress in this session because it truly does affect us all.

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It affects our family farmers. It affects consumers in America. It affects our wildlife and natural resources. It affects people who are hungry, both in this country and abroad, and it affects economic development opportunities in rural America but also in the developing world, and it affects my home State in Wisconsin, where agriculture is still the number one industry. I know, I have a 200-acre farm in western Wisconsin where we rotate corn and soybeans. I've got beef cattle on it from time to time.

But for too long farm policy has resulted in billions of dollars of subsidies going to a few, but very large and very wealthy entities who then gobble up family farms around them, drive up land values and make it virtually impossible for new beginning farmers to enter the business. These subsidies have distorted the marketplace, and they distort our trade policies. Too many farmers have planted for the government paycheck instead of the marketplace. This has got to change.

But instead of heeding the call for reasonable, justifiable reform in light of current market prices, the farm bill before us fails to even make token reforms under the Title I commodity programs. In fact, they still allow taxpayer-supported subsidies to go to individuals in this country with an adjusted gross income of $1 million. Over the next 5 years, there will be $26 billion in direct subsidy payments going out to commodity producers who are getting at or near record prices in the marketplace. And under these direct payments, the committee raises the cap from $40,000 to $60,000 and allows multiple entities on the same farm to collect the same type of subsidies. It also eliminates the cap with the loan deficiency program.

It's a missed opportunity. In fact, what we have before us today is a bipartisan, fair, reform amendment that takes light of the market conditions and offers reasonable and justifiable reforms under a very simple proposition: Let's give our family farmers help when they need it; let's not when they don't.

What we propose in our amendment would be phasing out these direct payments that were meant to be temporary in the 1996 farm bill, and now we're in the third farm bill, and they're increasing these subsidy payments and lifting the caps.

We also replace the current countercyclical program with a true safety net, a revenue-based safety net that even the corn growers have been working on as a replacement over the last few years.

We also place a tighter income limit at $250,000 adjusted gross, even slightly above the administration's own $200,000 limit that they recommend.

Plus, we call for long-overdue reform with the crop insurance program based on the good work that our friends Mr. COOPER and Mr. WAXMAN have been doing in this, and we all do this under justifiable market conditions, ending up with a farm bill at the end of the day that does not distort our market, nor our trade policies.

For too long family farmers have suffered due to the inequities of this farm bill, and with the savings that we use to reform the Title I programs, we make significant new investments in other priority areas. We have a $6 billion increase in funding under the nutrition title to deal with hunger in America.

We have a $3 billion increase of voluntary incentive conservation programs, when today three out of every four farmers applying for conservation funding assistance are turned away because of inadequacy of funds.

We have a $1.2 billion increase for specialty crops above what the committee did, and a healthy food program to combat the obesity epidemic which is ravishing our Nation.

We also have $1.1 billion in guaranteed funding out of the McGovern-Dole bill and $500 million for minority and disadvantaged farmers, $200 million increase for rural development to create economic job opportunities throughout rural America.

And at the end of the reform, we even have money for deficit reduction. How refreshing that we may have a bill coming out of this Congress that actually reforms enough to have some left over to reduce the massive budget deficits and prepare for the aging of our Nation.

What's really nice about this is it is all paid for. We don't have to go to the Ways and Means Committee or the Financial Services Committee to seek offsets in order to pay for these other priorities and still provide a safety net for our family farmers. This amendment gets us out of the box that my Republican friends find themselves in in not being able to support a tax increase to finance this farm bill.

And you guys are exactly right. If you had been pulling this on us while we were in the minority, we would be raising bloody hell as well, because if you lose the process in the place, you lose a sense of fairness, and if you don't have fairness at the end of the day, you can't get things done.

We're saying we don't have to go down that road. Let's make some commonsense reforms to find the offsets to deal with the other priorities while still maintaining a proper safety net so when the farmers are in trouble, if market prices plummet, there will be a safety net for them; but let's not do it when they don't need it, so we can go home and look the taxpayers in the eyes and justify exactly what we're doing here.

Madam Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Chairman, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) be permitted to control half the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize the gentlelady from South Dakota, a great member of our committee, Ms. HERSETH SANDLIN, for 1 minute.

Ms. HERSETH SANDLIN. Madam Chairman, I thank the chairman for yielding.

I rise in strong opposition to this amendment because it eviscerates the safety net for my constituents and destroys the delicate balance achieved in the committee bill which reflects significant and meaningful reform and is supported by the broadest coalition of stakeholders.

I believe that the bill has been unfairly characterized by the gentleman from Wisconsin in a number of ways, but just as one example, how can there be no reform in the commodity title when in this bill, the committee bill, there's a 43 percent reduction in the commodity title and a 32.3 percent increase in the commodity title?

But if you don't believe me, consider who has endorsed this amendment offered by Mr. KIND and Mr. FLAKE: Club for Growth, long advocated to eliminate farm payment programs and destroy the safety net; and the Bush administration, who long opposed disaster assistance for farmers and ranchers devastated by natural disaster, long opposed the mandatory country of origin labeling program. Both Club for Growth and the Bush administration prioritize multinational corporations' international trading interests just like the administration is now supporting foreign companies who avoid paying U.S. taxes over my constituents.

I urge my colleagues to vote "no" on the amendment.

Mr. FLAKE. Madam Chairman, let me just say before yielding to the gentleman from Wisconsin, the drop in 40 percent that is claimed by the committee is actually taking credit for high prices of corn and other commodities. There's no cut at all. So this is not reform.

Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Chairman, I rise in support of this amendment for a number of reasons. Number one, it's high time we reform our agricultural programs which are Depression-era. This is a modest amendment from the original aggressive reforms. It puts in place the reforms that the USDA experts said that we ought to put in place for the safety net.

Let me just address what the safety net really is. Should we or should we not give million-dollar checks to farmers making $1 million? Should we have a farm program that helps the family farmer at a time when they're struggling? Should those payments go to farmers when they're making record high prices, when they're doing well? Or should these programs go to them when they're hurting? That's what this amendment does.

This amendment also pays for itself; no budget gimmicks, no timing shift, no tax increases. It actually reduces the deficit by $2 billion in 5 years and $14 billion over 10. It actually boosts conservation. It actually boosts nutrition.

Let me just address the payment limit. This bill right here says we will allow farmers to have aggregate program payments that are at least 12 times the poverty rate. Isn't that high enough? The average poverty rate for a family of four is $20,500. This amendment says let's allow the farm payment to a family of four be as high as a quarter of a million dollars. Yet the committee's bill says, no, that's not good enough. It has to be unlimited in some senses or a million-dollar AGI for others.

Madam Chairman, let's get our priorities straight. Lets have a farm bill that doesn't distort our trade posture in the international community. If we pass the base bill, it hurts us internationally to get better trade agreements and open markets for our farmers. If we pass the base bill, it hurts us from helping people in the developing world lift their lives out of poverty.

If you vote for the Kind-Flake amendment, you will help us internationally open markets to farmers, you will preserve a modern safety net that helps farmers when they need it and the family farmers when they need it, and you will save money for the taxpayer, you will put savings in nutrition, you will put savings in conservation, and you will help reduce the deficit.

This is a responsible amendment. It's a responsible bill. It is the right way forward, and this is what really, truly, needy family farms need. We don't need to be cutting checks in the seven-figure range for people with AGIs, adjusted gross incomes, of $1 million. We need to say 12 times the poverty rate's enough. That's what we need to say, and by voting for this amendment, that's what we are saying.

Help the family farmer, help conservation, help nutrition and reduce the deficit. Vote for this amendment.

Mr. GOODLATTE. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, I'll say one good thing about this amendment offered by the gentleman from Wisconsin and the gentleman from Arizona: It doesn't raise taxes. But I'll say nothing else good about it because it rips the safety net out from under America's farmers and ranchers.

The House Agriculture Committee bill is the result of careful consideration. The committee reviewed many options and took the testimony of countless witnesses at hearings in Washington and in multiple States. The committee chose to maintain a safety net that has proven very effective since 2002, but it's done so with reform.

The committee included in the safety net the option for producers to choose a priority of the administration, a revenue-based, countercyclical program.

The committee also drastically modified rules related to payment limits and income levels for participation. No one with a 3-year average gross adjusted income over $1 million may participate in the commodity program. That is down from $2.5 million for producers with AGI between $500,000 and $1 million; 66⅔ percent of their income must come from agriculture. These are major changes from the 2002 farm bill.

Additionally, the committee has done away with the three-entity rule. Now producers can receive payments on only one business entity.

The committee made significant reforms. By cutting $16 billion over 5 years, a 40 percent cut, this amendment shatters the farm safety net. This amendment cuts the safety net provided by direct payments by about $11 billion over 5 years, or 42 percent.

The amendment cuts the most basic level of support for farmers and ranchers, the marketing assistance loan, by $2 billion over 5 years, according to the Congressional Budget Office.

The committee was able to make significant increases in conservation, nutrition, rural development, research, fruits and vegetables, and in other areas without ripping out the safety net from America's farmers and ranchers, but the Kind-Flake-Ryan-Blumenauer amendment makes increases in those areas at the expense of American farmers.

The committee's commitment to conservation is unquestionable. The committee-passed bill increases conservation spending by over $4 billion over the next 5 years. We added over $1.9 billion to environmental quality incentive programs, which helps farmers and ranchers comply with State, Federal and local environmental laws.

We also continued our commitment to highly erodible land, wetlands, grasslands and wildlife habitat by funding the Conservation Reserve Program, the Wetland Reserve Program, the Grasslands Reserve Program, and the Wildlife Habitat Incentive Program.

The committee increased the commitment to preserving working farms by increasing funding to the Farmland Ranchland Protection Program by almost 300 percent.

The committee also focused efforts to help producers such as specialty crop and livestock producers who do not participate in traditional commodity programs.

We took an unprecedented step of committing $150 million over the next 5 years to help clean up the rivers of the Chesapeake Bay.

We do not need this amendment. Oppose it.

Mr. KIND. Madam Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. KIND) has 4½ minutes remaining.

Mr. KIND. Madam Chairman, just to give you an indication of how effective the current safety net is, it was recently discovered there was $1.1 billion in subsidy payments that went out to farmers who had already passed away.

Now, I want to recognize for 2 minutes a champion of family farmers and an advocate for reasonable, justifiable reform, my friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy. I appreciate his leadership. Along with our friend from Arizona and from Wisconsin, we have before you a real opportunity to make a difference.

Now, my heart goes out to the committee. They had a tough job. They went, I think, as far as they could, given the dynamics they had. Some of the things they did I strongly support and, in fact, have worked for. Those good items are now all protected under our initiative. In fact, many of them are actually enhanced.

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They are enhanced not by throwing money at it, but by actually having real reform; not talking about reform, not moving towards reform, but actually doing it. Our bipartisan amendment is paid for, and it does so by helping most farmers.

My State of Oregon is an example. Under this initiative, we will gain more than $140 million in every congressional district over the life of this effort. We do this not by new taxes and new programs; we change the dynamic. No longer will 80 percent of America's farmers and ranchers get little or nothing. No longer will we have, in this case, a sham, I'm sorry to say, payment limitation that will only affect one-tenth of a percent of America's farmers, those who are at $1 million, it will only save $45 million, which shows you that it doesn't have much impact.

I would say that any farmer who can't get their adjusted gross income under $1 million probably needs to look for a new CPA, not a new subsidy. We stop the lunacy in a time of record high corn prices. We are going to give them 10 more billion dollars. If we don't give them 10 more billion dollars in a time of record high corn prices, we are going to shred the safety net? I would argue, not. Have a real limit, help the budget, and, most important, help America's family farmers.

Pass this amendment.

Mr. PETERSON of Minnesota. Madam Chairman, I recognize Chairman ETHERIDGE for a unanimous consent request.

Mr. ETHERIDGE. Madam Chairman, I rise in opposition to the Kind-Flake amendment.

The sponsors of this amendment like to argue that passage of the amendment would help pave the way for new trade agreements. That is naive thinking.

Our trade negotiators are engaged in WTO trade talks in a bid to open up foreign markets for U.S. agriculture products and reduce, if not eliminate, trade distorting foreign subsides. The cuts in the farm safety net that the Kind-Flake amendment impose are tantamount to unilateral disarmament.

During the Cold War, we would never have cut our military strength without first extracting similar if not greater reductions from the Soviets. We should do no less in today's trade negotiations.

Cutting our farm support will not lead to a WTO agreement. As the current negotiations have shown, any time the United States gives a little on its trade position, our trading partners ask us to give more.

Trying to create a farm bill that will please a WTO negotiator from another country is the wrong approach. The farm bill is for helping U.S. farmers.

Who supports the Kind-Flake amendment, groups who mistakenly believe that unilateral cuts will spark a trade deal.

Who opposes the Kind-Flake amendment, farm and commodity groups across the nation.

When it comes to farm policy, I am going to stand with the farmers. I urge my colleagues to oppose the Kind-Flake amendment.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. COSTA), a great member of our committee.

Mr. COSTA. Madam Chairman, I want to thank you and the ranking member and the members of the committee for the hard work on a bipartisan basis that really produced, I think, a good product.

Unfortunately, I have to rise against the Kind amendment, not because it does involve reform, but I think it involves reform in a way that uses a meat ax and does not provide transition for American farmers, something I think I know something about.

You see, I represent a third-generation farm family that has been farming in the San Joaquin Valley since the turn of the 19th, early 20th century. What this bill does, what this amendment does, if it were to be enacted, is not provide the level of nutrition or research and competitiveness for food safety and conservation that the underlying bill has, which is why I support the underlying bill, because it provides real reform. It provides nutrition. It provides the efforts to make American farmers more competitive on a global basis with global markets, provides reform in a host of areas.

Ladies and gentlemen, I urge that you vote for the underlying bill. Vote against the Kind amendment.

Mr. FLAKE. Madam Chairman, let me just say that the direct payments were never intended as a safety net. They were meant to wean farmers off of the dole. If our parents worked as hard as this committee in weaning their children, we would all still be living in our parents' basement. It doesn't work to continue and continue and continue on with this.

Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Madam Chairman, I would like to thank our colleagues for their crusade in offering real reform for the American people. I am proud to be a part of this unique coalition of Members in support of this amendment.

Why is a Member representing a suburban area of Seattle taking such an interest in the farm bill? The farm bill isn't just for farmers. It's funded by and affects every one of us across America.

The underlying bill leaves American farmers and businesses open to challenges from the World Trade Organization. Trade is critical, crucial to our State and our farmers. One in three jobs in Washington State is linked to trade. This amendment is a critical step to bringing us into trade compliance so that our farmers and businesses have access to markets around the world.

Currently, 19 congressional districts receive 50 percent of Federal farm subsidies; 348 congressional districts would benefit positively from this amendment. Every district in my State would benefit. The Washington Post referred to farm subsidies as Federal giveaways that cost all Americans but benefit few.

This amendment funds many other American priorities; $1.2 billion to promote healthy food choices, $3 billion more to conservation programs, and $1 billion more to support fruit and vegetable producers.

This amendment saves money, brings us closer to trade compliance. It does all this without raising taxes. In fact, it saves taxpayers $2 billion.

We can't continue business as usual. Our taxpayers deserve an equitable balance. The time is now for reform.

I urge my colleagues to support this critical amendment.

Mr. GOODLATTE. Madam Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Madam Chairman, I rise in strong opposition to the Kind amendment.

This amendment, I believe, is a threat to producers, consumers and rural America. We must do everything we can to defeat this amendment. The amendment destroys the commodity title, in essence, as we know it.

I know it's not as strong as the language they started out with a few days ago, but it starts us down that trail. By cutting the direct payments by 42 percent, by completely revealing, in effect, the counter-cyclical program, this is completely unacceptable and would do more harm to production agriculture than anything I can think of.

We in agriculture understand that the commodity title is much more than just producers. It's about providing the American consumer with the highest quality, the safest supply of food and fiber in the history of the world.

We have done that. In fact, we in the United States have the most affordable food supply in the world. We Americans spend 10 percent of our disposable income on food, while other countries spend as much as 51 percent on their food.

This is no accident. This is because we have created sound agricultural policy over the last 75 years. We have had 10 good years of agriculture policy in particular. We need to continue to build on that. If we can't, well, if we gut the foundation that we have created in past farm bills, then ultimately not only will rural America suffer for this, the American consumer will suffer for this, with higher prices, instability in supply, and that role that we have occupied for a century as the grainery, the reserve food stock for the world, will be gone.

I think, I believe, my colleagues are sincere in what they do. But sometimes sincerity does not generate clear, thoughtful, practical policy. Reject their version of sincerity. Let's focus on the policy that has delivered so much to the American consumer and rural America.

Reject this amendment.

Mr. KIND. Madam Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, 5 years ago, when we passed the Freedom to Farm Act, we were promised that it would clean up the subsidy programs that really dated back to the era of the Depression. It didn't. In fact, in many ways it made matters worse. I don't think we can wait another 5 years before we have fundamental reform.

The fact is that back in the 1930s, 25 percent of our population lived on farms. Today it's less than 2 percent. Today, corn, cotton, wheat, rice and soybeans count for 90 percent of our government commodity payments, and yet it leaves fruits and vegetables, which represent two-thirds of farm sales, ineligible for support. The largest farms that comprise only 3 percent of the total farms get the vast majority of crop subsidies today.

It just seems to me that it's time for fundamental reform that more fairly distributes the benefits of this program to all of America's deserving farms and families. That's why I support the Kind amendment.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SALAZAR), one of our great new members of the committee.

Mr. SALAZAR. I thank the gentleman for yielding.

Madam Chairman, I rise today in opposition to the Kind amendment and in opposition to any amendment trying to destroy the farm bill.

My family still farms the same land that my ancestors settled back 150 years ago. As one of only a few ranchers and farmers in Congress, I know a thing or two about agriculture. The farm bill provides a much-deserved safety net for our farmers, but it also provides a much-needed safety net for American citizens.

On this bumper sticker it says "Not everyone farms, but everyone eats." The Kind amendment will make it even more difficult for our Nation's farmers and ranchers to stay in business, forcing us to rely on foreign production to feed our growing Nation. Do you really want to rely on other countries to produce our food? Look at the trouble we have gotten into for relying on other countries for the oil that we need. I, for one, would not want to buy or feed my children food harvested in China.

I ask my colleagues to vote against the Kind amendment. Please keep America safe and sound.

Mr. FLAKE. Madam Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Arizona has 4½ minutes remaining.

Mr. FLAKE. Madam Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chairman, I rise tonight as one who typically comes to this floor to champion the cause of fiscal conservatism. But tonight, perhaps more importantly, I come here as the grandson of a farmer. I come here as the son of a farmer. I come here as one who grew up working on the family farm.

I have looked at the work of Mr. FLAKE and Mr. KIND, and I believe that this amendment is the one that is best for agriculture, and I think it is the one that is best for taxpayers. I don't like everything in this amendment. There is a lot I don't like about it. But I have got to ask myself, does it take me in a direction I want to go or does it take me in a direction I don't want to go? I think this work takes me in the direction I want to go, because it provides real reform. If you have got a program that's costing taxpayers $20 billion a year, maybe you need some reform.

If 10 percent of the recipients are receiving 33 percent of the egg, maybe you need some reform. If most of the subsidies are going to commercial farmers that have average incomes above $200,000, maybe you need some real reform.

Very importantly, for the agriculture producers in the Fifth District of Texas, our future is in exports. We want to export good Texas beef, and I'm afraid the committee bill is going to hurt trade. It will hurt trade.

We need to support this alternative.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman for yielding the time.

Madam Chairman, I stand in strong opposition to the Kind-Flake amendment.

We are looking at a time where we have concerns about trade. We have to realize that cutting direct payments raids our most WTO-compliant and nondistorting mechanism that stabilizes the United States agriculture and rural economies. These direct payments are decoupled from production.

Some people don't know this, but they do not encourage overproduction. This amendment would weaken us in our position in trade negotiations through a unilateral disarmament on agriculture policy.

I really believe that this threatens the long-term viability and competitiveness of U.S. agriculture in a global marketplace still characterized by subsidized foreign competition and continued trade barriers. In rural America, this would reduce our land values, our tax base, and cause potential disruptions and collateral for our farm loans.

Immediately, we would see farm equity disappear. The Americans have expectations of a safe, affordable food supply. Oppose the Kind-Flake amendment.

Mr. KIND. Madam Chairman, I yield 1 minute to an advocate of much-overdue reform of the crop insurance program, the gentleman from Tennessee, my good friend, Mr. COOPER.

Mr. COOPER. I thank the gentleman.

Madam Chairman, for anyone interested in reforming crop insurance, there are two ways to do it tonight. This way through comprehensive agriculture reform, the Kind amendment, is probably the best way to do it. But there will be another way to do it later on. We need to reform crop insurance.

Everyone who has studied it realizes it. The question is when. I suggest the time is now, because there are literally billions of dollars of corporate welfare we can and must be saving starting tonight. These 16 companies, there are only 16 companies, made $2.8 billion, at taxpayer expense, profit in the last 5 years. It's an outrageous system once you look into it.

The GAO and others discovered that 40 cents of every dollar that is supposed to go to the farmer, in fact, goes to the insurance middleman. This is not right. We need to get more money to the farmers, not less. Let's reform the crop insurance system. The Kind amendment is the right way to do it. Another way to do it will be the Cooper amendment.

Support the Kind amendment.

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Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize the distinguished gentleman from Florida (Mr. MAHONEY), one of our great new members of the committee, for 1 minute.

Mr. MAHONEY of Florida. Madam Chairman, as a freshman Member of this Congress and someone who until this past January had never held political office, I came to Washington determined to change the culture of this august body. I believed that we could work together and, in doing so, put the interests of the American people over the political interests of party or the special interests of powerful lobbyists.

Just a few days ago at a press conference, I proudly stood and thanked my Republican colleagues in supporting a bill that clearly was a victory for American agriculture. It was a victory for our growers and ranchers; it was a victory for the people of Okeechobee, Lake Placid, Moore Haven, and Clewiston, Florida. This morning I awoke and found out that my Republican colleagues had changed their minds because the President of the United States again wanted to play politics. This is not about a tax increase. This is about politics.

As a businessman who, for 30 years, ran businesses around the globe, I am incensed that my colleagues would hurt the American farmer by lying to the American people and call closing a tax loophole for foreign companies and giving them an unfair advantage over our own businesses a tax increase. But silly me, why should I have been surprised? They are the party of special interests, Halliburton, Big Oil, and now they are the party of big foreign corporations.

Mr. GOODLATTE. Madam Chairman, I yield myself 30 seconds to tell the gentleman from Florida this is the party of American jobs, of American investment, of American workers. And we are going to protect that by not supporting tax increases that will cause a disincentive for investment in this country, that will cost jobs, that will involve the violation of American treaties, and will cause retaliation in foreign countries where we will face increased taxes on American investment there as well. This is a tax increase, pure and simple, and that is why we will not turn our backs on the American people and their jobs.

At this time, I yield 1½ minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Chairman, I rise tonight in strong opposition to the Kind amendment. The Kind amendment may be kind to someone, but it is not to American farm families.

You see, what is happening in America today is that we have already asked American farm families to make a reduction. Mr. KIND wants to reduce farm payments 40 percent. Well, that is on top of the 50 percent that they have already been reduced.

For America to be competitive in the global marketplace, farmers and ranchers all across America have had to get larger. To be competing in this global economy, the efficiencies of running $150,000 farm machinery across small acreages is no longer feasible. And yet what Mr. KIND and his friends want to do is to make American agriculture not competitive.

You see, to be competitive in this world, you have to find economic efficiencies, and these efficiencies have meant that many producers have had to get larger. And as they are trying to compete in a global marketplace where in many cases they are locked out because of trade restraints in these other countries, now we want to say to the American ranchers and farmers: Don't be efficient. Don't be competitive in this global marketplace. We want to take away the ability for you to be sustained in a global marketplace.

That is not good policy for any business. We don't do that in any other area of our government today. We don't say to American companies, why don't you all get small and inefficient? We don't tell them to do that. We say, get strong and efficient. And yet the Kind amendment wants to say to American farmers don't be efficient.

I urge members not to support the Kind amendment.

Madam Chairman, I rise in strong opposition to the Kind amendment. This amendment will reduce the safety net for U.S. farmers and result in a less secure and more expensive food supply for Americans.

There has been a lot of discussion about the need for "reform" in farm programs. I suggest the so-called reformers out there get better acquainted with the facts:

First, the portion of spending in the 2007 Farm Bill that goes to farm commodity programs has declined by half, to 14 percent of the spending in the bill. In the 2002 Farm Bill, the share of spending for commodities was 28 percent.

Second, in 2002, commodity programs were projected to cost $94 billion over 5 years. As the 2002 Farm Bill comes to a close, actual spending will come in $21 billion less.

Finally, because spending has been lower and is projected to stay low, the cost projection for the next 10 years for farm commodity programs is down nearly $60 billion compared to 2002.

Farm programs have worked as intended, providing support when prices are low and pulling back when prices are high, as most currently are. Maintaining the farm safety net has a reasonable cost.

Farm programs are the only area in H.R. 2419 in which spending is down. On top of these reductions, the Ag Committee took the additional step of reforming farm program payment policies and crop Insurance.

The Kind amendment doesn't save any money. It simply puts what it cuts from farm programs into expanding other spending.

A final reason for not cutting these programs off: maintaining U.S. leverage in trade negotiations.

U.S. farmers' and ranchers' exports are currently shut out of markets around the world. Without a significant market access agreement in the WTO Doha round negotiations, U.S. producers will continue to be at a disadvantage. The only leverage our negotiators have to gain new market access is to offer to change farm programs.

If Congress unilaterally reduces farm programs through the Kind amendment, our negotiators' efforts to gain market access are completely undercut and will be ineffective.

Support U.S. farmers and consumers and oppose the Kind amendment.

Mr. FLAKE. I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. The Kind-Flake Fairness in Farm and Food Policy amendment is one of the most remarkable developments in this Congress in years. This is real bipartisan reform in a major area of our government, agriculture.

As a Republican I have been astonished with the absolute fixation my own party has had on the Depression-era price-guarantee program. As an observer of Democrats, I have been astonished with their willingness to support a big-business-favored program.

The Kind-Flake substitute brings us into the modern age. It helps farmers, it helps consumers, it helps taxpayers. I am so proud to have the opportunity to speak in favor of it.

This bipartisan amendment would replace depression-era price guarantees with a modern revenue-based safety net developed by Department of Agriculture (USDA) experts that better protects family farmers from declines in crop prices and crop yields.

The bill also reforms our government-subsidized crop insurance program to fairly share the costs and risks of this program with crop insurance agents and companies, and gradually reduce direct payments.

The amendment invests some of these savings in new conservation, nutrition and specialty crop and minority farmer priorities.

The remaining savings are dedicated to deficit reduction of $2 billion over five years, and at least $10 billion over 10 years.

A unique coalition of members and advocacy groups from both sides of the aisle have united to advocate for these reforms to commodity programs to make them more equitable and geared toward family farms instead of a very few large and wealthy entities.

The bottom line is, we need new farm and food policies, and we have it in this Kind/Flake fairness in Form & Food Policy Amendment.

I urge my colleagues to support this Fairness Amendment.

Mr. PETERSON of Minnesota. Madam Chairman, I recognize myself for 1 minute.

This so-called reform bill, we just got the CBO score. First of all, it changes the payment limits based on the 2002 bill. So, the effect of this bill is to have no limitation on payments at all, number one.

We are writing a 10-year baseline, not a 5-year bill. This bill cuts conservation 37½ percent below our baseline over 10 years. It actually takes less out of crop insurance by 13.5 percent compared to our bill over 10 years. And this is what happens when people aren't on the Agriculture Committee and get involved in this very complex area. If this is a reform bill, if this is freedom to farm, we would have a heck of a mess in farm country.

So we just got this score. We wish we could have got this out earlier. We got it about 2 hours ago, and I just want people to know what this bill actually does. It does not do what some people have been saying.

I yield back the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. FLAKE. Madam Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. FLAKE. I yield 30 seconds to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman from Arizona. I support his amendment because it does bring both fairness to the American farmer and also to the American taxpayer, and it does so by dispelling certain myths that are out there.

This program started in 1933 as an emergency program that was supposed to be temporary. Well, 70, 80 years later and this temporary program is still with us. It started out as a program that was supposed to be for the small farmers, like we have in the State of New Jersey still, actually, and yet we find that three-quarters of the farmers are getting 10 percent of the program. The small farmers are just getting a slice of it. It is supposed to be going out for the small farmers and the farmers who are only making a small income, to help the family farm, yet we see that the average income of these farmers for the large sales are making $199,000.

This amendment helps to dispel the myth to make sure that we get a program that actually helps the family farmer and helps the American taxpayer at the same time. I support the amendment of the gentleman from Arizona.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank Mr. GOODLATTE for yielding.

The subcommittee rejected this bill's predecessor on a 0–18 vote. There were no hearings on this activity. We have already heard the chairman say that the unintended consequences just of the scoring of this has not been done.

This speaks to the fallacy of coming to this body tonight with a policy that is as broad and important for America as farm policy and to try to fix it with 20 minutes of debate on each side. It is just nonsense. This did not go through any hearings. We had field hearings, we had committee hearings, we had testimony from experts, we had testimony from producers throughout this process. And while that may have come to a result they don't like, it at least came to a result that has broad support.

This process that they are bringing to us tonight should be subjected to the same scrutiny, to the same opportunity to look at what it does and what it does not do that all of the farm bill that we are looking at tonight does. They have not done that, and they have a lot of unintended consequences, and I urge my colleagues to oppose the Kind amendment.

Mr. FLAKE. Madam Chairman, may I ask the time remaining?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. FLAKE. Let me just pay tribute first to the gentleman from Wisconsin (Mr. KIND) for the hard work in bringing this amendment and being the lead sponsor to the floor.

It strikes me that the committee in this case, as the saying goes, is traipsing down a flower-strewn path unpricked by the thorns of reason.

We are running headlong, whether we like it or not, into international trade agreements that will not coexist with the status quo bill. We cannot move forward and maintain the access we have to world markets or increase access to other world markets with this bill. We simply can't. Nor can we maintain the fiscal burden carrying this forward.

We need a real reform bill, a reform bill that really looks out for family farms, as opposed to protecting those who are gobbling up family farms. That is what this reform bill is all about.

Members of this body have wanted an opportunity to vote for a bill that doesn't increase taxes, that has real reform. This is that chance. This is the amendment. This is the chance to actually do that.

We need real reform, reform that allows us to go forward, that allows the American farmer to actually become independent and independently competitive globally. The status quo bill, the committee bill, just doesn't do that. It doesn't cut direct payments. As much as we have heard that tonight, it doesn't. High prices have done that. There is no cut in direct payments at all here. Only prices have done that.

I urge support of this amendment.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize my good friend, the distinguished member from Arkansas (Mr. BERRY) for 1 minute.

Mr. BERRY. I thank the gentleman from Minnesota. I can't say enough good things about the wonderful work he has done as chairman of this committee. He can be forever proud of the way he has brought the real bill together.

It is an interesting thing that the people that have risen in support of the Kind amendment, which I oppose, none of them serve on the committee. None of them have recognized that the committee bill passed by unanimous consent out of the committee. That, in and of itself, is enough for us to support the committee bill.

The only reason for a farm bill and to have farm and food policy is to ensure adequate production and processing capacity so that the American people have enough to eat and clothes on their back. The committee bill does this; the Kind amendment destroys that safety net that has made that possible.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize the gentlelady from Kansas (Mrs. BOYDA), one of our new members of the committee, a great Member of the House, for 1 minute.

Mrs. BOYDA of Kansas. I thank the chairman for all the hard work that has gone into this bill.

I rise in opposition to the Kind amendment. I believe, actually, that they are doing it with the best of intentions, but what will happen to independent and small farmers in Kansas is not a good thing, and I will not be able to support it.

But, Madam Chairman, I would also like to talk today about something that I have been speaking about in Kansas for now 4 years, and that is closing the loopholes on these corporations that move offshore just to avoid taxes. The people in Kansas certainly are not happy that this has been allowed to go on for year after year. And I am proud to work on the farm bill, what I thought was a very bipartisan group, and I get to kill two birds with one stone, hopefully, and that is to bring home a farm policy that is going to be a very good thing for our country and for Kansas farmers, and we get to finally close a loophole that should have been closed years and years ago.

The bottom line is we can't borrow and spend. We have to pay for the things that we want. It is a bipartisan bill, it is not a tax increase, and I ask my colleagues to support our farm bill.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize the gentleman from Ohio (Mr. SPACE), one of our other new Members, and a great member of the committee, for 1 minute.

Mr. SPACE. Madam Chairman, I rise today in opposition to the Kind amendment, and I do so on behalf of the farmers of Ohio's 18th Congressional District. They are a very diverse bunch, but one thing they all have in common is that they are small, family-run operations.

They asked for several things in this farm bill: conservation, energy, and a safety net. This bill as it has come out of committee provides those things that will allow those farmers to continue to do business. Those farmers operate on extremely narrow margins, and without a safety net that mitigates their risks, they can no longer do business.

Madam Chairman, the people of this country are already experiencing increased rates for gasoline, for utilities, for health care. The last thing that we can afford in this country is to see a spike in the price of food.

Madam Chairman, I rise once again in opposition to the Kind amendment and in favor of the bill as it has come out of the committee.

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Mr. GOODLATTE. Madam Chairman, we have no further speakers on the legislation. I yield back.

Mr. PETERSON of Minnesota. Madam Chairman, I'm pleased to recognize for 1 minute my good friend and neighbor from Minnesota, a new member of our committee, Mr. WALZ.

Mr. WALZ of Minnesota. I thank the chairman and my good friend for the work he's done, and I thank the distinguished gentleman from Virginia, the ranking member for making the experience in the Ag Committee as rewarding as it's been.

I rise in opposition to my good friend from Wisconsin's piece of legislation. It's well meaning, but I believe it does not address the needs of my district. The people of the First District of Minnesota, I think, can probably lay claim to one of the richest agricultural pieces of land in the entire world. We lead in production of soybeans, near the top in corn production, turkeys and pork.

This is a bill that is supported. I had 14 hearings throughout my district with universal acceptance of making sure the safety net is maintained, improving our conservation programs and strengthening rural America.

When I hear about record high prices, the people of this Chamber and the people of America need to know the price of corn has dropped 25 percent in the last month. Farmers know it won't always remain that way.

When I need advice on the farm bill, I go to a couple of good farmers in my district, Kevin Papp, president of the Minnesota Farm Bureau, and Doug Peterson, president of Minnesota's Farmers Union. I don't need to go to the ideologues at the Cato Institute or Club for Growth to know what's good for rural America.

I oppose this amendment and support the chairman's mark.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to recognize the gentleman from North Dakota (Mr. POMEROY) for 1 minute.

Mr. POMEROY. I was really surprised to hear my colleague, Mr. FLAKE, say, in talking about his bill, that farmers participating in the farm program are something like grown children living in the parents' basement. What a complete affront to the hardworking family farmers producing our Nation's food all across this country.

It also shows a profound ignorance in just what's involved in family farming, tremendous capital exposed every year you put that crop and risks you can't control, price collapse, crop failure. And the only thing that's going to keep family farmers as our backbone for U.S. food production is a farm program that helps allay these risks.

What do we want for our future, vast corporate-style ag production or family farmers producing the abundant food, the high quality, the low cost we've come to enjoy in our food supply in this country?

I know what the people back home represent. They want family farms, and that's why they want this farm bill.

Vote "no" on Kind; "yes" on the farm bill.

Mr. KIND. Madam Chairman, I yield myself the remainder of the time.

Madam Chairman, change in this place is very difficult. In fact, sometimes the toughest thing to accomplish is changing the status quo.

But the fundamental fact is that when you've got two-thirds of the subsidy program in this farm bill going to just 30 congressional districts who are well represented on the committee, I think it's unrealistic to expect that that committee's going to produce a policy statement that embraces reform and new ideas. I should know. I used to serve on the committee. And I'm not being critical. That's just a fact. They have their districts to represent as we have districts to represent as well.

My district takes a hit under this reform bill. But sometimes it takes a group of well-intentioned individuals to move the cause of reform forward, and that's what we're trying to do tonight.

Mr. HOLT. Madam Chairman, I acknowledge and do not disparage the work of the committee. Let us consider, though, how much better we can do—for consumers, for the Northeast, for New Jersey, for specialty crop growers, for small farmers, for nutrition programs, for our common environment.

By shifting from obsolete programs the Kind amendment provides an additional $1.2 billion above the committee bill for fruit and vegetable growers—tripling the Farmer Market Promotion Program, making $500 million mandatory for Specialty Crop Research, making $150 million mandatory for Community Food Projects, and providing hundreds of millions of dollars for community supported agriculture, and the School Fresh Fruit and Vegetable Program.

I want to emphasize that the Kind amendment would provide $3 billion more than the committee bill to conservation programs.

Support for the Kind amendment is broad and diverse including environmental and conservation groups, nutrition groups and groups that serve low-income Americans, specialty crop and organic farmers, and taxpayer groups. This is a sensible amendment. Indeed, the proposal by Mr. Kind, the gentleman from Wisconsin, is a remarkable, admirable legislative reform. I urge my colleagues to support it.

Mr. BISHOP of Georgia. Madam Chairman, I rise today in opposition to the Kind-Flake amendment, and in support of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

Madam Chairman, the Kind-Flake amendment is nothing more than a veiled attempt at pulling the rug out from underneath of this nation's hardworking family farmers and those in the rural South who till the land of our nation to provide us with a safe, healthy, and robust food supply—often with little or no profit for themselves.

Increasingly, we are relying on our farmers on many fronts—namely, to clothe, feed and, now, fuel our nation. The Kind-Flake amendment would divert us from reaching that goal by discouraging domestic crop production, dismantling our hope for energy innovation and independence, and increasing the trade deficit with countries that threaten our economic competitiveness.

Indeed, the Kind-Flake proposal would take away the farm safety net and put U.S. farmers and ranchers in unfair competition against heavily subsidized foreign producers, many of whom are protected by much higher import tariffs than those imposed by the United States.

In recent months, we have heard horrific accounts of how agricultural products are grown and how food is manufactured abroad, especially in China, whose rapidly growing, already behemoth-sized economy now imports $2.26 billion worth of food into this country each year. Do we really want to reduce the incentive for our domestic producers to grow their own, and rely more from these foreign countries with proven histories of lax food safety standards and tendencies to include poisonous additives into their products? I surely hope not.

Furthermore, in lowering the AGI limitation to $250,000, the Kind-Flake proposal is not drawn narrowly, as its supporters claim, but instead casts a wide net—it would eliminate over 38,000 current recipients from being covered by a farm safety net.

The Kind-Flake proposal also misrepresents itself by touting its revenue-based counter cyclical payments as revolutionary, and as a superior alternative to the traditional counter-cyclical program. This completely ignores the fact that the Agricultural Committee's markup includes a revenue based counter-cyclical payment option!

In the Agricultural Committee's proposal the producer gets to choose whether or not the current payment system or a revenue-based system is right for their unique operation. This allows individual producers to decide on their own what is best for their operation.

Kind-Flake also cuts direct payments and, quite foolishly, assumes that by cutting direct payments, landowners will lower the price of rented land. In reality, cutting Direct Payments would leave farmers who rent land in a terrible lurch. It is highly unlikely that landowners will feel sympathetic to a producer and compelled to lower land rental rates.

Much of this debate is focused on cost—that agricultural subsidies are out of control, are disproportionate to the agricultural industry's value to United States GDP, but let's focus on the facts: U.S. farm policy today costs less than one half of one percent of the total federal budget and comprises just 13 percent of the total U.S. Department of Agriculture budget. I believe that proportionately small cost is well worth what is returned to the American people in terms of a safe, affordable and robust food supply, a base on which to become energy independent, 20 percent of this nation's jobs, and $3.5 trillion in economic activity.

My colleagues offering this amendment today are misguided about rural interests, about rural America, and about the overall cost of a bill that is expected to keep U.S. farm policy costs low and be good for taxpayers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KIND. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. PETERSON OF MINNESOTA

Mr. PETERSON of Minnesota. Madam Chairman, pursuant to House Resolution 574, I offer amendments en bloc, including germane modifications. The amendments are at the desk.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc consisting of amendments No. 4 by Mr. LUCAS, No. 8 by Mr. HASTINGS of Florida, No. 9 by Mr. ARCURI of New York, No. 10 by Mr. WELCH of Vermont, No. 14 by Ms. EDDIE BERNICE JOHNSON of Texas, No. 17 by Mr. LATHAM, No. 22 by Mr. WU, No. 23 by Mr. CLAY, as modified; No. 24 by Mr. ISRAEL, No. 26 by Ms. BORDALLO, No. 28 by Mr. EMANUEL, No. 30 by Mr. HODES and No. 31 by Mr. SHULER printed in part B of House Report 110-261 offered by Mr. PETERSON of Minnesota:

AMENDMENT NO. 4 OFFERED BY MR. LUCAS

The text of the amendment is as follows:

At the end of subtitle A of title XI, insert the following new section:

SEC. 11013. LIVESTOCK ASSISTANCE.

Notwithstanding any other provision of law, the purchase of a Non-insured Assistance Program policy shall not be a requirement to receive any Federal livestock disaster assistance.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of title XI add the following new section:

SEC. ___. POLLINATOR PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Pollinator Protection Act of 2007".

(b) FINDINGS.—Congress finds that—

(1) many of the crops that humans and livestock consume rely on pollinators for healthy growth;

(2) pollination by honey and native bees adds more than $18,000,000,000 annually to the value of United States crops;

(3) ⅓ of the food supply of the United States depends on bee pollination, which makes the management and protection of pollinators an issue of paramount importance to the security of the United States food supply system;

(4) colony collapse disorder is the name that has been given to the latest die-off of honey bee colonies, exacerbating the continual decline of pollinators in North America;

(5) honey bee colonies in more than 23 states have been affected by colony collapse disorder;

(6) if the current rate of decline continues, the United States will be forced to rely more heavily on imported foods, which will destabilize the food security of the United States through adverse affects on the availability, price, and quality of the many fruits, vegetables, and other products that depend on animal pollination; and

(7) enhanced funding for research on honey bees, native bees, parasites, pathogens, toxins, and other environmental factors affecting bees and pollination of cultivated and wild plants will result in methods of response to colony collapse disorder and other factors causing the decline of pollinators in North America.

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) AGRICULTURAL RESEARCH SERVICE.—There is authorized to be appropriated to the Secretary of Agriculture, acting through the Agricultural Research Service—

(A) $3,000,000 for each of fiscal years 2008 through 2012, to be used for new personnel, facilities improvement, and additional research at Department of Agriculture Bee Research Laboratories;

(B) $2,500,000 for each of fiscal years 2008 and 2009, to be used for research on honey and native bee physiology, insect pathology, insect chemical ecology, and honey and native bee toxicology at other Department of Agriculture facilities in New York, Florida, California, Utah, and Texas; and

(C) $1,750,000 for each of fiscal years 2008 through 2010, to be used for an area-wide research program to identify causes and solutions for colony collapse disorder in affected States.

(2) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—There is authorized to be appropriated to the Secretary of Agriculture, acting through the Cooperative State Research, Education, and Extension Service, $10,000,000 for each of fiscal years 2008 through 2012 to be used to fund Department of Agriculture extension and research grants to investigate—

(A) honey bee biology, immunology, and ecology;

(B) honey bee genomics;

(C) honey bee bioinformatics;

(D) native bee crop pollination and habitat conservation;

(E) native bee taxonomy and ecology;

(F) pollination biology;

(G) sublethal effects of insecticides, herbicides, and fungicides on honey bees, native pollinators, and other beneficial insects;

(H) the effects of genetically-modified crops, including the interaction of genetically-modified crops with honey bees and other native pollinators; and

(I) honey, bumble, and other native bee parasites and pathogens and effects on other native pollinators.

(3) ANIMAL AND PLANT HEALTH INSPECTION SERVICE.—There is authorized to be appropriated to the Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, $2,250,000 for each of fiscal years 2008 through 2012 to conduct a nationwide honey bee pest and pathogen surveillance program.

(d) ANNUAL REPORTS.—The Secretary of Agriculture, acting through the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status and progress of bee research projects that are carried out by the Secretary.

(e) GIVING POLLINATOR HABITAT AND PROTECTION A PRIORITY IN CONSERVATION PROGRAMS.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended by adding at the end the following new subsection:

"(c) NATIVE AND MANAGED POLLINATORS.—In carrying out any conservation program administered by the Secretary, except the farmland protection program, the Secretary shall establish a priority and provide incentives for—

"(1) increasing habitat for native and managed pollinators, especially native habitat; and

"(2) establishing cropping systems, integrated pest management regimes, and other practices to protect native and managed pollinators.".

AMENDMENT NO. 9 OFFERED BY MR. ARCURI

The text of the amendment is as follows:

At the end of subtitle D of title I, add the following new section:

SEC. 2410. ADJUSTMENT OF CLASS I MILK PRICE MOVER TO REFLECT ENERGY AND ANIMAL FEED COST INCREASES.

It is the sense of Congress that the Secretary of Agriculture should use existing authority when determining the Class I milk price mover to take into account the increased cost of production, including energy and feed.

AMENDMENT NO. 10 OFFERED BY MR. WELCH OF VERMONT

The text of the amendment is as follows:

Section 4303 is further amended by striking paragraph (2) and inserting the following:

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i) by striking "paragraph (1)(B)" and inserting "paragraph (1)";

(B) in clause (iii) by striking "and" at the end;

(C) in clause (iv) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(v) encourage plans for implementation that include locally grown foods, where geographically available, in accordance with section 9(j).".

AMENDMENT NO. 14 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The text of the amendment is as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 7234. EMPHASIS OF HUMAN NUTRITION INITIATIVE.

Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking "and,";

(2) in paragraph (2), by striking the comma and inserting "; and"; and

(3) by adding at the end the following:

"(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations,".

AMENDMENT NO. 17 OFFERED BY MR. LATHAM

The text of the amendment is as follows:

In section 6008—

(1) insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Section"; and

(2) add at the end the following:

(b) ADDITIONAL PRIORITY IN AWARDING GRANTS.—Section 306E(c) of such Act (7 U.S.C. 1926e(c)) is amended by inserting ", and to an applicant that has substantial expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water. The ability of an applicant to provide matching funds shall not be taken into account in determining any priority in awarding grants under this section. The payment by a grantee of audit fees, business insurance, salary, wages, employee benefits, printing costs, postage costs, and legal fees associated with providing the assistance described in paragraph (1) shall be considered the provision of matching funds by the grantee for purposes of this section" before the period.

AMENDMENT NO. 22 OFFERED BY MR. WU

The text of the amendment is as follows:

Page 603, line 18, insert after "economies" the following: "or universities with fields of study capable of developing renewable energy technology or policy".

Page 604, line 7, insert after "economy" the following: ", or at a university with fields of study capable of developing renewable energy technology or policy (including agriculture-related studies, chemistry, environmental sciences, bioengineering, biochemistry, natural resources, and public policy),".

AMENDMENT NO. 23 OFFERED BY MR. CLAY

The text of the amendment is as follows:

In subtitle B of title X, insert after section 10103 the following new section 10103A (and amend the tables of content accordingly):

SEC. 10103A ADDITIONAL SECTION 32 FUNDS TO PROVIDE GRANTS FOR THE PURCHASE AND OPERATION OF URBAN GARDENS GROWING ORGANIC FRUITS AND VEGETABLES FOR THE LOCAL POPULATION.

(a) GRANTS.—The Secretary of Agriculture may make grants to eligible entities to assist in purchasing and operating organic gardens or greenhouses in urban areas for growing fruits and vegetables. In making such grants, the Secretary will ensure such fruits and vegetables are sold to local grocery stores.

(b) LIMITATIONS.—Grants provided to any eligible entity under this section may not exceed $25,000 for any given year.

(c) ELIGIBLE ENTITIES.—

(1) INDIVIDUALS.—An individual shall be eligible to receive a grant under subsection (a) if the individual is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located.

(2) COOPERATIVES.—A cooperative shall be eligible to receive a grant under subsection (a) if every individual member or owner of the cooperative is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located.

(d) SELECTION OF ELIGIBLE ENTITIES.—The Secretary shall develop criteria for the selection of eligible entities to receive grants under this section.

(e) FUNDING.—The Secretary shall award such grants using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $20,000,000 in fiscal year 2008 and each fiscal year thereafter.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

At the end of title XI add the following new sections:

SEC. ___. PROHIBITION ON USE OF LIVE ANIMALS FOR MARKETING MEDICAL DEVICES; FINES UNDER THE ANIMAL WELFARE ACT.

(a) PROHIBITION ON USE OF ANIMALS FOR MARKETING OF MEDICAL DEVICES.—The Animal Welfare Act (7 U.S.C. 2131 et seq.) is amended by inserting after section 17 the following new section:

"PROHIBITION ON USE OF LIVE ANIMALS FOR MARKETING MEDICAL DEVICES

"SEC. 18. (a) IN GENERAL.—No person may use a live animal to—

"(1) demonstrate a medical device or product to a sales representative for the purpose of marketing such medical device or product;

"(2) train a sales representative to use a medical device or product;

"(3) demonstrate a medical device or product in a workshop or training session for the purpose of marketing a medical device or product; or

"(4) create a multimedia recording (including a video recording) for the purpose of marketing a medical device or product.

"(b) EXCEPTION.—Subsection (a) shall not apply to the training of medical personnel for a purpose other than marketing a medical device or product.

"(c) DEVICE DEFINED.—In this section, the term 'device' has the meaning given the term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).".

(b) FINES FOR VIOLATIONS OF THE ANIMAL WELFARE ACT.—Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended—

(1) in the first sentence by striking "not more than $2,500 for each such violation" and inserting "not more than $10,000 for each such violation"; and

(2) by striking the second sentence and inserting the following: "Each violation, each day during which a violation continues, and, in the case of a violation with respect to animals, each animal that is the subject of such a violation shall be a separate offense.".

(c) REPORTS ON ACTIVITIES UNDER THE ANIMAL WELFARE ACT.—The Animal Welfare Act (7 U.S.C. 2131 et seq.) is further amended by striking section 25 and inserting the following new section:

"ANNUAL REPORT

"SEC. 25. Not later than March 1 of each year, the Secretary shall submit to Congress a report containing—

"(1) an identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12;

"(2) an identification of all research facilities, intermediate handlers, carriers, and exhibitors registered under section 6;

"(3) the nature and place of all investigations and inspections conducted by the Secretary under section 16, and all reports received by the Secretary under section 13;

"(4) recommendations for legislation to improve the administration of this Act or any provisions of this Act; and

"(5) recommendations and conclusions concerning the aircraft environment as it relates to the carriage of live animals in air transportation.".

SEC. ___. PROTECTION OF PETS.

(a) SHORT TITLE.—This section may be cited as the "Pet Safety and Protection Act of 2007".

(b) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

"(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

"(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

"(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

"(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

"(2) a publicly owned and operated pound or shelter that—

"(A) is registered with the Secretary;

"(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

"(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

"(3) a person that is donating the dog or cat and that—

"(A) bred and raised the dog or cat; or

"(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

"(4) a research facility licensed by the Secretary; and

"(5) a Federal research facility licensed by the Secretary.

"(e) PENALTIES.—

"(1) IN GENERAL.—A person that violates this section shall be fined $1,000 for each violation.

"(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

"(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.".

(c) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "Sec. 8. No department" and inserting the following:

"SEC. 8. FEDERAL RESEARCH FACILITIES.

"Except as provided in section 7, no department";

(2) by striking "research or experimentation or"; and

(3) by striking "such purposes" and inserting "that purpose".

(d) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility".

(e) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) take effect on the date that is 90 days after the date of the enactment of this Act.

AMENDMENT NO. 26 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

After section 7233, insert the following new section (and conform the table of contents accordingly):

SEC. 7234. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447A the following:

"SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

"(a) PURPOSE.—It is declared to be the intent of Congress to assist the land grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out the provisions of this section $8,000,000 for each of fiscal years 2008 through 2012.

"(c) METHOD OF AWARDING GRANTS.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

"(d) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary may consider necessary to carry out the provisions of this section.".

AMENDMENT NO. 28 OFFERED BY MR. EMANUEL

The text of the amendment is as follows:

At the end of subtitle E of title I, add the following new section:

SEC. 1512. PREVENTION OF DECEASED PERSONS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) IDENTIFICATION OF ERRONEOUS PAYMENTS MADE TO DECEASED PERSONS.—The Secretary of Agriculture shall—

(1) undertake a study to identify any estate of a deceased person that continued to receive payments under this title for more than two crop years after the death of the person; and

(2) submit a report containing the results of the study to Congress.

(b) NOTIFICATION.—The Secretary shall issue regulations that specify deadlines by which a legal entity must notify the Secretary of any change in ownership of such entity, including the death of a person with a direct or indirect ownership interest in the entity, that may affect the entity's eligibility to receive payments or other benefits under this title. The Secretary may deny the issuance of such payments or benefits to an entity that fails to comply with such regulations.

(c) RECOUPMENT.—If the Secretary determines that the estate of a deceased person failed to timely notify the Farm Service Agency of the death, the Secretary shall recoup the erroneous payments made on behalf of the deceased person. The Secretary shall withhold payments that would otherwise be made under this title to farming operations in which the deceased person was actively engaged in farming before death until the funds have been recouped.

(d) COORDINATION.—The Secretary shall, twice a year, reconcile individual tax identification numbers with the Internal Revenue Service for recipients of payments under this title to determine recipients' living status.

AMENDMENT NO. 30 OFFERED BY MR. HODES

The text of the amendment is as follows:

At the end of title IX add the following new section:

SEC. ___. COMMUNITY WOOD ENERGY PROGRAM.

(a) FINDINGS.— Congress finds that—

(1) the United States' over-reliance on fossil fuel energy has placed undue strain on the nation by compromising our economy and national security;

(2) the United States' over-reliance on fossil fuel energy has also created new strains on our natural systems, including carbon emissions that contribute to climate change;

(3) transportation of energy, such as heating oil, adds to carbon emissions associated with meeting our community energy needs and therefore further feeds climate change;

(4) it is in the national interest to conserve energy and support adoption of new local, sustainable, efficient, and carbon neutral energy sources, such as wood energy, for community energy needs;

(5) communities can save as much as 50 percent over natural gas, 80 percent over propane, 80 percent over electric heat, and 50 percent over oil heat by switching to wood energy for heating schools and other public buildings;

(6) in fast growing communities of all sizes across the United States, municipal and country-owned forest land is playing an essential role in meeting many public needs and could also be used to help support sustainable forestry and local wood energy applications; and

(7) the rapidly expanding base of private forest land owners nationwide includes many individuals with no experience in forest stewardship who could be given technical assistance to provide locally sourced wood supply through sustainable forest management for local wood energy applications.

(b) PURPOSE.—The purpose of this section is to provide grants for community wood energy systems that are intended to—

(1) meet community energy needs with reduced carbon intensity versus fossil fuel systems;

(2) promote energy conservation and development of new renewable energy sources;

(3) aid local budgets by reducing municipal and county energy costs;

(4) increase utilization of low value wood supplies and waste, thereby strengthening the forest products economy for the benefit of forest workers and private forest land owners; and

(5) increase awareness of energy conservation and consumption and the multiple-use values of forests among community members, especially young people.

(c) GRANT PROGRAM.—The Secretary of Agriculture, acting through the Forest Service, shall establish a program to be known as the Community Wood Energy Program to provide grants to State and local governments to acquire community wood energy systems for public buildings and to implement a community wood energy plan.

(d) USE IN PUBLIC BUILDINGS.—A State or local government receiving a grant under subsection (c) shall use a community wood energy system acquired in whole or in part with the use of grant funds for primary use in a public facility owned by such State or local government.

(e) LIMITATION.—A community wood energy system acquired with grant funds provided under subsection (c) shall not exceed an output of—

(1) 50,000,000 BTU per hour for heating; and

(2) 2 megawatts for electric power production.

(f) COMMUNITY WOOD ENERGY PLAN.—Within 18 months of receiving assistance under this section, communities shall utilize the technical assistance of the State forester to create a community wood energy plan identifying how local forests can be accessed in a sustainable manner to help meet the wood supply needs of systems purchased under this section.

(g) MATCHING FUNDS.—A State or local government receiving a grant under subsection (c) shall contribute an amount of non-Federal funds towards the acquisition of community wood energy systems that is at least equal to the amount of grant funds received by such State or local government.

(h) COMMUNITY WOOD ENERGY SYSTEM DEFINED.—The term "community wood energy system" includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems that service schools, town halls, libraries, and other public buildings.

(i) APPROPRIATION.— There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT NO. 31 OFFERED BY MR. SHULER

The text of the amendment is as follows:

In section 404 of the Agricultural Credit Act of 1978, as added by section 8102, insert after subsection (c) the following new subsection (and redesignate subsequent subsections):

"(d) INSECT AND DISEASE THREATS.—Notwithstanding subsection (c)(1), non-industrial private forest lands are eligible under this section if the Secretary determines that the lands are under an imminent threat of loss or damage by insect or disease and immediate action would help to avoid the loss or damage.

MODIFICATION TO AMENDMENT NO. 23 OFFERED BY MR. CLAY

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to part B amendment No. 23 printed in House Report 110-261 offered by Mr. CLAY:

The amendment is modified to read as follows:

In subtitle B of title X, insert after section 10103 the following new section 10103A (and amend the tables of content accordingly):

SEC. 10103A. ADDITIONAL SECTION 32 FUNDS TO PROVIDE GRANTS FOR THE PURCHASE AND OPERATION OF URBAN GARDENS GROWING ORGANIC FRUITS AND VEGETABLES FOR THE LOCAL POPULATION.

(a) GRANTS.—The Secretary of Agriculture may make grants to eligible entities to assist in purchasing and operating organic gardens or greenhouses in urban areas for growing fruits and vegetables. In making such grants, the Secretary will ensure such fruits and vegetables are sold to local grocery stores.

(b) LIMITATIONS.—Grants provided to any eligible entity under this section may not exceed $25,000 for any given year.

(c) ELIGIBLE ENTITIES.—

(1) INDIVIDUALS.—An individual shall be eligible to receive a grant under subsection (a) if the individual is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located.

(2) COOPERATIVES.—A cooperative shall be eligible to receive a grant under subsection (a) if every individual member or owner of the cooperative is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located.

(d) SELECTION OF ELIGIBLE ENTITIES.—The Secretary shall develop criteria for the selection of eligible entities to receive grants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008 and for each fiscal year thereafter.

Mr. PETERSON of Minnesota (during the reading). Madam Chairman, I ask unanimous consent that the reading of the modification be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Chairman, this amendment includes a number of amendments that have been worked out with the minority, and they are amendments that we were not able to get into the manager's amendment, so I would yield to the ranking member for his take on these amendments.

Mr. GOODLATTE. If the gentleman would repeat his request.

Mr. PETERSON of Minnesota. I was explaining that these en bloc amendments have been agreed to between yourself and myself and the members of the committee and we recommend their adoption.

Mr. GOODLATTE. That is correct.

Mr. PETERSON of Minnesota. We have a colloquy that I would like to do during this time if it's okay with the ranking member.

Mr. GOODLATTE. We will reserve the balance of the time that has been yielded to us and we certainly have no objection to you yielding to others.

The CHAIRMAN. Does the gentleman from Virginia seek to claim the time in opposition?

Mr. GOODLATTE. I'm not seeking time in opposition. I support the amendment.

Mr. PETERSON of Minnesota. I yield to the gentlelady from California.

Ms. LEE. Madam Chairman, I rise this evening to enter into a colloquy with the gentleman from Minnesota (Mr. PETERSON), our distinguished chair of the Agriculture Committee.

And first, let me just thank the gentleman for his hard work on the farm bill reauthorization and his dedication to moving our Nation forward in the area of agriculture, nutrition, conservation and energy.

I want to applaud his efforts to accommodate the various caucuses and coalitions across the country and in Congress, including the Congressional Black Caucus, the Congressional Progressive Caucus, the California delegation and the Hunger Caucus.

Madam Chairman, I come to the floor today to raise the important issue of concern to me and members of the Congressional Black Caucus regarding the lifetime ban of eligibility of food stamps for formerly incarcerated persons who were convicted of drug offenses.

It makes no sense to single out this group. Most recent figures show that nearly 213,000 State inmates were released in 2005 after serving a sentence for a drug crime, and most recent Federal data shows that 24,400 Federal inmates were released in 2002. After they serve their time, they reenter society looking to improve themselves and their lives. The task of finding a job for formerly incarcerated individuals is often difficult and a daunting task. This effort is even more difficult if they want to go back to school, be it for their GED or college degree. In these instances, they are unable to access many of the resources available to others, including food stamps.

The inequity to this group couldn't be clearer. Drug offenses account for more than 50 percent of the crimes committed by Federal prisoners and more than 20 percent of State prisoners, most of whom are nonviolent offenders. With factors such as poverty and lack of access to educational resources, coupled with the lack of sufficient legal resources, this issue disproportionately affects the African American community.

In 1996, the Congress, in an overzealous attempt to appear tough on crime, included in the Welfare Reform bill a provision that excluded formerly incarcerated persons from receiving food stamp benefits for life. This is a lifetime ban if they have ever been convicted of a drug crime.

So Madam Chair, that is why I offered an amendment to the rule to H.R. 2419 to strike this ban. Although the amendment was not made in order, I strongly believe that this is an unfair and unjust policy which must be addressed.

In the words of Dr. Martin Luther King, Jr., he said "An injustice anywhere is a threat to justice everywhere."

Madam Chairman, this policy has created a slippery slope, one that can be used to cherry-pick certain segments of the population who can eat, basically, while others must scrape and scramble for the basics.

Once someone has served their debt to society, they should be able to have access to the minimum amount of food vital to their survival while they get their lives together.

So I hope that I can work together with the distinguished Chair of the Ag Committee to ensure that this grave inequity is corrected.

Mr. PETERSON of Minnesota. I want to assure the gentlewoman from California I agree with her on the point and appreciate her intention in raising this issue. And I want to assure the gentlewoman that, as the bill moves forward, we will be mindful of this issue and work with her and her staff to accommodate this provision.

Ms. LEE. Madam Chairman, let me take this opportunity to thank the gentleman for his attention to this issue, and I look forward to working with him to ensure that it is addressed. And I want to congratulate him on putting together the coalition for this bill.

Mr. PETERSON of Minnesota. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. I want to thank the gentleman for yielding and also want to thank the chairman of the Agriculture Committee for his response displaying sensitivity and recognition of a tremendous injustice, as well as a great need that exists in our society.

Many of those individuals who have been convicted of drug offenses should have been in hospitals and health clinics, should have been receiving treatment, as opposed to incarceration and conviction.

So, Madam Chairman, I too commend you for your sensitivity, willingness to work on this issue, and commend the gentlewoman from California for bringing it to the floor.

Mr. PETERSON of Minnesota. Madam Chairman, I recognize the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chairman, I rise to engage the fine gentleman from Minnesota (Mr. PETERSON) in a colloquy on unfair practices in the poultry and meat packing industries, and want to commend him for this incredibly visionary piece of legislation. It is a real credit to him, to his dogged work and expertise over so many years in this Congress as well as in the private sector.

The current contracted system of meat and poultry production often maneuvers farmers who do the actual work of raising and feeding billions of animals into subservient positions in today's marketplace and legal system. Poultry has become one of the most vertically integrated industries in our country, with four firms controlling nearly 60 percent of the broilers raised and sold.

Poultry, despite the worrisome rise of camphylobacter and salmonella through safety recalls, remains outside the normal oversight by USDA, even though GIPSA has oversight over beef and pork.

□ 2200

The Department of Agriculture has no real power to stop unfair practices in this industry. It surely has no mediation authority. Poultry contracts often are presented to farmers as take-it-or-leave-it contracts. In many cases farmers do not even see the actual contract until after they have gone to the bank. Farmers are not encouraged to negotiate contract terms that protect their interests, such as hedging against animal deaths and environmental cleanup costs, assuring accurate weights and measures and fair feed and input pricing, or gaining a fair share of the value of the nitrogen-rich manure produced by the animals themselves.

As the gentleman from Minnesota moves forward on the farm bill conference, I would urge him to give the USDA the full authority to protect against unfair practices in the poultry industry and to protect farmers' legal rights.

Please give farmers legal standing in court. Provide them with transparency in pricing, as well as technical assistance with fair contracts. Assure weights and measures. Help them hedge against animal deaths and environmental cleanups. Provide for legal and safe working conditions for chicken catchers who are their primary workforce. Bring honor to this industry with contracting fairness to farmers and their workers.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PETERSON of Minnesota. Madam Chairman, I ask unanimous consent for an additional 2 minutes on this amendment.

The CHAIRMAN. Does the gentleman's request provide for each side to have an additional 2 minutes?

Mr. PETERSON of Minnesota. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Madam Chairman, I want to thank Ms. KAPTUR for bringing up this issue.

As chairman of the Agriculture Committee and representative of the largest turkey-producing industry in the United States, I share your concern and interest in making sure that we are not putting poultry farmers at a disadvantage. We have worked hard on the committee to have an open process, and earlier this year the Subcommittee on Livestock held a hearing on issues similar to this one.

Now as we continue to move forward in the farm bill process, we will keep this issue in mind and look forward to working with the gentlewoman to address her concerns in the conference committee.

Madam Chairman, I would like to yield 1 minute to the gentleman from Illinois, who has one of the amendments included in the en bloc amendment.

Mr. EMANUEL. Madam Chairman, I would like to thank my colleague from Minnesota for yielding.

The other day there was a story in the newspaper about dead farmers who were still collecting benefits up to about $1 billion. This amendment would cut down on that type of fraud and bring real accountability to the system.

I am from Chicago. In Chicago we kind of appreciate the ability of dead people to do spectacular things, but this would even bring an alderman to blush. A billion dollars to dead farmers still getting government benefits. I think a Chicago alderman would be jealous of this type of benefit.

So after that report, a number of us put in an amendment to bring the type of accountability to the Department of Agriculture for the type of benefits that are applied and should only be applied to farmers who are farming, obviously, their farm and working, but not to dead farmers and to people who should not be receiving what they estimate is close to $1 billion.

So I want to thank the chairman for allowing me to offer this to track down the fraudulent payments that have gone on in the Department of Agriculture and eliminate the type of waste, fraud, and abuse that exist.

Mr. PETERSON of Minnesota. Madam Chairman, I urge adoption of the amendment.

Ms. HERSETH SANDLIN. Madam Chairman, I rise today to support this amendment offered by my colleague and friend from Oklahoma. This amendment is critical to deliver on the promise that we made to American livestock producers this past May. After more than a year of effort—and despite several veto threats from the President—we were successful in passing much-needed disaster assistance through this Chamber and enacted into law.

Then, several months after the bill's passage, the Secretary of Agriculture decided that a certain phrase in the bill effectively denies aid to all livestock producers that did not participate in the Non-Insured Crop Disaster Assistance Program or the crop insurance pilot program for rangeland. I assure my colleagues that this was not the intention of Congress and, regardless of the accuracy of USDA's legal interpretation, we need to fix it.

I have worked with Agriculture Committee leadership to find a solution to this problem and I am pleased this amendment was made in order. I also have shared this problem with the leadership of the Appropriations Committee to ensure that this year's Agriculture Appropriations bill contains language to address this as well, and I am pleased to report that it does. Using this dual-track approach, I am confident that we can solve this problem in time to prevent any delays in delivering this much-needed assistance to American producers.

This amendment will enable us to deliver on the promise we have made to deserving and distressed ranchers across this country, and I urge my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I thank you for consideration of my amendment to H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

My amendment focuses on Title VII, which is the Research Title of the legislation.

Specifically, the amendment adds a section to the end of "Subtitle B," which contains provisions pertaining to the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

The 1977 Act contains Section 1424, authorizing the "Human Nutrition Intervention and Health Promotion Research Program."

This is the nutrition research arm of the Department of Agriculture. The program authorizes the Agriculture Secretary to award research grants for human nutrition intervention and health promotion.

The 1977 Act describes the "Emphasis of the Initiative." It goes on to say that research projects should emphasize:

Coordinated, longitudinal research assessments of nutritional status; and

"The implementation of unified, innovative intervention strategies to identify and solve problems of nutritional inadequacy and contribute to the maintenance of health, wellbeing, performance, and productivity of individuals, thereby reducing the need of the individuals to use the health care system and social programs of the United States."

Madam Chairman, my amendment would add one additional point regarding the emphasis of the nutrition research initiative.

Emphasis should also be placed on research proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations.

The working poor suffer disproportionately from obesity and its related disorders: diabetes, cardiovascular disease, joint problems, and others.

Nutrition research should include matters relating to public health. My amendment specifies that the scope of human nutrition research include grant proposals that study the effectiveness of current agriculture policies in promoting the health of individuals living in poverty.

These groups stand to benefit the most from nutrition research.

Taxpayer dollars should be invested wisely, Madam Chairman. An investment in analyzing how well the Federal Government's agriculture policies enable Americans to live healthy lives and make good nutrition choices is money well spent.

This amendment directs a sharper focus on nutrition research to help the economically disadvantaged.

I thank the Chairman for his acceptance of my amendment and urge my colleagues to support it also.

Mr. PETERSON of Minnesota. Madam Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Minnesota (Mr. PETERSON).

The amendments en bloc were agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–261.

Mr. FRANK of Massachusetts. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

Strike sections 5031, 5032, 5033, 5035, and 5036.

The CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman I yield myself 2 minutes.

This bill as presented significantly expands the ability of the Farm Credit System to operate in nonfarm contexts in two ways; first of all, in terms of the membership that would be required to be farm credit providers, and, secondly, in terms of the transactions in which they engage. And I think that would be an error. And I believe that it is a mistake to allow an expansion into the banking system by entities that aren't banks. We have a particular exemption in the Farm Credit System for agricultural lending, and it was meant to be lending by and to agricultural commodities. This bill goes beyond it.

Now, I want to say, and I have had conversations with the chairman of the Agriculture Committee. Members have said that especially with the interest in alternative energy, there have been problems in getting loans from banks. I must say that, and I talked to my colleague the ranking Republican, no one has brought this to our attention. Had this been brought to our attention on the Financial Services Committee, we would have responded. And I want to say now, and I talked to the chairman of the Agriculture Committee, I am prepared to have, I think we should have in the fall, joint hearings of our two committees, the Committee on Agriculture and the Committee on Financial Services, to listen to people's concerns here. And if it is documented that there have been problems with the availability of loans for the purpose of alternative energy for agriculture, then, yes, I would agree that something is appropriate. My problem is that this bill as it now stands goes beyond that in several ways. It weakens the restrictions in terms of stock ownership as to who gets involved.

Now, another issue that has been raised was allowing an increase in the town size, from 2,500 to 6,000. My reaction to that was favorable, but we were never able, as we were willing, to negotiate out some limitations and some expansions.

Madam Chairman, I reserve the balance of my time.

Mr. HOLDEN. Madam Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. HOLDEN. Madam Chairman, I yield 2½ minutes of my time to the gentleman from Virginia (Mr. GOODLATTE), and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Madam Chairman, I rise in opposition to the gentleman from Massachusetts' amendment.

What we tried to do in the subcommittee, Mr. LUCAS and I, was try to see that access to credit was readily available in rural America, particularly in the agriculture sector. We tried to find a way to form a compromise between a Farm Credit System and the banking industry. We held hearings and brought them together, and we found out we had managed to anger both sides; so maybe we had a pretty good compromise.

The Farm Credit System in the HORIZONS project wanted to expand rural housing from 2,500 to 50,000. They wanted to expand on agriculture lending to agriculture-related businesses, a great diversion from where they are limited right now. And we thought that was too far, but we wanted to make sure there was access to credit in rural America, and we think we came up with a pretty good compromise.

In increasing the rural housing from 2,500 to 6,000, we are, all of us, not only in this committee, but this Congress, anxious to try to find ways to use renewable energy sources, and we believe that in this industry there is going to be a lack of credit. As the chairman of the full committee has said during this debate, he has noticed that in his home State of Minnesota. So we thought extending the credit to energy-related agriculture lending through the Farm Credit System was reasonable and responsible and something that was a good compromise.

So, Madam Chairman, we feel in the committee that we have come up with a pretty good compromise, something that is going to reflect the conditions in rural America, and something that we believe that is in the best interest of rural America and the agriculture community.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield myself such time as I may consume.

Just to reiterate the point made by the gentleman from Pennsylvania, the Farm Credit System is a very important thing for rural America. It provides credit to America's farmers and ranchers and is a necessary and serious challenge to get that credit sometimes. There have been times when business has been bad in rural America, and the Farm Credit System has been there to stand up in good times and bad.

I appreciate the concerns raised by my friends in the banking community. We want to make sure that there is fair treatment, given that these are two different types of systems that operate, and we have listened to them very carefully. We have held hearings. And as the gentleman from Pennsylvania says, we worked very hard to come up with something we thought was fair.

We did basically three things: One related to housing, one related to lending in the energy area, and one dealing with cooperatives. All of these things are simply looking to modernize the Farm Credit System to deal with the fact that rural America and farming have changed substantially from the last time there was any major address of this issue back in the 1970s.

The rural population limit for home mortgages, as the gentleman from Pennsylvania pointed out, is 2,500 population. It has not been updated since 1971, and since then, over 700 communities have grown to the point where they are not considered rural under the farm credit definition, where you could get a farm credit loan in the past and now, because of the increased population, you can't. So people who have been doing business with farm credit sometimes for generations are no longer able to do that. The law does not change the limitation on moderately priced homes, owner-occupied, single-family homes.

We are simply trying to extend this to recognize that the population of the country is growing, and, therefore, there ought to be recognition of that. They asked for a very substantial increase, and we thought that was well beyond what was contemplated by being able to lend in rural areas.

Secondly, with regard to energy, there is no doubt that when times are good, there are financial resources available, credit from a wide array of sources. But as the ethanol boom started in this country, there was not money available from some sources; so farm credit stepped up to the plate.

In order for them to step up to the plate when the risk is higher, they need to be able to have a viable system throughout, and I urge my colleagues to oppose the amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 2 minutes to the gentleman from Alabama, the senior Republican on the Financial Affairs Committee.

Mr. BACHUS. Madam Chairman, the Farm Credit System does fulfill a valuable service to the farmers of America, and we have no argument with that. But we all need to recognize that the Farm Credit System is a government-sponsored entity. It has the benefits and privileges of a government-sponsored entity, and the taxpayers underwrite its operation.

Now, traditionally they have made what we call farm loans, agricultural loans. There is much concern in the private lending market, independent bankers, small-town bankers, credit unions and thrifts that this role has been expanding. In fact, over half the loans made by the Farm Credit System are to farmers or corporations valued at over $1 million.

□ 2215

Where they were making agricultural loans, agricultural mortgages, now they're lending money to Cargill, ADM, Jack-in-the-Box, and retail businesses.

This amendment is simply our way of saying that when you begin to compete with small-town bankers, with thrifts, with credit unions, it is a contact sport. And we need to take a step back and look at it. But at this time, we don't believe that any expansion, in fact, I'd like to submit for the RECORD a letter by Michael Reyna, who is the immediate past chairman and CEO of the Farm Credit Administration, in which he says that the pressure was always there to make off-farm loans, and he submits this letter in support of our amendment.

STATEMENT ON THE FRANK/BACHUS AMENDEMENT (#10) SUBMITTED BY FORMER FARM CREDIT ADMINISTRATION (FCA) CHAIRMAN AND CEO MICHAEL M. REYNA (2000–2004)

Man's best friend, protector, and hunting partner, the dog, holds a special place in the heart of rural America. The Farm Credit System (System) plays a very special role in rural America, too. Congress established the System, the Nation's oldest government sponsored enterprise (GSE), to achieve a very special public policy goal: a dependable source of credit for agriculture and rural America.

(21) Typically, GSEs are established, structured, and intended to improve the efficiency and effectiveness of the economic marketplace; a mechanism to free up capital for new loans. And, as their name implies, GSEs are chartered by the government and are given tax breaks and authority to issue government backed debt obligations, among other special advantages, to achieve their public policy goal.

Unlike other GSEs, the System—with its special government breaks and authorities—directly competes as a retail lender against its private sector counterparts, namely banks and other financial institutions. Competition is a contact sport, but fair is fair and it's not hard to understand why many private sector lenders bristle when it comes to directly competing against a public sector lender with special tax breaks and a cheaper source of funds.

Striking a delicate balance, Congress wrote, and has amended, the Farm Credit Act with an eye towards focusing the public benefits of this GSE by limiting the types of loans that the System can make as well as where and to whom these loans can be made. Unsatisfied with the wisdom of Congress, the System has applied relentless pressure in recent years on its regulator, the Farm Credit Administration (FCA), to grant ever broader lending authority and even to issue "no action letters" essentially giving System lenders a "free pass" to disobey the law. As the immediate past Chairman of the FCA (2000 to 2004), I have directly experienced the System's pressure to get the FCA to give the System what it wants.

"Private sector lenders are well aware of these efforts, and the System's lending abuses are well-documented. And, notwithstanding the public relations campaign relative to its young, beginning, and small farmer lending efforts, the bulk of the System's public benefit goes to commercial agriculture—those farmers with retail sales in excess of one million dollars annually. This fact alone suggests a thorough review of whether the System is achieving its public policy purpose is in order, particularly given that agricultural concentration has increased as the number of commercially viable farms in America continues to decline.

Rather than submitting a "secret" wish list of regulatory changes it wants the FCA to make behind closed doors through "notational votes," the System is now seemingly seeking to broaden its lending authority directly from Congress, through the Farm Bill (H.R. 2419). Seemingly, because when it comes to legislation, the devil is in the details. A review of the proposed language raises legitimate concerns about exactly what authorities are being broadened and by how much. Without greater specificity, the ambiguity will leave much to the System's regulator to sort out. Would the three-member FCA Board be a lapdog or a watchdog on these issues? Given its close ties to the System, is there really any doubt how the decisions would turn out?

The System's proposed changes to the Farm Credit Act are an outgrowth of its HORIZONS Project, a multi-year effort designed to justify an expansion of the System's off-farm lending powers. And, therein lies its primary flaw—the System's efforts are more about the System's growth and profitability rather than the credit needs of agriculture and rural America. When it comes to commercial agriculture, competition among lenders is healthy and credit is available and affordable. Consequently, there is no public policy rationale to broaden the System's lending authority in this area, let alone expand its lending authority beyond agriculture either. In other words, "That dog don't hunt."

Private-sector lenders now provide ample home-mortgage credit in towns with population between 2,500 and 6,000, often by selling those mortgages to the System's fellow GSEs, Fannie Mae and Freddie Mac. Not only is there not a mortgage credit shortage in this population range, but authorizing the System to lend in communities larger than 2,500 will distract it from financing moderately-priced rural housing where it is most needed.

Rather than responding to the System's relentless desire to finance corporate agriculture, Congress should undertake a comprehensive examination of the System's future role in financing agriculture and rural America. Only after such a detailed review should the Congress consider any expansion of the System's off-farm lending authority. Therefore, the House of Representatives should drop the HORIZONS provisions now in the Farm Bill by voting for the Frank/Bachus amendment #10.

Mr. FRANK of Massachusetts. Madam Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Massachusetts and the gentleman from Pennsylvania each have 1 minute.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself my remaining minute.

I know my friends have said they sought a compromise. The only problem is they had a unique motion here, it was the unilateral compromise, they compromised with themselves. And they did a pretty good job of compromising with themselves, but I think we need to compromise with each other.

There are two committees here that have concerns: one about the integrity of the banking system and not having non-banks get into the banking system. This House is aware of that because we dealt with a similar issue with regard to industrial loan corporations.

What we are saying here, the gentleman from Alabama and I, is we were not previously told about a problem of a lack of availability of credit from the banking system for alternative energy. If that exists, it needs to be remedied. And as I've said, I've spoken to the chairman of the full committee; I've spoken to my ranking member on our committee. We're prepared to have joint hearings and be available for people to document to us what the nature of the problem is, and then respond, whether it's an increase in size, or what. But I do think the history shows that we should be very careful about who gets into the banking industry and who doesn't. The banking system ought to be preserved very carefully.

Mr. HOLDEN. Madam Chairman, I thank my friend for his comments. And I just want to assure him that we can count votes as well.

Madam Chairman, I yield the balance of my time to our friend from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Chairman, I serve on both Agriculture and Financial Services, so I can look at this with a very jaundiced eye. And I think what we have to do is make a decision in this move based upon what the lay of the land is. First, we're talking about renewable energy and ethanol. Where is that going to take place? It's going to take place in the rural communities where the products, where the crops are that will make renewable energy.

This proposal is tied very tight, and I think that farm credit deserves to have an opportunity to compete in this new burgeoning industry. The businesses that are made eligible are ones that process or handle farm products that are directly used in renewable energy. This is very tight. I do not believe that the farm credit needs to be denied this opportunity. I do not think it blurs jurisdictional lines. We should not close the door on an industry, an opportunity for farm credit to provide a service that is not directly competitive with our bankers.

Mr. GILLMOR. Madam Chairman, I rise today in strong support of the Frank-Bachus amendment to H.R. 2419. This vast expansion of the Farm Credit System is unnecessary and unwise. American businesses today enjoy the best financial services marketplace in the world. There are opportunities for credit at every turn. The current Farm Credit System was set up in a different era to offer all the products and services of a financial institution to farmers and farm-related small businesses.

A government sponsored enterprise for over 90 years, the Farm Credit System remains the only GSE with direct lending authority. In towns of 2,500 people or less, this system is able to compete directly with other lenders, but with major advantages given to them by their government-sponsored status. The historical justification for this special GSE status has been to focus the system on farmers and companies that provide farm related services. The expansion which the Farm Bill currently seeks would dramatically alter the mission of the Farm Credit System and detract from its mission of helping farmers. There is no need for the expansion of this government entity and there is no vacuum to be filled.

Regardless of whether or not you disagree with the policy of the expansion of the Farm Credit System, you can disagree with the process used here to legislate. In a July letter to the Speaker, the Chairman and Ranking Member of the Financial Services Committee asked for a sequential referral, yet were denied. While the Committee on Agriculture clearly has jurisdiction over the Farm Credit System, the Committee on Financial Services has jurisdiction over all extensions of credit and a referral was justified.

In a recent letter written by the former regulator of the Farm Credit System, Michael Reyna, we see an objective analysis of this expansion. As Mr. Reyna mentions, the Farm Credit System is seeking an expansion of their powers to move beyond their historical focus. "Therein lies its primary flaw—the System's efforts are more about the System's growth and profitability rather than the credit needs of agriculture and rural America. When it comes to commercial agriculture, competition among lenders is healthy and credit is available and affordable."

Let's not fix what isn't broken. Let's keep our government-sponsored lending operations tied to their original purpose and let's support the Frank-Bachus amendment.

Mr. CLEAVER. Madam Chairman, I would like to express my support for the amendment to the Farm Bill Extension Act of 2007, H.R. 2419, offered by my friend Mr. FRANK from Massachusetts. The amendment aims to remove the expansions in the underlying legislation that would expand the Farm Credit System. The Farm Credit System is a $163 billion direct lending Government sponsored enterprise that has its own regulatory system and preferential borrowing authority.

The proposed expansions of the Farm Credit System in the original measure would have diluted farmer ownership of farm cooperatives and would have undermined farm cooperative principles. Fortunately, the Frank amendment passed last night by a voice vote, as these extensions of the Farm Credit System clearly did not have the support of the majority of my House colleagues. Because the amendment was approved, the Farm Credit System is better able to serve its intended constituency by providing credit directly to family farmers, ranchers, and farmer-owned cooperatives.

The protections afforded by the Frank amendment to the farming sector are also reflected in protecting our financial institutions by preventing an unwarranted expansion into mainstream banking activities. Our Nation's financial institutions have continued to evolve and meet the needs of consumers over the years. These innovations should continue to be fostered while maintaining the security and independence of our financial institutions.

I applaud the passage of the Farm Bill, which will provide our Nation's farmers with meaningful and necessary assistance for the next 5 years. I look forward to continuing to work with my House colleagues to enact effective reform in the financial sector as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of the House Report 110-261, on which further proceedings were postponed.

AMENDMENT NO. 1 OFFERED BY MR. KIND

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 309, not voting 11, as follows:

[Roll No. 747]

AYES—117

Allen
Andrews
Baird
Baldwin
Bean
Biggert
Bishop (NY)
Blumenauer
Bordallo
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Chandler
Cooper
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Dingell
Doggett
Dreier
Duncan
Ehlers
Ellison
Emanuel
Eshoo
Fattah
Ferguson
Flake
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Harman
Heller
Hensarling
Hodes
Holt
Inslee
Israel
Jackson (IL)
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lee
LoBiondo
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
McCarthy (NY)
McDermott
McGovern
McKeon
McNulty
Meeks (NY)
Michaud
Miller (FL)
Miller, Gary
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Olver
Pallone
Pascrell
Paul
Payne
Petri
Price (GA)
Ramstad
Rangel
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz
Sensenbrenner
Serrano
Sestak
Shays
Sherman
Smith (NJ)
Smith (WA)
Stark
Tancredo
Tauscher
Tierney
Towns
Udall (NM)
Waters
Watt
Waxman
Weiner
Welch (VT)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—309

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Christensen
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Filner
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sarbanes
Schmidt
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey

NOT VOTING—11

Brown-Waite, Ginny
Clarke
Cleaver
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Kennedy
LaHood
Young (AK)

☐ 2241

Mr. BARTLETT of Maryland and Mr. FRANKS of Arizona changed their vote from "aye" to "no."

Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. SHERMAN and Mr. WYNN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PETERSON of Minnesota. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, had come to no resolution thereon.

DARFUR: THE GENOCIDE CONTINUES

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Madam Speaker, 3 years ago the House declared the situation in Darfur a genocide. Since then thousands of people have been killed and 2.5 million displaced. And the situation on the ground grows worse. Attacks against humanitarian workers and African Union peacekeepers are increasing.

I was in eastern Chad in April. Over a quarter of a million Darfur refugees live in camps along the Chad-Sudan border. I talked with many of these men, women, and children. I heard about family members slaughtered; villages burned; children who perished from heat, exhaustion, and hunger in the desperate walk to find safe refuge. I was there when the violence of Darfur spilled over into Chad. Janjaweed militias attacked two Chad villages, overnight 8,000 people displaced. I watched the U.N. and NGOs provide emergency food, water, shelter, and medical care in the middle of nowhere under a blistering sun.

I say to my colleagues, enough is enough. I say to my colleagues, never again. The time to end the killing in Darfur is now.

[From the UN News Service, July 25, 2007]

VIOLENCE IMPEDES RELIEF EFFORT IN DARFUR, UN FOOD AGENCY WARNS

Condemning a sharp escalation in attacks on humanitarian staff and relief convoys in Sudan's Darfur region, the United Nations World Food Programme (WFP) warned today that violence is hampering its ability to deliver assistance to millions of hungry people there.

"In the last two weeks, nine food convoys have been attacked by gunmen across Darfur," said Kenro Oshidari, WFP Sudan Representative. "WFP staff and contractors are being stopped at gunpoint, dragged out of their vehicles and robbed with alarming frequency."

Mr. Oshidari called on all parties to the conflict in Darfur to guarantee the safety of humanitarian workers so that the UN food agency and other aid organizations can continue helping Sudanese who rely on outside assistance for survival.

"These abhorrent attacks, which target the very people who are trying to help the most vulnerable in Darfur, must be brought under control," he added.

So far this year, 18 WFP food convoys have been attacked by gunmen and four of WFP's light vehicles carjacked. Six WFP vehicles, including trucks and light vehicles, have been stolen and 10 staff, including contractors, have been either detained or abducted.

The Darfur operation is the agency's biggest, employing some 790 staff who feed more than two million people every month. WFP, which also contracts commercial truck companies to haul food into the region, plans to distribute up to 450,000 metric tons of food in Darfur this year at a cost of about half a billion dollars.

A lack of security has prevented WFP from reaching 170,000 people in June in what the agency termed in a news release a "sizeable increase from the lowest point last March when 60,000 could not be reached."

As a result of convoy attacks in recent weeks, the road between Nyala, the capital of South Darfur state, and the town of Kass, has been declared a "no-go" area for UN staff, while in North Darfur, food dispatches to the town of Kabkabiya have been affected.

UN security personnel say attacks on vehicles are now the number one security concern for the aid community in Darfur, according to WFP, which cited a "recent and deeply troubling trend is that staff are being abducted when their vehicles are stolen, giving robbers time to get away before the alarm is raised."

To date, all WFP staff have been released, although some were injured and hospitalized.

[From the UN News Service, July 23, 2007]

SUDAN: UN REPORTS NEW DISPLACEMENT IN WEST DARFUR

The United Nations Mission in Sudan (UNMIS) today reported new population displacements in West Darfur, where it says an estimated 12,000 households were on the move.

The newly displaced people said that they were fleeing prevailing insecurity in their areas and in anticipation of a rumored attack by Government forces, UN spokesperson Marie Okabe told reporters in New York.

The Mission also reported that over the weekend, a non-governmental organization (NGO) vehicle was carjacked in South Darfur, the latest attack on humanitarian workers in the country's strife-torn region.

Last week, an unknown armed man shot at a vehicle in South Darfur hired by an international NGO, while in West Darfur, two men stopped an international NGO convoy comprising two vehicles carrying five staff members and robbed them of personal effects and communication equipment.

In addition, harassment of internally displaced persons (IDPs) was reported during a UN assessment visit to an IDP camp near Nyala, the provincial capital of South Darfur.

Last month, the Sudanese Government announced its acceptance of a proposal for a hybrid UN-African Union peacekeeping operation to be deployed in Darfur, where more than 200,000 people have been killed and at least 2 million others displaced since clashes erupted in 2003 between Government forces, allied Janjaweed militias and rebel groups.

□ 2245

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARMY PFC ZACHARY ENDSLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, "On fame's eternal camping ground, their silent tents are spread, and glory guards with solemn round, the bivouac of the dead."

These words are etched in Arlington National Cemetery, not far from this Capitol, the eternal resting place for those soldiers who gave all they had in pursuit of American freedom. The rows and rows of pristine white headstones silently speak of what it means to be an American warrior: bravery, courage, honor, duty. These are the individuals who knew it was their calling to be a part of the greatest military force in the United States history, and they did not run from that calling. They accepted it willingly and helped headed off into the dawn of battle.

Army Private First Class Zachary Endsley was an individual who understood that being a military soldier was his calling. A native of Spring, Texas, PFC Endsley was a young man with a quiet personality and loved to play practical jokes on family and friends.

An appreciater of the arts, Endsley enjoyed drawing and playing his guitar. It was his drawing ability that stood out. In high school, he entered and won a poster contest with his design.

PFC Endsley had been hearing the calling to become an American warrior for many years in his young life. He joined the Civil Air Patrol, a volunteer organization with the United States Air Force when he was just a teenager. He was also involved in the Air Force Junior Reserve Officer Training Corps at Oak Ridge High School.

After graduating from high school in 2004, just 3 years ago, he attended local community college but realized that college wasn't really for him. But he was enthralled with the military, and after putting off the calling to be a soldier for long enough, he knew it was time to pursue a career in the United States Army.

His family was proud of his decision to serve in the Army, and he enlisted in the Army in 2005. Endsley excelled in his military placement test for the Army and had the distinct honor of being able to choose the job he wanted to hold. He chose the infantry.

Infantrymen are on the front line, he said. They are the first through the door and the first into danger. They are courageously fierce and commandingly fearless patriots. It is no wonder PFC Endsley wanted to be a part of this band of brothers.

PFC Endsley understood the Nation was at war, yet he chose to charge headlong into battle. There are not many of us who would be willing to volunteer to leap into the lion's den of Iraq or Afghanistan where the cowardly enemy hides in caves. It says something special about the quality of this American fighting man that he would boldly face those who would kill in the name of religion.

This is a recent photograph of PFC Endsley. He was assigned to B Company, 1st Battalion, 4th Infantry Regiment in Hohnefels, Germany. From Germany, this soldier was dispatched to Afghanistan. He never really told his family where he was going because he didn't want them to worry about him.

But on Monday, 4 days ago, July 23, 2007, PFC Zachary Endsley's unit came under fire by Taliban insurgents in Afghanistan. In the midst of this battle, his vehicle was assaulted with rocket-propelled grenade fire. PFC Endsley was killed in action. He was 21 years of age. He was supposed to come back to Texas in just 3 weeks.

Madam Speaker, PFC Zachary Endsley was a true soldier. According to a family friend, he joined the Army to provide others with the freedoms that we as Americans have. What a noble thought.

As an infantryman in Afghanistan fighting the forces of the Taliban, Endsley defended that freedom. He defended it for his mother, Melinda; his stepfather, David; his father, Terry; his brother, Aaron; his stepsisters, Katie and Kimberly; and all of their families.

He went to Afghanistan and defended freedom in a land he had never seen for a people he did not know. This son of Texas and American patriot will return home to his birthplace and receive a victor's homecoming. Those who he protected will line the streets, as the small towns in southeast Texas always do when their fallen come home. And they will bid a silent and proud farewell to a soldier they might not have had the privilege to know, but they will always be grateful to.

Amazing people these young volunteers of the United States Army.

So, Madam Speaker, tonight the bugles of taps are silent in the cemetery of the fallen. "In simple obedience to duty, they suffered all, sacrificed all, and dared all."

PFC Zachary Endsley, your tour of duty has been honorably concluded.

And that's just the way it is.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under sections 211 and 307(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill H.R. 2419 (Farm, Nutrition, and Bioenergy Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure (H.R. 2419) is under consideration. The adjustments will take effect upon enactment of the measure (H.R. 2419). For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Current allocation:						
Agriculture	0	0	0	0	0	0
Financial Services	0	0	0	0	0	0
Natural Resources	0	0	0	0	0	0
Change for Farm, Nutrition and Bioenergy Act of 2007 (H.R. 2419):						
Agriculture	0	0	1,900	1,089	11,841	6,259
Financial Services	0	0	−11	−11	−153	−153
Natural Resources	0	0	−295	−295	−2,235	−2,235
Total	0	0	1,594	783	9,453	3,871
Revised allocation:						
Agriculture	0	0	1,900	1,089	11,841	6,259
Financial Services	0	0	−11	−11	−153	−153
Natural Resources	0	0	−295	−295	−2,235	−2,235

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008[1]	Fiscal Years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,255,570	2,350,357	n.a.
Outlays	2,268,649	2,353,992	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change for Farm, Nutrition and Bioenergy Act of 2007 (H.R. 2419):			
Budget Authority	0	1,594	n.a.
Outlays	0	783	n.a.
Revenues	0	433	3,871
Revised Aggregates:			
Budget Authority	2,255,570	2,351,951	n.a.
Outlays	2,268,649	2,354,775	n.a.
Revenues	1,900,340	2,016,274	11,141,542

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

ESTABLISHING A QUADRENNIAL NATIONAL SECURITY REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I am pleased to introduce legislation this evening requiring the establishment of a Quadrennial National Security Review. I am joined in this effort by my friend and colleague on the House Permanent Select Committee on Intelligence, the gentleman from Texas (Mr. THORNBERRY) who has been an advocate for enhanced interagency cooperation and improved strategic planning on national security issues. His input and support on this bill have been invaluable.

This measure has the support of Armed Services Committee Chairman SKELTON, Foreign Affairs Committee Chairman LANTOS, and Homeland Security Committee Chairman THOMPSON, as well as numerous other Members with strong national security credentials.

Currently, the United States establishes its national security goals in the National Security Strategy, required by law to be submitted annually to Congress. However, only two versions have been published in the last 6 years and those documents provide little insight into how we can harness all assets of national power to achieve our national security goals.

Many experts in the field of national security, including members of the 9/11 Commission, have emphasized the importance of using all of our Nation's capabilities and levers of influence to advance our national security goals.

Dr. Joe Nye, the former dean of the Kennedy School of Government and former Assistant Secretary of Defense for International Security Affairs, has written extensively about the need to supplement our military might with "soft power," efforts to win the world's hearts and minds with our values and culture.

Successfully exercising this type of power requires that we pursue many fronts, including international diplomacy, democracy building, cultural exchanges, economic development, educational initiatives, and communication about our values and ideals.

Even though our Nation has many assets and capabilities to advance our national security goals, we have done a poor job of integrating them all. From my experience on the House Intelligence Committee, as well as the Homeland Security and Armed Services Committees, I am deeply concerned about the tendency of agencies with national security responsibilities to focus exclusively on their own programs' initiatives, while losing sight of the larger strategic goals, an unfortunate phenomenon that leads to stovepiping when information and intelligence are not shared among Departments and agencies.

Madam Speaker, we must ensure that all components of our Federal Government are working together toward the same purpose and that they are able to coordinate their efforts to the greatest extent possible.

In its "Beyond Goldwater-Nichols" study, the Center for Strategic and International Studies recommended the establishment of a Quadrennial National Security Review to create an interagency process that would identify national security goals, assess existing needs and capabilities, establish priorities for funding, and recommend specific policy and budget proposals.

From that recommendation, I have worked with other experts, Members of Congress, and committee staff to draft the legislation that we are introducing today. This bill would create a Quadrennial National Security Review, a process to coordinate all assets of national power and identify and achieve our national security objectives.

Under the measure, every 4 years the President would conduct a review of the national security goals of the United States in consultation with all relevant national security related Departments and agencies, as well as Congress. The process would include a thorough investigation of America's national security interests and objectives, the strategy for implementing security goals, risk assessments, identification of all assets of national power needed to meet security goals, an explanation of how agencies would coordinate their efforts, and an assessment of what additional resources are needed. The effort would culminate in a comprehensive national security strategy document, policy recommendations, and a unified security budget proposal that reflects national security priorities.

Finally, after publication of the QNSR, an outside panel of the national security experts would conduct independent review and perform their own analysis, reporting their findings to Congress and the administration within 2 years.

I am hopeful that the establishment of a QNSR and an independent review process will lead to greater coordination and cooperation and facilitate strategic budget and resource decisionmaking.

In closing, I would like to thank the many Members, staff and national security experts who have provided feedback and guidance in the crafting of this bill. It is not an easy task to move our entire national security decisionmaking structure forward from the status quo, but I know many people in this body recognize the importance of doing so, and I am optimistic that we are moving in the right direction. I urge my colleagues to join me in this vital effort.

☐ 2300

FBI HELPED FRAME FOUR IN 1965 MURDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, I wish the whole world were listening to what we are talking about tonight. In 1965, there with a murder committed in Boston, Massachusetts, and a man named Deegan was shot down. A man named Joe "The Animal" Barboza, the first man in the witness protection program, who was protected by the FBI in Boston, testified that a man named Joe Salvati, a man named Peter Limone, and two other people were involved in the murder, and they were not.

J. Edgar Hoover and the FBI in the Boston office knew these men were innocent, but because they were protecting a Mob informant of the Winter Hill Gang headed by Whitey Bulger, they put these guys in jail for life. They were going to give them the death penalty, but that was commuted to life in prison.

Joe Salvati was the fellow that I worked with when I was chairman of the Government Reform Committee. We had hearings on this that lasted for about a year. We had some of the FBI witnesses testify before the committee. One man, named Rico, who was an honored FBI agent, lied about Joe Salvati, and Joe Salvati went to jail for 29 years, 29 years for a crime he didn't commit.

Two of the men who were convicted and went to jail died in prison, and Mr. Limone just got out in 2001. There is no question these men were innocent. We subpoenaed documents from the Justice Department and had to fight the administration to get them because they were claiming executive privilege. We finally got the documents, and we found that all of the way up to the head of the FBI, J. Edgar Hoover, they knew these men were innocent, but they put them in jail to protect Mob informants, Joe "The Animal" Barboza, the first man in the witness protection program, and James, "The Rifleman" Flemmi, a friend of his, who was also a killer.

Joe "The Animal" Barboza was shot down in San Francisco years later because he was still involved in Mob hits. He killed over 28 people that we know of.

But anyhow to make a long story short, the long fight for justice was finally concluded today in Boston in a Federal court.

Judge Nancy Gertner issued a finding for Salvati and the other three men who were innocent of the crime but convicted and spent all that time in jail, two of whom died in jail, and she issued an order giving them $101.7 million because of this horrible crime that was committed against them by our justice system.

We have an awful lot of fine people in the FBI, the CIA and our other intelligence agencies, but unfortunately, we have had some bad apples in the system.

One of the gentlemen who was the head of the FBI up there is spending 2 to 10 years in jail for another crime. He's facing possibly another murder sentence when he gets out of jail because of something else he was involved in.

Mr. Rico was indicted for a murder that involved a man who was shot to death in Oklahoma at one of the golf courses there when he took his golf clubs out of the trunk. Mr. Rico had fingered him to the mob, and the mob went down there and killed him because this guy was the owner of an international company, and he found out that the mob was siphoning money off of him. So Mr. Rico who testified before our committee fingered this guy, and this guy was shot to death in Oklahoma City when he took his golf clubs out of his trunk. Mr. Rico, before he went to trial, died of a heart attack, but he had been indicted for the murder of this man who had been killed in Oklahoma City.

The long arm of justice reached out to these FBI agents, Mr. Connolly and Mr. Rico, who violated their trust, and also, it should reach out to J. Edgar Hoover. J. Edgar Hoover, whom I admired all of my life and I watched him on television and watched all the accolades that he was given, he knew these men were innocent, but to protect a mob informant, Joe "The Animal" Barboza, he put these guys in jail, and they left them there.

Joe Salvati's wife grew older without him. His children grew old without him. His wife went every week to see him for 29 years in prison. She didn't have a driver's license so she had to have people drive her out there. So Joe Salvati and his whole family suffered because of this.

I talked to Joe tonight. He's elated. His wife's elated, but they can't get back the 29 years that they suffered when he was in jail for a crime he didn't commit or Mr. Limone didn't commit.

So I'd like to say tonight that I want to congratulate Judge Nancy Gertner. I've never met her, but what she said in that court today really bears to be repeated. She said that the FBI case against Salvati and what they said in this court today was absurd. She said that the Justice Department said that these gentlemen were acceptable collateral damage.

Madam Speaker, I will put the rest in the RECORD because I want everybody to know about this, and I just want to make sure that everybody knows that these gentlemen were innocent, and this should never ever happen in a court of justice again ever.

WE NEED TO FIX THE INTELLIGENCE GAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, in the last few days we've received a National Intelligence Estimate, a consensus opinion of the intelligence community that indicates a number of disturbing things. But as we take a look at the information that came out of the National Intelligence Estimate, perhaps the most important thing that it says is that we are a Nation at heightened risk.

In some ways, al Qaeda has strengthened itself. We're concerned about the situation in Pakistan, where it appears that in parts of Pakistan al Qaeda may now enjoy a safe haven, a safe haven where it can plan, where it can train and prepare to attack the homeland again. We know that that is the true intent of al Qaeda.

In communications that they have recently released, they've outlined their objectives clearly. Number one, they want to defeat the coalition in Iraq. The second step is that they want to destabilize the moderate Muslim regimes in the Middle East. The third step is they want to eliminate the State of Israel. The fourth step is they want to establish the caliphate, northern Africa, southern Europe and Middle East reaching down into Asia. And then they want to establish Sharia law in these areas.

In another part of this recent communication, they indicated that they believe the world is made up of two primary areas: a core, Western Europe and the United States and outlying region, outlying areas; and the Middle East, northern Africa, the parts that make up the caliphate. And what they clearly say is that in today's world, because we have been on the offense, the violence has been in the outlying areas, Afghanistan, Pakistan, northern Africa and Iraq. And what they say is they want to move this violence from the outlying regions to the core. What does that mean? They want to move the violence to Europe and to our homeland.

Today, as we face this critical test, today we received a letter from Mike McConnell who is the Director of National Intelligence, building on testimony that the intelligence community provided us in September in 2006, building on information that they gave to us in April, building on a public statement that Mr. McConnell made on May 21 in an op-ed piece in the Washington Post. What does it all say?

Our Nation faces an intelligence gap. Think of it. As we face greater risk and a higher security threat than we've faced perhaps in a long time, we have an intelligence gap, a situation in which our intelligence community every day is missing a significant portion of what we should be getting in order to protect the American people. Not only should we be getting it, but we could be getting it, but we have this intelligence gap because we have a 1970s law called the Foreign Intelligence Surveillance Act that Members on the other side of the aisle refuse, refuse to update and to modify.

The letter goes on, If we are to stay a step ahead of the terrorists and protect the American people, I firmly believe that we need to be able to use our capabilities to collect, now listen to this, to collect foreign intelligence about foreign targets overseas, without requirements imposed by an out-of-the-State, out-of-date FISA statute.

Today, for instance, the statute requires that in a number of important situations that we obtain court orders. We need to obtain court orders to most effectively obtain foreign terrorist communications, and remember, this is about foreign intelligence, about foreign terrorists, who are overseas, and we need to get court orders to intercept those communications.

The letter goes on, Simply put, in a significant number of cases we are in the unfortunate position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas.

Then some say, well, let's just take some of our resources and apply it; we can expedite. Number one, it doesn't solve the problem to prepare these court orders by just putting more people, but to get the right kind of information, to prepare these court orders and get them done in the right way, it would take important analysts and put them in the position of preparing court orders for foreign terrorists and get court orders.

We need to fix this intelligence gap, and we need to do it before we go on recess next week.

THE FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, it's a pleasure to be able to address my colleagues, and thank you for your leadership as well.

Madam Speaker, I wanted to speak this evening on the legislation that is before this House that takes a completely new turn in farming and the agricultural agenda for this Nation, and there are certain elements that I would like to highlight.

When you think of an agricultural bill, you think immediately of farms and ranches, particularly of large size, almost a large conglomerate of a series of farms that provide the food engine for America. But this bill draws my attention and support because of the number of other elements and turns and new directions that this legislation takes.

It's important to note that this bill has a new definition, one of nutrition. This bill reauthorizes nutrition programs, accounting for two-thirds of the bill's funding to help low-income families in need, including the food stamp program that keeps many Americans from going hungry. The bill increases the minimum benefit under the food stamp program for the first time in 30 years.

Just this past week, Madam Speaker, we announced the increase in the minimum wage, the first time in 10 years. One of the greatest tragedies here in this most powerful Nation and powerfully economic Nation is the number of people in America that go to bed hungry. The greatest disaster of that is that a huge percentage happen to be children.

This bill eliminates the current gap on child care costs to help the working poor meet rising costs. In addition, it nearly doubles the fund for emergency food assistance programs and expands the fresh fruit and vegetable snack program to all 50 States.

This bill focuses on an expanded view of nutrition and, in fact, increases the spending for nutrition by billions of dollars and expands the feeding of children by millions of dollars, but yet, it focuses on the family farmer and provides them with a resource base in order for those family farmers to survive.

I also applaud the fact that struggling, socially disadvantaged, and African American families who have farmed over the years and were abused under the United States Department of Agriculture and suffered, in fact, in a lineage of discrimination now will have a remedy, now will have recourse to a number of sections in this legislation that addresses the inequity of the treatment of black farmers, a number of extensions and protections that will make them whole after years of devastating, if you will, treatment by the United States Department of Agriculture.

I want to acknowledge the Agriculture Committee, the bipartisan work that they did, the chairman and the ranking member, Chairman PETERSON and Ranking Member GOODLATTE, on recognizing the work of the members of the Congressional Black Caucus that worked so very hard and the members of the committee that included DAVID SCOTT and included the task force, BENNY THOMPSON and G.K. BUTTERFIELD and a number of others that continued to work on this issue.

I had an amendment that I hoped to continue to address and that was to address the question environmentally of increasing the conservation fund for African American socially disadvantaged farmers. We still need to move in a direction of increasing the ability to, if you will, draw out of a dry arid land farming land or ranching land a survivable farm or ranch. I will continue to work on that issue. Even though that amendment was not made in order, I believe it's an issue that is crucial to continue the support and build a family farming system here in America that is still valuable and worth saving.

I do have an amendment that focuses on school lunches and school breakfasts, an issue in my district. Large corporations are now serving the Nation's schools for children who sometimes get no other meal other than school breakfast and school lunch. We're going to stand on the floor of the House and debate the question that it is the sense of this Congress to ensure that these lunches are nutritional, that they don't increase juvenile obesity, for we see a number of our children being overweight because of the food or lack of food that they have.

One other point as I close is simply to say the importance of alternative fuel is also counted in this legislation.

Overall, this legislation takes a new direction for America, an agricultural agenda, and I look forward to debating my amendment tomorrow.

☐ 2315

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 23 minutes, half the time until midnight, as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Madam Speaker, it's a delight to come to the House tonight and talk about an issue that I believe is vital to America's economic future, vital to the strength of our families, of our communities: energy.

I want to congratulate the leadership of the House. Next week is going to be energy week. We are going to be having bills coming from the Resources Committee, the Ways and Means Committee. I think, tonight, tomorrow, we will be dealing with some energy issues in the farm bill, because I personally believe available, affordable energy is the number one challenge facing America.

Now, from what I have seen in the committee structure, and I am hoping when we get to the floor we will have amendments, and we will have more discussion, but there are some concerns. I know that the bills coming to the floor remove incentives to produce domestic energy. That's energy produced in America or offshore. I know there is increases in taxes on domestic energy production. That's extra taxes on those who will produce, process energy here in America. But I see no incentives to produce the basic fossil fuels, oil, gas, nuclear, coal, or some that I think are potentially helpful, coal to liquids and coal to gas.

I have a chart on my left here that shows us the current use of energy, 23 percent clean, green natural gas; 23 percent coal, mostly for power generation. Down here, we have 40 percent petroleum, and a large portion of that is our transportation system, but it's used in other ways too. Then we have nuclear energy in the kind of a light, grayish blue color over here.

Now, the ones we really have all the hope for are here in the 6 percent; that's our renewables. Now you will hear everybody promoting renewables, and we should. But let's look at what amount we today have from renewables, and how we can grow them. We are going to have lots of incentives, and we have had lots of incentives. The 2005 bill had incentives for all renewables.

Solar is .06 of a percent of our energy supply today; .06, that's not even 1/10 of 1 percent. Now the one that surprised a lot of people is biomass, 2.4 percent. A lot of that's woody waste, it's the pellet stove industry, it's waste being burned in boilers to heat factories, to dry wood. Lots of places where they have wood waste, they put in wood-burning boilers. It's also been used to top coal-burning boilers so they can meet air quality standards, because wood burns cleaner than coal.

Then we have geothermal. We know geothermal is using ground heat, ground temperature, water temperature; but it's .36 of a percent. Then we have hydroelectric that's 2.7. That's a figure that's declining because we have actually taken dams out in this country.

Then we have wind, which we hear a lot about today, but it's .12 of a percent of our energy portfolio.

I guess my concern is that we have a growing need of energy in America, somewhere, 2, 2.5 percent a year; and we all know that we must conserve. We must use energy more wisely. This chart shows you that.

But it appears to me that all the hope, and all the faith, and all the incentives are going to be out here. We should have them out there.

But if we don't produce more natural gas, if we don't produce more oil, and if we don't at least develop coal to liquids or coal to gas, then the growth in the renewables will not even meet the demand in the growth in energy use in the country, so it's very concerning.

Now, I believe the one that we really miss out on is natural gas. Natural gas heats 57 percent of our homes. It heats probably 70 percent of our businesses. It's used in huge amounts to make electricity. I think 20 percent of our natural gas is now used to make electricity, and natural gas is a major ingredient in making ethanol.

We currently have 116 ethanol plants, and we have 78 under construction, and seven that are under expansion. Up to 95 percent of these plants, we use clean, green, natural gas to run their boilers to make ethanol. So that is very vital to us that we have adequate amounts of clean, green natural gas.

It's interesting that hydrogen is one that's not a percentage, but it's one that we talked about in hydrogen vehicles, but the hydrogen we make today is made from what? Natural gas.

Biodiesel, not on the chart, but another item that's starting to perk out there. We use, again, a lot of natural gas to make biodiesel.

Now, the problem we have had in America is we use a lot of natural gas, and here's the reason why: about 12 years ago we took away the prohibition of making electricity with natural gas. When this happened, we started to have a shortage. As the use of natural gas goes up, and we are not supplying more natural gas, we are getting huge price increases. Just 6 years ago, natural gas was less than $2 a thousand. Last year the average price to homeowners was about $12.50 a thousand, huge increases.

Now, this has been monumental to business. Dow Chemical, chemical companies use huge amounts of natural gas; 55 percent of the cost of making chemicals in America is natural gas. They use it as an ingredient; they use it as a fuel. Dow Chemical's gas bill in 2002 was $8 billion, a lot of money. In 2006, it was $22 billion, and today it's rising.

The problem we have is we have continued to make ethanol, all our chemical plants, fertilizer plants, fertilizer, 50 to 70 percent of the cost of making nitrogen fertilizer, natural gas. Natural gas is an ingredient. All the ladies who like skin softeners, a major ingredient in skin softeners is natural gas.

Natural gas is in our carpets. It's in our drapes. It's in many of our clothes. It's in plastic products; 45 to 50 percent of polymers in plastic cost is natural gas.

All the good industries we have left in this country use huge amounts of natural gas. For the last 6 years, we have had the highest prices in the world on natural gas because we have refused to open up new fields. We have refused to reach offshore. We have made it difficult in many parts of the West to produce natural gas.

We look at it as something evil to drill a 6-inch hole in the ground, put a steel pipe in and let gas out. Yet it's what fuels the country. America is great because we always had cheap affordable energy up until 6 years ago.

Another factor many Americans don't know, and too many Members of Congress don't know is that natural gas is not a world price, when, currently, oil is $75, $77 a barrel, pretty painful for our economy, but it's pretty painful for all our competitors around the world too. But for 6 years, America has had the highest natural gas prices in the world. That's something we need to do something about.

We can see a chart here of what it's done to manufacturing. We have lost more jobs in America because of natural gas prices. As natural gas prices have risen, manufacturing price jobs have dropped because the fertilizer industry in the last 2 years, 40 percent of manufacturing went offshore. They are hanging on with a string. If we don't bring natural gas prices down in the world average price, our farmers will be using foreign fertilizer to grow corn to make ethanol. Doesn't sound like a winner to me.

But it's vital, because one more chart here on trade, that a huge percentage of the trade deficit in this country is because of energy. We're buying our energy, our oil, 66 percent of our oil today comes from foreign, unstable, unfriendly countries. I find that a worry.

The bills we have coming up next week deal not with increasing domestic production, because when you decrease domestic production, you increase foreign imports. Now, everybody says we should be independent, energy independent. It's an impossibility on oil. I wish it wasn't.

Natural gas, we have reserves offshore, we have reserves onshore. We could be total supplying all of our own natural gas. We currently supply 80 some percent of ours, about 16 percent from Canada and a couple of percent LNG. But on oil, we have been gaining 2 percent a year in the last 10 years, every year, of foreign dependence. That's because we are buying this huge amount of energy from foreign countries, not our friends, and currently OPEC is in charge.

OPEC has been controlling prices the last year again. For a while, they didn't have control. They are back in control. As we look at where we buy our oil, Canada is one of our biggest suppliers, but they are really the only friendly one that we are really close friends with, and it's the one that we could be comfortable with.

The rest of the countries aren't even stable governments and could topple tomorrow. We currently have $75, $76, $77, I am not sure where it is today, but it was bouncing around there, and that's with no storms in the gulf and with no country that's in trouble at the moment. If we have one of the big exporting countries in trouble, and a couple of storms in the gulf like we did 2 years ago, we could be at $85, $90 and we could be approaching $3.50 and $4 gasoline. We all know the devastation that will have on us.

I have legislation I want to brief you on before I run out of time, I know I am getting short, but I have legislation called the NEED Act. It's about opening up the Outer Continental Shelf. It's 3 miles to 200 miles offshore where we have energy. Every country in the world produces on their Outer Continental Shelf but America, every country in the world, Canada, Norway, Sweden, all those green countries. They all produce energy offshore.

We have chosen to lock our Outer Continental Shelf up. It's a terrible mistake. It's the last environmentally hazardous way to produce gas and oil. My bill is gas only. It gives States control of the first 50 miles. The first 25 are locked up; the second 25 are open, if they want them open. The second 50 miles is open unless they have legislation, and they can even close it; and the last 100 miles is open automatically.

It would open up great reserves so we could have access to natural gas so we could stabilize prices in this country, so we could have energy to heat our homes, affordable energy to heat our business, energy to maintain the employment base in America that we are losing. If we don't stabilize natural gas prices, we are going to lose the petrochemical business. Dow Chemical just committed $32 billion to Saudi Arabia where gas is $1.25, where ours runs $10 or $12.

Folks, we have to bring natural gas prices down so we can maintain what's left of the fertilizer industry, polymer and plastics industry. The steelmakers tell me they can't stand any more high prices, aluminum makers.

My prediction, if we don't deal with the natural gas crisis in America, Americans will not be able to heat their homes affordably. Small businesses will not be able to stay in business if they use any amounts of energy, and we will be shipping all of these great jobs that made our country strong and to give our jobs to the working middle-class people of America, we are just going to be giving those away to other countries.

I predict the big bulky items, even like bricks and glass, will be made in nearby Trinidad, which is an island north of South America, only one day away in a ship where gas prices are only 90 cents.

I believe it's vital that as we approach the energy issue next week, that we talk about production, that we talk about how we continue to have adequate energy in America, and how we specifically have adequate natural gas to maintain the industries we have left. If we have an energy bill that only makes it more difficult to produce domestic industry, if we have an energy bill that only makes it more expensive to produce and if you tax, the production of oil and gas, if you tax the production of any kind of energy, if you tax that, you raise the price, you raise the price to consumers, because they pay it, we end up paying it as consumers. So it's vital.

In my view, it's vital that we have an energy bill next week and we have an open debate and we have lots of chance for amendments, we get to talk about it. What would coal liquids do?

I think the President has proposed cellulosic ethanol. Now, it's a good idea. That's making ethanol out of cellulose instead of corn, but the problem is, it's still in the laboratory. It's close to being able to come out of the laboratory, and, therefore, is funding six plants, futuristic. I am for that.

We ought to be doing the same to coal liquids. The Germans have made liquids and gas out of coal in World War II when they had embargoes and couldn't get oil. So we ought to be streamlining that process and having it ready. We ought to be juicing up our nuclear. We need all of the 35 nuclear plants that are under permit process today to be built by 2030 to just maintain 20 percent of our electric grid to remain nuclear, no growth.

The growth in the need of oil and gas continues, as our economy continues, and the problem we have today that we didn't have a few years ago. Just 6 years ago, gas was $2 a thousand, oil was $10 a barrel, just 6 years ago.

☐ 2330

And today there is a shortage of oil in the world, and we have competitors like China and India that are consuming energy at a much faster growth than we are. They are increasing their energy use 15 to 20 percent a year. They are buying up reserves all over the world. They are building coal plants, coal-to-liquid plants. They are building nuclear plants. They are building the biggest hydro dams in the world. They are preparing for their economic future.

In America, because we have never had an energy shortage like this, we have had little shortages for months and years or part of a year in the 1970s, 1980s, and 1990s when there were world crises, but the current prices, as high as they are, are a floor on which we are going to have spikes. When we have spikes and we have $100 oil, Americans are going to struggle. They are going to struggle to heat their homes, they are going to struggle to drive their cars, especially the poor Americans, and the companies that use a lot of energy are going to struggle to make products and compete in the global marketplace.

I think it is vital next week that this Congress deals with energy openly. I want all the renewables to be promoted and incentivized and, yes, even subsidized. But when they are fractions of a percent, you can double them or triple them in 5 years, and they are still a fraction. They will not meet the needs of our society in the next couple decades.

We have to have fossil fuels. Some people hate fossil fuels. We need to use them as clean as we can. We need to use them as wisely as we can. We are going to have to conserve, because I want to tell you, the next spike in energy crisis, the Americans are going to be conserving because they are not going to have the money to pay for it. They are going to have to cut down their travel, they are going to have to keep their houses cold, and that is not how Americans should live.

This Congress should not be restricting access of the Outer Continental Shelf. We should not be restricting access to the vast reserves that are in this broad country. We know how to produce energy today. We ought to be forcing forward coal-to-liquids. We ought to open up the Outer Continental Shelf.

And those who scream about the oil companies making huge profits, it is my opinion that the oil companies have made huge profits because of Congress and the administration. When you restrict supply, then you increase price. And so when oil companies and gas companies invested in reserves and did that with the hopes that they would be worth $30 a barrel, and they became worth $75 a barrel, they are going to make a lot of money. If you had a monopoly on any issue or any item, and you expected to sell it for $10 a profit, and then the supply gets short and you can sell it for $30, you are going to make a lot more money. That is just basic economics.

So the reason oil companies have made a lot of money is they invested in oil, they invested in gas reserves assuming that their prices were going to be far less. And when our government decided that we weren't going to produce it domestically, we were going to depend on foreign countries because foreign worked cheap; it didn't really matter even 6 years ago. There was a lot of concern about our growing dependence on foreign energy, but it didn't matter. It was cheap, $2 for gas, $10 for oil. Nothing competes with that. There is no reason to go in any other direction.

But that is all behind us, and it is all behind us because there is actually shortness of energy in this country and in the world. And so we are huge competitors. China will surpass us in energy use very soon. India is using huge amounts. All the developing countries, as they develop their auto fleets and their manufacturing bases, they are all using huge amounts that they didn't before. They lived very simple lives. So as the world progresses, the need for energy will grow.

And America seems to me to be the country that is doing the least to prepare for its energy future. And its energy future is available, affordable energy, and we should have lots of gas, lots of coal, lots of oil, all the renewables we can get, expansion of nuclear. We need to be looking down every road, every new way of producing energy we can, and the cleanest and greenest we can have it. And we should be conserving it as much as we can and not wasting it.

But, folks, we are in trouble. As a country, we are facing serious problems, because energy that is affordable and available may not be with us in just the short months and years ahead. Two storms in the gulf this summer, one or two of the sending countries that export oil have a problem in their government. It happens all the time.

Eighty percent of the energy of gas and oil in the world is owned, controlled, marketed by countries that are not democracies, not our friends, and they own the oil company. Exxon is the 14th largest oil company in the world. The 13 larger are monopoly oil companies owned by the government, and those are who we are going to depend on.

America needs to secure its energy future. It needs to produce adequate amounts of gas, oil, coal, and all the renewables we can. We need to have an energy policy. And I hope next week we can debate all these facts. Natural gas is the clean green fuel that can be the bridge, help us with ethanol, help us with hydrogen, help us with biodiesel, and even a third of our auto fleet can be fueled with natural gas. We would save 2½ million barrels of oil a day. America needs to prepare for its energy future.

MAJORITY MAKER FRESHMEN

The SPEAKER pro tempore (Mrs. BOYDA). Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. ELLISON) is recognized for 23 minutes, half the time until midnight, as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, today is a good day. The Majority Maker Freshmen are here tonight at this late hour to celebrate the increase in the minimum wage for the first time in 10 years. The minimum wage, the amount of pay that the lowest paid workers in our country receive, now will be able to claim an increase in pay.

Madam Speaker, I am joined today by our colleagues, Mr. RON KLEIN of Florida and Mr. PAUL HODES of New Hampshire, to talk about this question of economic justice, this issue of a shared prosperity in our economy and in our country. And I can think of no more important and no better topic to kick off the conversation than a send-up and salute to the hardworking folks of this country who do it on minimum wage every day.

Today, Madam Speaker, there is a mom who can say to her son, "Yes, son, you can go on that field trip because Mom has the money. Here you go." There is a dad who can say, "Honey, yes, you can go in and play softball this summer because we can work it out." There is an aunt who can afford to buy her nephew or niece maybe a birthday present which she just couldn't afford before.

There is a hardworking mother and father who do not have to rely upon the goodness of charity, which we admire that, but everybody also wants to earn their way, don't they? And they are not going to have to go to those food shelves, although I am glad that those food shelves are there because we need them. But this week they don't have to go because the minimum wage has been increased, and the hardworking people, the people who make this country really go, have gotten the edge up.

And so I just want to yield, take it to one of our fellow new members of the Majority Makers, and talk about this idea of a shared prosperity of America, and how the Democratic Congress is going to return our country to a time when everybody can feel that you can really make it, you have a real shot in the American economy not just for the few, but for the many.

Mr. KLEIN of Florida. I thank the gentleman. It is good to be here as part of our freshman class, the Majority Makers. It is an honor and privilege, as it always is, to be here in Congress and to talk about some of the things that we have been doing, Madam Speaker, over the last number of weeks that hopefully will really impact people's lives.

The thing I think that to me is so important about the minimum wage discussion was the fact that it was a discussion that not only dealt with the average family, the people putting food on the table, but also dealt with the small businesses, because there was concern by some people that our small businesses might be impacted, and there is only so much that a small business can absorb when compared to other businesses, because the bigger businesses probably pay more than minimum wage, but sometimes small businesses pay the minimum wage.

The great thing about this package is that it not only provided that increase, and two more increases to follow, which will amount to $4,400 a year when this is fully implemented additional compensation to people. Think about what you can do with $4,400 a year for a person who is earning minimum wage right now. We know that the problem all along has been minimum wage does not put food on the table and a roof over the house or the place that you live. So we are contributing to that.

But also, on the small business side there are some tax breaks that went along with it to help the small businesses absorb this, some tax breaks to help small businesses thrive. We are a small-business country by and large. I am from Florida. Most of our businesses are small business. Some are of the definition small businesses being 200 employees or less, but most small businesses are 5 people, 10 people. It really is that corner store that really makes the difference.

So we want those small businesses to thrive because they do create jobs. At the same time, we want the people that work in those jobs to be able to care for their families, to be able to put their kids through school, maybe to go to college if that is what they choose; certainly we live in a world economy where we want kids to go to college; pay for health care expenses, and at least move in the right direction.

So I am pretty excited that the minimum wage increase has finally been implemented, 10 years of this country lagging behind, and at the same time we are helping our small businesses compete and be successful.

I will just turn over to Mr. HODES to give his thoughts on how this affects people in New Hampshire.

Mr. HODES. I thank you both for being here tonight to talk about what is really a critical issue, the increase in the minimum wage which took effect on July 24, 2007, so we are actually celebrating it tonight. It is not just an important economic issue that will affect nearly 13 million people across this country, 5.3 million people who will directly benefit immediately and 7.2 million people who will indirectly benefit as a result of a new wage floor, but it is an example of what we are taking on really as a moral imperative in this new Congress. Because when you think about waiting 10 years for a rise in the minimum wage, Madam Speaker and my friends, you cannot imagine how, in a period of growing income inequality, those who need a reasonable minimum wage the most have been left behind so much.

I have next to me a chart which has a mathematical equation about what has happened in terms of our national debt over the past few years. And what you can see is that, from 2001 to 2006, we have had a huge increase in the national debt. In other words, we as a Nation have gone deeper and deeper into debt as we have borrowed to make ends meet.

So I want to set the context for the importance of this minimum wage, because while we as a Nation have borrowed to make ends meet for things like our war and tax breaks for those at the very top, we have had growing income inequality.

The three of us are on the Financial Services Committee, and recently we held some hearings with the chairman of the Federal Reserve, and we discussed a startling new report that was put out by a group called Financial Services Forum. The Financial Services Forum is a Wall Street group that was dealing with the effects of globalization and income inequality, and they pointed out some startling statistics.

One of the things they pointed out is that, over the past 5 or 6 years, corporate profits in this country have doubled. Corporate profits have doubled, and productivity is way up. And what that means is people are working much, much harder to make corporate productivity and corporate profits go up, but where have those benefits gone?

What we have learned in this report which was prepared by Wall Street CEOs is that the benefits have largely gone to the top 3 percent in this country, and that 97 percent of people in this country, including highly educated people, from folks who are making an awful lot of dough, you would think, people with college educations, master's degrees, even Ph.D.s, right down to the lowest rungs, for 97 percent, over the past 5 years, real wages, real income have slipped. So 3 percent have made out, and for 97 percent real wages have gone down.

Now, what does that mean for those at the very lowest rungs of the economic ladder? It means that those who have been getting along with $5.15 as a minimum wage, their real earning power has slipped even faster. As prices have gone up for gas, just to put gas in your car to get to your minimum-wage job, you have to work a whole day.

So what we have done, what we have done here in the Democratic Congress finally, after 10 long years, is to honor those who work hard, honor those who play by the rules, honor those who need just a little bit of economic fairness, and help bring them up to the benefit of everybody in society, because as we raise the minimum wage, folks can now afford to be part of our society. They can afford to go out and maybe go out to a movie. They can afford to go out and buy that pair of eyeglasses or get that haircut or do something for their kids that they weren't able to do before. And that helps us all.

So I am very proud, as a new Member of Congress, to have made good on the pledge that we talked about during our campaigns, to come to Congress and make sure that as one of the first and most important things we did, we would raise the minimum wage. So it is a great day.

Mr. ELLISON. The minimum wage is a good thing. We all three of us feel good about it, and we all three are members also on the Financial Services Committee, so we are focused on these issues.

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But there have been some other things that have happened here in this Democratic Congress that have really helped improve the lives of average working Americans. I have in mind the bill that was passed recently, the Labor-HHS-Education appropriations bill. Is there anything in there that you think the American people ought to know about or the Speaker ought to know about?

Mr. KLEIN of Florida. Absolutely. And I'm glad you pointed it out because I know that you personally took a lead on a number of the educational issues. I think all of us as Americans understand the importance of education and so many of the achievement issues that have been brought up in our individual States at the Federal level, there's concern. There's concern that America's not keeping up. We're not achieving. We're not where we need to be and we see some of the other countries of the world, whether it's China or some of the Far East countries that really are moving ahead with their economies, with their job creation. It's not just call centers in Bangalor. It's high tech jobs. And I think there's a big commitment by this Congress this year with Democratic leadership, and I'm glad to see Republicans joining us because this is not a partisan issue. This is the right thing to do.

There was a big commitment to invest in children, and it was everything from investing in schools to investing in college scholarships, Pell Grants. For those of you who don't know what Pell Grants are, those are the scholarships that help students go through college and provide access to college. We've worked on the interest rate, reducing the interest rate so that more kids can, again, go to school.

There are lots of kids in our country that have disabilities and we have invested in education for children with disabilities. As a matter of fact, we put $509 million additional dollars in.

And the last thing I'll mention, because this is something that I know that both my colleagues, Mr. HODES and Mr. ELLISON are very involved in their local communities and that's expanding medical research. This is such an important issue. And whether you believe in stem cell, which I firmly do, or any other type of medical research, we have millions of people in our country, not just seniors, but families with children and adults that have serious medical disease issues. And unfortunately, the last number of years, Federal grants for research have been declining. It's called the NIH, National Institute of Health grants. And they've been declining. Unfortunately, the recommendations from the President have been less and less, and Congress has put less and less in.

Yet, there's been a demand for the public to say help us, help us find cures. And I'm so proud about the fact that there's going to be well over a billion dollars of additional research over and above what the President even asked for. And this will allow for an additional 545 competing medical research programs to go forward. And I don't even have to mention the names of the diseases because Americans understand what's going on here. It's not just Alzheimer's; it's so many other things.

So, Mr. ELLISON, thank you for mentioning that because one of the things that I came to Congress for was to work on education, making sure our children can compete and our adults can compete, and medical research. And I think that this bill, in particular, has so much in it and it's so exciting. I'm looking forward to seeing the President hopefully sign this bill as soon as possible.

Mr. ELLISON. I know these bills are all separate, Madam Speaker. There are different bills that go through to appropriate monies for the different category areas. But I think it's important for the American people, Madam Speaker, to understand them as a whole. As we increase minimum wage, as we increase funding for health research for education, this is a general approach to help the average, working American, the average working family, do better, be more prosperous, reach their goals, help their children be prosperous and have a secure and good retirement.

I wonder, would you yield to a question, Mr. HODES?

Mr. HODES. Absolutely.

Mr. ELLISON. Given that we have about 37 million people who are in poverty in America today, and looking at some expenses, you know, we see that bread prices have risen 25 percent, health insurance costs have risen 97 percent, and the price of regular gasoline has jumped 149 percent.

Are the folks who are in poverty in America today, who are some of these folks? Are these hardworking folks, or are those folks who don't work so hard? Who are the people who we categorize as poor today, this 37 million?

Mr. HODES. Mr. ELLISON, it's a great question because what we've got today in America really is a large body of people, 37 million people, mainly, who are working poor. These are folks who, a lot of them are single parents; many of them happen to be single moms. And a lot of the folks, the working poor in this country who are struggling to make ends meet, are not just working one job. They're working two jobs; they're working three jobs to make ends meet. They generally are without health insurance, many of them. They don't have people to help take care of their kids. They struggle every day.

And I just want to expand on some of the points that Mr. KLEIN made, because as we moved in Congress to appropriate money for the Labor and Health and Human Services portion of the budget, it's important for the American people to understand that we did so in an absolutely fiscally responsible way, and to understand that we are making investments in America's future.

The President, in his budget, proposed cutting Health and Human Services and education programs by $7.6 billion below 2007, after adjusting for inflation. We knew that we had to come and make fiscally responsible investments in our future. So we rejected the President's damaging cuts, and we proposed a very modest increase, about 3 percent over 2007, after adjusting for inflation, so that our final bill was still $2.9 billion below the 2005 level for the appropriations for Health and Human Services and Education. So we actually came in below where we were a couple of years ago, and we did it in a way that is responsible because we adopted PAYGO provisions. We have to balance any increase with a responsible cut in another area. So we're being fiscally responsible in the overall picture.

And some of the things we did for the working poor are really important. One of the important things we did was we started to address the problem of 47.7 million uninsured people in this country. And we expanded access to health care for the uninsured. And we did that by funding several initiatives to provide health care for more than 2 million uninsured Americans. For instance, our bill provides $200 million, or 10 percent, more than 2007, and the President's request for community health centers enabling these centers to serve an additional 1 million uninsured Americans.

We also included $50 million for an initiative to assist States in providing high-risk insurance pools to support affordable insurance for almost 200,000 people who are medically high risk. So we are beginning to move in a big way on health care, which is a vital economic and national interest, especially for the working poor in this country.

I'll throw it back to you.

Mr. KLEIN of Florida. If I can just throw something in, Mr. ELLISON. One of the things that Mr. HODES is pointing out is that the people that we're talking about are working families. We're not talking about necessarily people that aren't working. We're not only talking about what people in this country may think of as destitute people, poor. There are a lot of those people also that we're trying to, as Americans, give a helping hand which we're always, of course every one of us is committed to doing.

But we're talking about a lot of middle-class people. And there's so many issues out there today. And if I can ask you a few questions. If you can elaborate for us some of the things we've been working on housing and some of the foreclosure issues, you know, transportation. These are things that this Congress has been working in this last week on putting together a bill for the first time in about a decade to really take a look at what's happening to working families and what we can do to give them a hand up, not a hand out, but a hand up, and empower them. So if you can just elaborate on some of those, Mr. ELLISON.

Mr. ELLISON. Mr. KLEIN, it's an important point you make, and I just want to add to this idea that for so many of the working, the people who are in poverty, we are talking about working poor folks, folks who are really struggling hard every day. And you know, Mr. KLEIN, housing as you well know is one of the most central things that everyone needs.

Poor, inadequate housing leads to a lot of serious problems. I'll list a few of those, but then we'll get to what we did. Children who don't have stable and adequate housing tend to move around a lot. As they move around, they are having their lessons disrupted in their school district every time they move, which means they fall further and further behind, which has an implication for how they're being educated.

Health issues, whether it be exposure to lead, mold, all kind of things that are inadequate housing, very serious issue for young people and for families. Poor housing has a significant impact on health.

Of course, issues of crime and exposure to violence has a lot to do with where you live and the quality of the housing that you may happen to live in. And so because these problems are so important in order for families to be prosperous, in order for families to grow and do well, this Congress has taken on some important initiatives. One is section 8 vouchers. The President's inadequate budget for section 8 would have been, would have forced between 40 to 80,000 families and individuals to lose their housing vouchers. The bill that we dealt with provides for an increase above the President's budget of $330 million for tenant-based vouchers and nearly $667 million for projected base vouchers in order to renew all current section 8 vouchers so no one that has a tenant-based voucher will lose it.

It's important also to talk about how we were making good strides on housing for seniors. We've seen increases. We've seen seniors struggling with housing, and we're making strong commitments, seniors will benefit from the increase in section 8 vouchers as well.

And also I just want to say that we're looking at, we had a lot of discussion in the Financial Services Committee about what we're going to do about the foreclosure crisis. As you know, about

20 percent of the mortgages, subprime mortgages are going to result in foreclosure. That's a tremendous amount. And what it means is that people who thought they had the American Dream ended up in the American Nightmare with these foreclosures. And we've been talking in the Financial Services Committee about what we're going to do to stave off these kinds of predatory loans so that people can have a fairer, more realistic loan they can get into, so that when these loans, these 228s, 327s, these kinds of loans that adjust upward in a dramatic way, that people will have better information, that there'll be greater responsibility on the mortgage originators, that there'll be greater standards applied to these originators and that people can be able to keep their homes or will be able to be in a mortgage they can actually afford.

So housing is a critical issue. This Congress we're dealing with it, and it's something I'm very proud to be associated with.

So we have about five more minutes left, and I think that we've had kind of an abbreviated evening this evening. But we've been talking about issues that are of vital concern to the average American working person. I think it's important for each one of us to take about 1½ minutes to just talk about what we feel we want the American people, Madam Speaker, to go away with as we wrap up this important Special Order by the majority freshman class.

Why don't we kick it to you, Mr. KLEIN. About 1½ minutes. What do folks really need to go to bed with tonight as we think about this powerful middle class that fuels our American economy and life?

Mr. KLEIN of Florida. Well, it's been a full day for us. I know I'm going to get a good night's sleep tonight. But what I think we should all be proud of as Americans is the fact that we're moving forward. And there are some very positive things that are happening. Obviously, at home people are very concerned about their livelihood, putting up a roof over their head, being able to afford health care, putting their kids into college and pursuing the American Dream. And I think a lot of things that we have discussed in this brief time tonight about improving education and really putting some muscle behind it, not just throwing money at it but changing the policies to make sure that we give teachers the tools and the kids the incentives to be successful, the minimum wage, just giving people a working wage so they can go forward and do well and giving the tax benefits to the businesses that create the jobs. It's a great combination on both sides.

You know, the research which I know all of us feel so strongly about and finding the cures, these are things that Americans think about every day when they get up and go to work and think about their parents, their grandparents, their kids. It's about the future of our families and our country. So I'm very excited and I know I'm going to sleep well tonight knowing we got good work done today. And we are going to continue working on this over the next number of weeks and months as we continue to move America forward.

Mr. ELLISON. Mr. HODES, parting words, sir.

Mr. HODES. Well, you know, I'm glad to be here even though it's late at night. We're working hard for folks, and one of the things I think that's important for the American people to understand is that we have taken the task of reversing drastic cuts to important programs that have gone on under this President and the Republican Congress for many years. And we're doing it in a way that is fiscally responsible. We've introduced pay-as-you-go rules so that when we expand in one area, we're going to make sure that we're matching it with appropriate cuts in other areas. It's a vital, vitally important new thing that we're doing here in this Congress to make sure that we are stewards of the public trust, and that we are taking care of the people's money, we're not just pending it willy-nilly.

Now, unfortunately, we're dealing with a President who threatens vetoes, who has proposed drastic cuts in programs that are important investments for all Americans whether it's Community Development Block Grants or the HOPE VI program or section 8 or any program that really helps bring those at the lower levels up into the middle class and helps those in the middle class. This President has proposed to veto and he's proposed drastic cuts. We understand that we're going to make the right kind of investments to move this country forward. So I'm very proud of what we're doing.

Mr. ELLISON. Madam Speaker, this is going to conclude our Special Order hour. The difference-makers are going to be on the job for the American people. We can be counted on to make that difference that we were brought here to make. And, Madam Speaker, I just think it's important for the American people to know that this Democratic caucus will be standing up for them. So with that, thank you all.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETERSON of Minnesota) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, August 2.

Mr. JONES of North Carolina, for 5 minutes, August 2.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1877. An act to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ADJOURNMENT

Mr. ELLISON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Friday, July 27, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2694. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Shareholder Choice Regarding Proxy Materials [Release Nos. 34-56135; IC-27911; File No. S7-03-07] (RIN: 3235-AJ79) received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2695. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Severn River and College Creek, Annapolis, MD [CGD05-06-112] (RIN: 1625-AA87) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2696. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone: Queen of England Visit, Jamestown Island, VA. [CGD05-07-038] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2697. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulation for Marine Events; Roanoke River, Plymouth, North Carolina [CGD05-07-028] (RIN: 1625-AA08) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2698. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone, Elba Island LNG mooring Slip, Savannah River, Savannah, Georgia [COTP SAVANNAH 06-160] (RIN: 1625-AA87) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2699. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Georgetown Channel, Potomac River, Washington, DC [CGD05-06-105] (RIN: 1625-AA87) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2700. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone: America's 400th Celebration, Jamestown, VA [CGD05-07-015] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2701. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Section 402.—Taxability of Beneficiary of Employees' Trust 26 CFR 1.402(b)-1: Treatment of beneficiary of trust not exempt under section 501(a) (Also: 83, 404, 409A, 661, 663, 671, 3101, 3111, 3121, 3301, 3306, 3401, 3402, 1.83-3, 1.83-8, 1.404(a)-12, 1.409A-1, 1.661(a)-2, 31.3102(a)-1, 31.3121(a)-1, 31.3306(b)-1, 31.3401(a)-1, 31.3402(a)-1, 31.3401(d)-1, 301.7701-4) (Rev. Rul. 2007-48) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2702. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Elimination of Schedule P of Form 5500 Series [Announcment 2007-63] received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2703. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—26 CFR 601.204: Changes in accounting periods and methods of accounting. (Also Part 1, 61, 451, 471, 481; 1.451-1.) (Rev. Proc. 2007-53) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 162.—Trade or Business Expense 26 CFR 1.162-1: Business Expenses (Also 461; 831.) (Rev. Rul. 2007-47) received July 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2705. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Information Returns Required with Respect to Certain Foreign Corporations and Certain Foreign-Owned Domestic Corporations [TD 9338] (RIN: 1545-BG11) received July 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2706. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions [TD 9339] (RIN: 1545-BG44) received July 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. BAIRD, Mr. INSLEE, Mr. HASTINGS of Washington, Mr. MCDERMOTT, Mr. SMITH of Washington, Mrs. MCMORRIS RODGERS, and Mr. REICHERT):

H.R. 3184. A bill to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California:

H.R. 3185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to establish in the Department of Labor an Advisory Council on Improving Employer-Employee Retirement Practices; to the Committee on Education and Labor.

By Mr. LARSEN of Washington (for himself, Mr. BAIRD, Mr. ROSS, Mr. SULLIVAN, Ms. BORDALLO, Mr. CLEAVER, Ms. CARSON, Mr. DAVIS of Illinois, Mr. ALEXANDER, Mr. SIMPSON, Mr. HINOJOSA, Mr. CUMMINGS, Mr. FARR, Mr. DICKS, and Mr. RAMSTAD):

H.R. 3186. A bill to understand and comprehensively address the oral health problems associated with methamphetamine use; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. LARSEN of Washington, Mr. ROSS, Mr. SULLIVAN, Ms. BORDALLO, Ms. CARSON, Mr. DAVIS of Illinois, Mr. ALEXANDER, Mr. SIMPSON, Mr. HINOJOSA, Mr. CLEAVER, Mr. FARR, Mr. DICKS, Mr. CUMMINGS, and Mr. RAMSTAD):

H.R. 3187. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. HERGER, and Mr. CAMP of Michigan):

H.R. 3188. A bill to eliminate the separate work participation rate requirements for 2-parent families under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. PAUL, Mr. MACK, Mr. BOUCHER, Mr. COHEN, Mr. ELLISON, Mr. WEXLER, Ms. HARMAN, Mr. FARR, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, and Ms. WASSERMAN SCHULTZ):

H.R. 3189. A bill to establish reasonable procedural protections for the use of national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3190. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that their income, estate, or gift tax payments be spent other than for purposes of supporting the war in Iraq and to provide that amounts so designated shall be used to provide funding for Head Start, to reduce the national debt, and to provide college funding for children of Iraq war veterans; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. SHAYS, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. HINCHEY, Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, Mr. HALL of New York, and Mr. SMITH of New Jersey):

H.R. 3191. A bill to amend title 10, United States Code, to provide for the transfer of certain contact information for a member of the Armed Forces who is being medically separated or retired under chapter 61 of such title to the department or agency for veterans affairs of the State in which the member intends to reside; to the Committee on Armed Services.

By Mr. LINCOLN DAVIS of Tennessee (for himself, Mr. SMITH of New Jersey, Mr. MURTHA, Ms. BORDALLO, Ms. KAPTUR, Mrs. JO ANN DAVIS of Virginia, Mr. SOUDER, Mr. MARSHALL, Mr. PENCE, Mr. MOLLOHAN, Mr. FRANKS of Arizona, Mr. MELANCON, Mr. KING of New York, Mr. ORTIZ, Mr. BOOZMAN, Mr. HUNTER, Mr. BOREN, Mr. KILDEE, Mr. COSTELLO, Mr. SHULER, Mr. LANGEVIN, Mr. LAMBORN, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. TAYLOR, Mr. OBERSTAR, Mr. MCINTYRE, Mr. GINGREY, Mr. BOYD of Florida, Mr. BERRY, Mr. DONNELLY, Mr. HOLDEN, Mr. RENZI, Mr. RYAN of Ohio, Mr. BARROW, and Mr. CLYBURN):

H.R. 3192. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3193. A bill to amend title XIX of the Social Security Act to establish a minimum State dispensing fee for covered outpatient multiple source drugs under the Medicaid

Program, to modify the application of the average manufacturer price (AMP) methodology to drug rebates, to eliminate the State option to increase the cap amount on the equity asset test for individuals' eligibility for long-term care assistance under such program, and to extend an SSI asset verification demonstration to Medicaid; to the Committee on Energy and Commerce.

By Mr. FEENEY:

H.R. 3194. A bill to improve the H-1B nonimmigrant program by increasing the exchange of information between the Departments of Labor and Homeland Security; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. SENSENBRENNER, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACHUS, Ms. BALDWIN, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CALVERT, Mr. CARDOZA, Mr. CARNEY, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DREIER, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. FARR, Mr. FERGUSON, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Ms. GIFFORDS, Mr. GRIJALVA, Mr. HALL of New York, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. ISSA, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KING of New York, Mr. KIRK, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANGEVIN, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCNULTY, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NUNES, Mr. OBERSTAR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETRI, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROSKAM, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Wisconsin, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SHAYS, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SOUDER, Mr. SPACE, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TIAHRT, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Mr. WALSH of New York, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, Mr. WELCH of Vermont, Mr. WELDON of Florida, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. WALZ of Minnesota, Mr. MCCOTTER, and Mr. DICKS):

H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 3196. A bill to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HOLT (for himself, Mr. HARE, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. GRIJALVA, Ms. LEE, Mr. COHEN, Mr. VAN HOLLEN, Mr. HIGGINS, Mr. HALL of New York, Mrs. CAPPS, Mr. BERMAN, Mr. ELLISON, and Mr. PAYNE):

H.R. 3197. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself, Mr. THORNBERRY, Mr. LANTOS, Mr. SKELTON, Mr. THOMPSON of Mississippi, Mr. CARTER, Mr. BOUSTANY, Mr. FORTENBERRY, Mr. GONZALEZ, Ms. HARMAN, Mr. ISRAEL, Mrs. TAUSCHER, Mr. WICKER, and Mrs. WILSON of New Mexico):

H.R. 3198. A bill to provide for quadrennial national security reviews, and for other purposes; to the Committee on Armed Services.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, and Mr. WEINER):

H.R. 3199. A bill to direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios; to the Committee on Energy and Commerce.

By Ms. BEAN (for herself and Mr. ROYCE):

H.R. 3200. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the Federal regulation and supervision of national insurers and national agencies, to provide for policyholder protections in the event of an insolvency or the impairment of a national insurer, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3201. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for an immigrant rights advocate on the Privacy and Civil Liberties Oversight Board; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. SHUSTER, Mr. HOLDEN, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, Mr. DENT, and Mr. LINCOLN DAVIS of Tennessee):

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety; to the Committee on Oversight and Government Reform.

By Mr. KING of New York:

H. Con. Res. 194. Concurrent resolution expressing the sense of Congress regarding the failure of the Kingdom of Saudi Arabia and the Palestinian Authority to properly implement education reforms aimed at reducing the cultural roots of terrorism; to the Committee on Foreign Affairs.

By Mr. BAIRD (for himself, Mr. LANTOS, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. POMEROY, Mr. ELLISON, Mr. SMITH of Washington, Mr. BOUSTANY, Mr. FORTENBERRY, Mr. RENZI, Ms. BALDWIN, Mrs. LOWEY, Ms. HARMAN, Mr. CROWLEY, Mr. RAHALL, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SHAYS, Ms. KILPATRICK, Mr. PATRICK MURPHY of Pennsylvania, Mr. CLEAVER, Mr. SESTAK, Mr. BECERRA, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. WATT, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. TANNER, Mr. MOORE of Kansas, Ms. HOOLEY, Mr. WU, Mr. PALLONE, Mr. DAVIS of Alabama, Mr. ISSA, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. COOPER, Mr. GORDON, Mr. CASTLE, Mr. GILCHREST, Mr. WALDEN of Oregon, Mr. BOOZMAN, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. PRICE of North Carolina, Mr. HONDA, Mr. FARR, Mr. SERRANO, Mr. ROSS, Mr. FLAKE, Mr. GALLEGLY, Mr. BARRETT of South Carolina, Mr. WEXLER, Mr. SCOTT of Virginia, Mr. WAXMAN, Mr. ORTIZ, Mr. REYES, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. DELAHUNT, Mr. LATOURETTE, Mr. SIMPSON, Mr. SESSIONS, Mr. ACKERMAN, Mr. WILSON of South Carolina, Mr. MCCAUL of Texas, Mr. MEEKS of New York, Mr. JEFFERSON, and Mr. SPRATT):

H. Res. 575. A resolution commending the people and the Government of the Hashemite Kingdom of Jordan for their continued committment to holding elections and broadening political participation, and for other purposes; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. POE):

H. Res. 576. A resolution recognizing youth court programs for the efforts of such programs in enhancing the quality of the juvenile justice system in the United States and encouraging the recognition of a National Youth Court Month; to the Committee on Education and Labor.

By Mr. GUTIERREZ:

H. Res. 577. A resolution congratulating Mr. Kermit Cintron on the successful defense of his IBF welterweight title on Saturday, 14, 2007, and for his continued success in and out of the ring; to the Committee on Oversight and Government Reform.

By Mr. PUTNAM (for himself, Mr. CARDOZA, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. BOYD of Florida, Mr. BUCHANAN, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 578. A resolution expressing the sense of the House of Representatives that there should be established a National Watermelon Month; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII,

142. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 61 memorializing the Congress of the United States to enact the Education Begins at Home Act; jointly to the Committees on Education and Labor and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. UPTON, Mr. JOHNSON of Illinois, Mr. LATHAM, and Mr. ROTHMAN.

H.R. 180: Mr. GOODLATTE and Mr. GARRETT of New Jersey.

H.R. 243: Mr. CARNEY.

H.R. 468: Mr. GEORGE MILLER of California.

H.R. 538: Ms. JACKSON-LEE of Texas.

H.R. 620: Mr. REICHERT.

H.R. 661: Mr. RYAN of Ohio and Mr. HALL of New York.

H.R. 711: Mr. SPACE and Mr. WATT.

H.R. 719: Mr. HILL, Mr. COBLE, Mr. WELCH of Vermont, Mr. MOORE of Kansas, and Ms. MCCOLLUM of Minnesota.

H.R. 743: Mr. HODES, Mr. ROSS, Mr. MCCARTHY of California, Mr. BERRY, and Ms. GIFFORDS.

H.R. 871: Mrs. JONES of Ohio and Ms. KILPATRICK.

H.R. 900: Mr. BERMAN, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. DICKS, Mr. HOLDEN, Mr. ISRAEL, Ms. KAPTUR, and Mr. LANTOS.

H.R. 1000: Ms. KAPTUR, Mr. RANGEL, Mr. TOWNS, Mr. MICA, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. OBERSTAR, Ms. HARMAN, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. ELLISON, Mr. SHAYS, Ms. SOLIS, Mr. GILCHREST, Mr. KENNEDY, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. PALLONE, Mr. LEWIS of California, Mr. LEVIN, Mr. PRICE of North Carolina, and Ms. BERKLEY.

H.R. 1010: Mr. HARE.

H.R. 1043: Ms. ZOE LOFGREN of California.

H.R. 1064: Mr. SPACE, Mr. WALBERG, Mr. BISHOP of Georgia, and Mr. WALSH of New York.

H.R. 1103: Mr. WEINER.

H.R. 1108: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1113: Mr. MACK, Mr. ANDREWS, Ms. BALDWIN, Mr. CAPUANO, Mr. CARNAHAN, Mr. COOPER, Mrs. DAVIS of California, Mr. ETHERIDGE, Mr. LYNCH, Mr. VAN HOLLEN, Mr. EMANUEL, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Mr. KAGEN, and Ms. SHEA-PORTER.

H.R. 1125: Mr. JEFFERSON, Mrs. TAUSCHER, Mr. HELLER, Mr. ABERCROMBIE, Ms. BEAN, and Mr. WAXMAN.

H.R. 1188: Mrs. LOWEY.

H.R. 1229: Mr. JEFFERSON, Mr. JACKSON of Illinois, and Mr. DEFAZIO.

H.R. 1230: Mr. GENE GREEN of Texas.

H.R. 1275: Mr. GILLMOR.

H.R. 1283: Mr. KILDEE, Mr. ALTMIRE, Mr. MARKEY, and Mr. ACKERMAN.

H.R. 1357: Mr. RENZI, Mr. FERGUSON, and Mr. PUTNAM.

H.R. 1376: Ms. WATSON.

H.R. 1400: Mr. PITTS and Mr. MORAN of Virginia.

H.R. 1419: Mr. SMITH of Texas, Mr. BAKER, Mr. MORAN of Kansas, Mr. KNOLLENBERG, and Mr. NEUGEBAUER.

H.R. 1422: Mr. CARTER, Mr. MORAN of Virginia, Mr. UDALL of Colorado, and Ms. MATSUI.

H.R. 1440: Mr. SESSIONS, Mr. KILDEE, and Mr. ORTIZ.

H.R. 1506: Mr. DOGGETT and Ms. WATSON.

H.R. 1514: Ms. SCHWARTZ, Mr. WILSON of Ohio, Ms. HIRONO, and Mr. PENCE.

H.R. 1542: Ms. NORTON and Ms. VELÁZQUEZ.

H.R. 1552: Mr. YOUNG of Alaska, Mr. BARRETT of South Carolina, and Mr. KILDEE.

H.R. 1553: Mr. GEORGE MILLER of California.

H.R. 1567: Ms. ZOE LOFGREN of California.

H.R. 1584: Mr. SMITH of Nebraska, Ms. BALDWIN, and Mr. ORTIZ.

H.R. 1588: Mr. SESTAK.

H.R. 1608: Ms. LEE.

H.R. 1609: Mr. RYAN of Ohio, Mr. FERGUSON, Mr. NADLER, Mr. BUTTERFIELD, Ms. LINDA T. SÁNCHEZ of California, Mr. MCHENRY, Mr. BRALEY of Iowa, Mr. WEXLER, Mr. MCGOVERN, Mrs. DRAKE, and Mr. BAIRD.

H.R. 1610: Mr. ALLEN, Mr. SOUDER, Mr. WILSON of Ohio, Mr. JONES of North Carolina, Mr. PENCE, Mr. SIRES, Mr. MARCHANT, Mr. NEUGEBAUER, and Mr. TANCREDO.

H.R. 1629: Mr. SOUDER.

H.R. 1644: Mr. SHAYS, Mr. WEXLER, Mr. HOLDEN, Mr. DELAHUNT, Mr. SIRES, and Mr. HODES.

H.R. 1671: Mr. EHLERS.

H.R. 1687: Mr. BRALEY of Iowa and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1709: Mr. SNYDER.

H.R. 1713: Mr. DEFAZIO.

H.R. 1772: Mr. BURGESS.

H.R. 1797: Mr. FOSSELLA.

H.R. 1818: Mr. SPACE.

H.R. 1866: Mrs. CUBIN and Mr. WALZ of Minnesota.

H.R. 1937: Mr. THOMPSON of Mississippi, Mr. CUELLAR, and Mr. ADERHOLT.

H.R. 1992: Mr. BRADY of Pennsylvania, Mr. SARBANES, and Mr. CARNEY.

H.R. 2046: Mr. BACA, Ms. WOOLSEY, and Mr. ABERCROMBIE.

H.R. 2054: Mr. LINCOLN DAVIS of Tennessee.

H.R. 2061: Mr. PAYNE.

H.R. 2064: Mr. ROTHMAN, Mr. LEVIN, and Mr. PASTOR.

H.R. 2084: Mrs. BACHMANN.

H.R. 2102: Mr. COOPER and Mr. KUHL of New York.

H.R. 2158: Mr. WICKER.

H.R. 2212: Mr. HALL of New York.

H.R. 2221: Mr. JOHNSON of Georgia.

H.R. 2312: Mr. WICKER.

H.R. 2332: Mr. RENZI, Mr. FERGUSON, and Mr. PUTNAM.

H.R. 2380: Ms. FALLIN.

H.R. 2443: Ms. BALDWIN and Mrs. EMERSON.

H.R. 2473: Mr. GORDON, Mr. MCHUGH, and Mr. PLATTS.

H.R. 2517: Ms. JACKSON-LEE of Texas, Mr. MAHONEY of Florida, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. KAGEN, Ms. CASTOR, Ms. ROS-LEHTINEN, Ms. BORDALLO, Mr. SHULER, Mr. ORTIZ, Mr. REYES, Mr. WILSON of Ohio, Mr. ARCURI, Ms. DELAURO, Mr. KANJORSKI, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mrs. EMERSON, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. PASCRELL, Mr. EDWARDS, Mrs. GILLIBRAND, Mr. GENE GREEN of Texas, Mr. HARE, Mr. GONZALEZ, Ms. SCHWARTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FILNER, Ms. MCCOLLUM of Minnesota, Mr. CUELLAR, Mrs. BOYDA of Kansas, Ms. BERKLEY, Ms. SOLIS, Mr. BRALEY of Iowa, Ms. HARMAN, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. SHIMKUS, Mr. WOLF, Mr. MCCOTTER, Mr. HONDA, Mr. PASTOR, Mr. SPACE, Mr. ISRAEL, Ms. MATSUI, Mr. DOGGETT, Mrs. CAPPS, Ms. SHEA-PORTER, Mr. GORDON, Ms. DEGETTE, Mr. WHITFIELD, Mr. WEXLER, Mr. CLYBURN, Mr. MATHESON, Mr. BOREN, Mr. LIPINSKI, Mr. HOYER, Ms. KAPTUR, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. ELLISON, Mrs. NAPOLITANO, Mr. VISCLOSKY, and Mr. PERLMUTTER.

H.R. 2518: Mr. YARMUTH.

H.R. 2548: Ms. WATERS.

H.R. 2572: Mr. MORAN of Virginia, Mrs. LOWEY, and Mr. PAYNE.

H.R. 2578: Mr. WAMP, Mr. LEWIS of Kentucky, Mrs. BONO, and Mr. BISHOP of Georgia.

H.R. 2606: Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, and Mr. BONNER.

H.R. 2619: Mr. COSTELLO and Mr. LIPINSKI.

H.R. 2639: Mr. BISHOP of Utah, Mr. HOEKSTRA, Ms. GINNY BROWN-WAITE of Florida, and Mr. MILLER of Florida.

H.R. 2666: Mr. EMANUEL, Mr. JACKSON of Illinois, Mr. KUCINICH, Mr. HASTINGS of Florida, and Mr. THOMPSON of Mississippi.

H.R. 2694: Ms. ZOE LOFGREN of California, Mr. LEWIS of Georgia, Mr. PETERSON of Minnesota, and Mr. STARK.

H.R. 2715: Mr. WEINER.

H.R. 2833: Ms. DELAURO, Mr. WAXMAN, and Mr. WU.

H.R. 2847: Mr. SMITH of Washington and Mr. FRANK of Massachusetts.

H.R. 2860: Mr. KAGEN, Mr. ROGERS of Alabama, and Ms. HIRONO.

H.R. 2923: Mr. LANTOS.

H.R. 2927: Mr. MARCHANT, Mr. JEFFERSON, Mr. BONNER, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. COLE of Oklahoma, Mr. TURNER, and Mrs. DRAKE.

H.R. 2933: Mr. TANNER.

H.R. 2940: Mr. PETRI.

H.R. 2941: Mr. KILDEE.

H.R. 2943: Mr. BARTLETT of Maryland.

H.R. 3004: Mr. CUELLAR.

H.R. 3026: Mr. BRADY of Pennsylvania and Mr. WOLF.

H.R. 3035: Mr. RYAN of Ohio, Mr. SHIMKUS, Mrs. JONES of Ohio, Mr. DUNCAN, Mr. TIBERI, Mrs. MILLER of Michigan, Ms. FALLIN, Mr. WALSH of New York, Mr. SHAYS, Mr. JEFFERSON, Mr. GRIJALVA, Mr. COLE of Oklahoma, Mr. ROTHMAN, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CONYERS.

H.R. 3046: Ms. GINNY BROWN-WAITE of Florida and Mr. PASTOR.

H.R. 3051: Mr. BERMAN.

H.R. 3057: Mr. PICKERING, Ms. SCHWARTZ, Ms. BERKLEY, Mr. CAPUANO, and Mr. SCOTT of Virginia.

H.R. 3058: Mrs. TAUSCHER and Mr. WU.

H.R. 3099: Mr. PAYNE.

H.R. 3123: Mr. TIBERI, Mr. WYNN, and Ms. JACKSON-LEE of Texas.

H.R. 3125: Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BACA, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. MEEKS of New York, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Ms. KAPTUR, Ms. KILPATRICK, Mr. WYNN, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Ms. LEE, and Mr. PAYNE.

H.R. 3140: Mr. HOEKSTRA, Mr. EVERETT, and Mr. CRAMER.

H. Con. Res. 37: Mr. KIRK, Mr. DOOLITTLE, Mr. FEENEY, and Mr. PEARCE.

H. Con. Res. 188: Mr. MCGOVERN, Mr. MCNULTY, Mr. TERRY, and Mr. GALLEGLY.

H. Res. 111: Mr. LEWIS of Kentucky and Mr. LEWIS of Georgia.

H. Res. 194: Ms. SOLIS and Mr. SHULER.

H. Res. 265: Mr. MCCOTTER.

H. Res. 405: Mr. FRANKS of Arizona and Ms. BERKLEY.

H. Res. 407: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 457: Mr. PITTS.

H. Res. 518: Mr. BOOZMAN, Mr. ISSA, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. GONZALEZ, Mr. NADLER, Mr. CLYBURN, Mr. FATTAH, Mr. CLAY, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Mr. JEFFERSON, Mr. UDALL of Colorado, Mr. LARSON of Connecticut, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. BUTTERFIELD, Mr. TOWNS, Ms. KILPATRICK, Mr. WYNN, Mr. SCOTT of Georgia, Mr. COHEN, Mr. CUMMINGS, Mr. CAPUANO, Mr. SIRES, Mrs. MALONEY of New York, Mr. WEINER, Mr. SERRANO, Mr. MCNULTY, Mr. HONDA, Mr. ROTHMAN, Mr. PAYNE, Mr. SNYDER, Ms. CLARKE, Mr. ISRAEL, Mr. DELAHUNT, and Mr. RUSH.

H. Res. 548: Mrs. MCCARTHY of New York.

H. Res. 549: Mr. BRADY of Pennsylvania.

H. Res. 550: Mr. WATT, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Ms. NORTON, Mr. DAVIS of Illinois, Ms. WOOLSEY, Ms. KILPATRICK, Ms. LEE, Mr. JEFFERSON, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. TURNER, Mr. DELAHUNT, Mr. ACKERMAN, Mr. SIRES, Mr. FALEOMAVAEGA, Mr. CLEAVER, Mrs. MALONEY of New York, Mr. CLAY, and Mr. BILIRAKIS.

H. Res. 557: Ms. BERKLEY.

H. Res. 564: Mr. SHERMAN, Mr. CROWLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. BERMAN, Ms. LEE, Mr. JOHNSON of Georgia, and Mr. CAPUANO.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

126. The SPEAKER presented a petition of the City of North Miami, Florida, relative to Resolution No. R-2007-83 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Appropriations.

127. Also, a petition of the City of Miami Commission, Florida, relative to Resolution No. 07-0293 expressing support for the letter sent to the United States Senate Appropriations Committee, by the majority of the Senators of the United States, rejecting the Administration's recommended twenty percent cuts to the Community Development Block Grant Program and asking for an increase in the level of funding for Fiscal Year 2008; to the Committee on Financial Services.

128. Also, a petition of the City of Miami Commission, Florida, relative to Resolution No. 07-0297 expressing support for the letter sent to the United States Senate Approriations Committee, by the majority of the Senators of the United States, rejecting the Administration's recommended twenty percent cuts to the Community Development Block Grant Program, and asking for an increase in the level of funding for Fiscal Year 2009; to the Committee on Financial Services.

129. Also, a petition of the City of Middletown Common Council, New York, relative to Resolution No. 167.07 calling on the Congress of the United States to formally and properly investigate these charges and determine if impeachment is warranted, and if found to be so warranted to vote to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

130. Also, a petition of the Board of Trustees of the Village of Montebello, New York, relative to Resolution No. 07-091 supporting a review by the Congress of the United States of the "Religious Land Use and Institutionalized Persons Act of 2000"; to the Committee on the Judiciary.

131. Also, a petition of the Wheeler Crest Fire Prevention District, California, relative to requesting funding assistance for updated equipment; to the Committee on Science and Technology.

132. Also, a petition of the Lorain County Board of Commissioners, Ohio, relative to Resolution No. 07-432 calling on the United States Government to commit and develop a firm strategy and timetable to begin the orderly and comprehensive withdrawal of U.S. military personnel and bases from Iraq as soon as possible; jointly to the Committees on Armed Services and Foreign Affairs.

133. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-258 supporting the construction of a new Medical Center of Louisiana at New Orleans teaching hospital and a new Veterans Administration Hospital in the New Orleans downtown medical district; jointly to the Committees on Education and Labor and Veterans' Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3093

OFFERED BY: MR. INSLEE

AMENDMENT NO. 47: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for the Department of Justice, not more than $50,000,000 shall be available for the Attorney General, after consultation with Indian tribes pursuant to Executive Order 13175, to appoint attorneys to assist United States Attorneys when the public interest so requires, as authorized by sections 542 and 543 of title 28, United States Code, to litigate cases involving the enforcement of Federal law on Tribal lands, including domestic violence, dating violence, sexual assault, and stalking, and to allow reimbursement out of existing Federal funds, if available, to compensate appointees whenever such appointments facilitate the efficient, thorough enforcement of Federal law on Tribal lands.

SENATE—*Thursday, July 26, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, You alone are the creator and sustainer of the universe, so we pause to thank You for the gift of this day. May we show our gratitude by wisely using the gift of time in doing our best to serve You and to help one another.

Empower our Senators in their labors. Let the light of Your countenance calm every troubled thought and guide their feet in the way of peace. Grant them the ability to grow in wisdom and understanding so that they may know the best road to take in solving the problems of our world. Assure them of Your continued concern and love as You create tunnels of hope through mountains of despair. Be their helper and defender. Use them, Lord, for Your glory. Bring them safely through life's complexities into the refuge of Your amazing grace.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 26, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for an hour. Once that is closed, we will go back to the Homeland Security appropriations bill. There are no votes scheduled, although there are seven amendments pending. Perhaps we can dispose of some of those before lunch. We will certainly have some votes during the day.

Another issue which I have mentioned on many occasions is the 9/11 Commission recommendations conference report. That report was to be filed late last night. It is not available. It should be momentarily. We will make sure Senators have the opportunity to look at that. It is a large document.

Let's talk about this week. I know there is a trip scheduled this weekend. I contacted Senator BOXER last night and indicated to her I wasn't quite certain it would be able to take place. She was understanding and said I would have to do what I have to do, although she was disappointed. Maybe the trip can still go. It is a bipartisan trip to Greenland, led by Senators BOXER and ISAKSON.

We don't have a lot to do this week, but it could take a lot of time. We have 2 days. It is Thursday. We need to finish Homeland Security appropriations. I had a conversation last night with Senator CORNYN. We were waiting to get his language yesterday when we were trying to work something out for funding for the border. He had it written out in longhand. Anyway, we don't have it yet, but I am sure we will get that soon. Maybe we can complete that with a unanimous consent. Senator VOINOVICH indicated he wished to speak on it for a while but not long. So we want to accommodate him.

So we want to finish the bill we are on, either today or tomorrow. The other thing we need to do is complete the conference report. I hope we don't have to file cloture on the Homeland Security appropriations bill, which I have said many times I don't want to do. It is an open process, where people can file amendments, and they have done that. We hope we don't have to file cloture also on the conference report. What I wish to do—and I indicated this on a number of occasions—is to be able to start SCHIP on Monday. It appears that is pretty well set, what would happen when we get to that bill. It is a bipartisan bill that would be brought to the floor. There are a number of Senators who have worked on a substitute—Senator KYL, among others. That substitute would certainly be the main topic of the debate. I am confident there will be some other amendments offered, but that is the main issue as to whether the substitute would pass.

So children's health, we need to do that next week. I hope we can start it on Monday. Then the only other thing we need to do is to complete ethics and lobbying reform. As I have indicated, I wish to start another appropriations bill, but that would not take a vote during this session, though we would move to it before we leave. We would only do WRDA, the conference report on WRDA. It is my understanding the conference is basically completed, but we would only move to that if Senators BOXER and INHOFE indicated they wanted us to do that. I understand they do. It has wide-ranging bipartisan support. But that wasn't in my original package and that will not hold us up. The only thing that will hold us up is the bill we are on now, SCHIP, 9/11 Commission recommendations and the ethics and lobbying reform. So I hope we can complete those things in a timely fashion, and I hope we don't have to work this weekend. If we do because of cloture votes, then we will schedule those according to whatever the standard procedure is.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

COMPLETING PENDING ITEMS

Mr. MCCONNELL. Mr. President, I would say to my friend the majority leader, I think there is a good chance of completing the work he outlined before the August recess. We will be working with him to try to move those items along.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, equally divided, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the majority and the second half of the time under the control of the Republicans.

The Senator from Maryland is recognized.

CAL RIPKEN, JR., HALL OF FAME INDUCTION

Ms. MIKULSKI. Mr. President, I rise with a great deal of joy and enthusiasm this morning, as the senior Senator from Maryland, to be a part of what all of Maryland is doing today. We are on the road to Cooperstown. We are literally in our cars or renting transportation to be heading to Cooperstown, and we are going to Cooperstown in our hearts, because on Sunday, our beloved all-around Marylander, all-around American hero, Cal Ripken, Jr. will be inducted into the Hall of Fame.

We are so excited about this because we want the world to know Cal Ripken as we know Cal Ripken. What a great guy. The world knows him as a fantastic baseball player, and he certainly is. I will go into his record in a minute. But he is also a fantastic human being, a devoted father, a faithful husband, a man of the community, giving his time and energy to philanthropic work. When we call him the "Iron Man," he absolutely is.

Throughout his 21-year career, he has been the epitome of "Iron Man," both on and off the field. I watched Cal going from being unknown to being the best known baseball player from Baltimore since Babe Ruth. I was there that last day at Memorial Stadium, when we closed the stadium down, and I was there on opening day at Camden Yards, and Cal was there, and I will watch him as he is inducted into the Hall of Fame. For we Oriole fans, it was never "if" Cal would go into the Hall of Fame, it was simply when.

Now, all baseball fans know about something called "the streak." We remember the victory lap he took around Camden Yards on that very special night. As we were heading into that record-breaking, show-up-at-every-game Cal Ripken event, there was a countdown that was going on all over. At Camden Yards every day, they had the number when Cal would come out on the field. In my own office in the Hart Building, I had a great big banner for our own countdown.

There he was: 2,632 consecutive games. During that time, he hit 431 homeruns. He also started in 19 All-Star games. He won two American League Golden Glove awards, eight Silver Slugger awards, two American League Most Valuable Players, and the statistics go on.

But statistics don't tell the real Ripken story. We remember not the numbers, but we remember the man—the strong, dependable presence of Cal Ripken, Jr. Night after night, day after day, sometimes through injuries, through the wide range of emotions and pressures experienced as a major leaguer, at every game there he was: at third base, at shortstop, smiling at doing his job and doing it well.

I remember that fateful night when Cal broke the Lou Gehrig standing record. To see that banner drop from 2,130 to 2,131 and hear the admiration and the jubilation of the crowd in Baltimore is something I will always remember. The sustained cheers were never ending as Cal, urged by Rafael Palmeiro, took a lap around the field. It was a proud night for the Ripken family, for the Orioles, and for Maryland.

Mr. President, I wish you had been there that night. It was a magical night. Families came from all over to that game. Now, when I walked into Camden Yards, I thought maybe it would be a raucous night. Maybe it would be a spirit of New Year's Eve that we have in the Inner Harbor. But when you walked into Camden Yards, it was a quiet night. It was a respectful night. It had an air of great dignity. People were bringing their children. They had come from all over. They knew that something very special was going to happen because of a very special man. That evening had as much dignity as the player himself.

Cal's accomplishments transcend well beyond the baseball field. His character and demeanor are reflected in the successes he experiences every day on the field and off the field. He shows up and gives his maximum effort in every aspect. He puts his family above all. He is a community philanthropist and is committed to living something called the "Ripken way." The Ripken way was something taught to him by his father, that very well-known baseball manager, Cal Ripken, Sr. Now, this Ripken way is something special. It isn't complex. Did the Ripkens hire a consultant or handlers to tell them about it? How did they do it? It came from their hearts, their experience, and their commitment to values.

The Ripken way is a value-driven leadership way. Its wisdom is to build great players and bind generations together. Here is what it is: No. 1, keep it simple. No. 2, explain the why of what you are doing to the people who are affected. Celebrate the individual. Make it fun and sweat those details and learn the little things so the big things can be done the right way. It emphasizes clarity, simplicity and, most of all, personal integrity.

I think the Ripken way is being used all over Maryland. It is used in our businesses and in our homes. It is in our hospitals, where Cal and his wife Kelly have contributed so much to children, and it is in our hearts today as we salute Cal Ripken and the wonderful honor he is receiving.

He applies the Ripken way on the ballfield and off the ballfield. He has established a foundation in his father's name: The Cal Ripken, Sr. Foundation, which helps young people learn not only baseball but the values of sportsmanship and the values of integrity, honor, and fidelity, the things that do build iron in your character. This is the legacy which shapes Cal's life, and so he wants to pass it on. Cal may be the local boy, but he is now an international hero.

There is no question that Cal has earned his way into the Hall of Fame. We congratulate him on his very stellar career. We so admire his work ethic and his commitment to community, to country, and for the well-deserved honor of being inducted into the Hall of Fame. While Cal has already achieved so much, I cannot help thinking about him that the best is yet to come.

On behalf of Senator CARDIN and myself, I will introduce to have referred to the appropriate committee a resolution commemorating Cal on his outstanding career in baseball and for his induction into the Hall of Fame.

Mr. President, these are tough times in the Senate. So when we can talk about something that really does deal with honor, fidelity, a commitment to community, a commitment to country, and showing up every day and getting the job done, I think the way Cal would want us to tip our hats to him would be to step up to the plate and do our jobs and to do it the Ripken way. That is what I would like to do.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

SENATE AGENDA

Mr. DURBIN. Mr. President, I understand there are only a few minutes remaining in morning business, which is our opportunity to talk about a wide range of topics. We have a lot of important business going on in the Senate. We have the Homeland Security appropriations bill, which we want to pass quickly to keep our Nation safe. Then we are going to turn to the 9/11 Commission recommendations. Most Americans recall after 9/11, we appointed a very good bipartisan group to come up with suggestions to make America safer. Unfortunately, those suggestions have not been acted on, and each year the commission gives the Government a failing grade when it comes to their compliance, so we want to change that situation. This year, with the new Congress, we passed the implementation of these recommendations and hope to bring those to the floor this week and have them enacted.

We also have pending major ethics reform. Most people are, unfortunately, inured to the prospect of stories of corruption in Washington. Some of the events that have happened over the last several years have been horrendous, leading to the prosecution of Members of Congress and many lobbyists in town. It is time to change that situation. We have a bill that will move us dramatically in the right direction, the most significant ethics reform in the history of Congress. It has been caught up in a lot of political debate and wrangling. Now is the time to move it forward, enact it into the rules, the law of the land, and apply it to the Senate and the House of Representatives.

Then next week comes a critically important bill. There are 47 million uninsured Americans, many of them children. Right now we have a program where we provide Federal funds to States so they can help us in insuring those children. We have about 6 million children who are now covered by this plan, kids who otherwise would not have health insurance.

Incidentally, most of them are children of parents who are working, who go to work every day. They are not poor enough to have the Government insure them, and they are not wealthy enough to insure themselves. They get caught in the middle. Six million children have protection today.

The program expires September 30. We want to make sure those kids are not left without coverage, and we have another 9 million children who are eligible who have not been brought in. The Senate Finance Committee is going to expand the number covered from 6 million to 9 million nationwide.

I wish we could do more. We should cover them all. Why wouldn't we as Americans want our kids to have basic health insurance protection? Unfortunately, even though our bill is bipartisan, it is reasonable, it is within our budget, the White House said the President will veto it. The President's reason for vetoing the children's health insurance bill? It is hard to believe, but he says it is unfair to private health insurance companies. Unfair to private health insurance companies? Most Americans understand that for most of those companies, each year means higher premiums and lower coverage, and many of those companies have failed to come forward to find ways to bring Americans into health insurance coverage. There are not going to be many tears shed for that industry. We should have our concern and focus on the children who are going to be left behind when it comes to health insurance if the President vetoes this bill.

Next week we will focus on that legislation. We will try to get down and pass this, get together with the House of Representatives, and send it to the President as quickly as possible.

In August, we have a 3- or 4-week recess, which I assume we will be taking most of, and then come back in September in the first week. There are a lot of appropriations bills to consider at that time. We will go back to the Defense authorization bill and a very important national debate on the war in Iraq. The administration promises us September 15 to give us a status report, as required by law.

Most of the indicators are that the violence continues in Iraq. The Government continues to disappoint us and, unfortunately, American deaths continue to mount. That debate in September is going to be a critical watershed debate. We need to have more Republican Senators cross the aisle and join us to call for a new policy in Iraq. So far 4 of the 49 Republicans have come to our side. We need 11. I urge my colleagues on both sides of the aisle to work for a cooperative bipartisan approach to a new direction in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

IMMIGRATION

Mr. CORNYN. Mr. President, last evening the majority leader and I had an exchange on the Senate floor with regard to a proposed amendment by our side that would enhance Federal spending on border security measures and interior enforcement by $3 billion. While it is fair to say there was virtually universal support on this side of the aisle, there was some objection on the other side of the aisle, so that amendment was defeated.

Then the majority leader came back with a proposal that would strip some of the language from that amendment, but nevertheless would commit $3 billion to border security. I told the majority leader that I believed it should also include a way to spend that money not just on the border but also for interior enforcement of our immigration laws. In particular, I mentioned the sad phenomenon of roughly 600,000 absconders, people who have been ordered deported and who have simply gone underground rather than obey that lawful order from a court, or people who have actually been deported and then reentered the country after they have been deported. Both of those categories of individuals are known as absconders. They are, under the Immigration and Naturalization Act, felons.

I thought it was important that if we were going to be serious about enforcing our immigration laws we not just deal with the border, as important as that is, but we also deal with interior enforcement.

We were unable to reach an agreement last night, but I am pleased to say the majority leader was generous enough to call me last night and to tell me he wanted to look more closely at the language we had proposed. I take it from some of his remarks this morning on the floor that it is likely we will be able to reach some sort of agreement that will see those funds in this bill, $3 billion, where the Federal Government will finally do what it has advertised and promised to do for a long time, and that is to actually put the resources behind border security and enforcement of our immigration laws, rather than promise a lot and deliver very little.

I am grateful to the majority leader for working with me on that issue. I am hopeful Senator GRAHAM, who was the principal proponent of the border security amendment yesterday that I was proud to cosponsor, will be back here at 10:30 a.m. when we get back on the bill to talk about that amendment. I hope we can reach an agreement. It will go a long way toward beginning to regain the lost confidence and trust of the American people when it comes to our broken immigration system.

If there is one diagnosis I would make from our immigration debate over the last few weeks, it has been that people do not trust the Federal Government to actually do what it promises to do in this area. Where we have to start is on a firm foundation of border security and interior enforcement and from that build to a more comprehensive approach that deals with all aspects of the problem.

ACCESS TO QUALITY HEALTH CARE

Mr. CORNYN. Mr. President, I wish to talk about health care because we are going to be on this issue next week. It seems to me there are three things we all care deeply about in this country, no matter who we are or from where we come, and that is access to good quality education for all of our children, a job for people who want to work, and access to quality health care.

The fact is, in my State, unfortunately, we have a health care crisis because about 25 percent of the population in my State does not have health insurance. So where they go for their health care is to the emergency rooms of the local hospitals, and that creates a lot of problems because that is the most expensive health care, the emergency room. People who go to the emergency room for their primary health care, if it is not truly an emergency but they have nowhere else to go—and you can hardly blame them—what it does is causes a lot of emergency rooms to go on divert status, and so true emergencies have to go to a farther off location to get care, thus entailing some risk and potentially even loss of life as a result of the delays.

We have to tackle this problem. I know there are a lot of good ideas out there. We will be talking about some of those ideas next week when we talk about the reauthorization of the SCHIP program, the State Children's Health Insurance Program, that is important to my State and important to insuring children around the country.

The problem that has grown up in SCHIP is that, unfortunately, Congress's original intent to provide health insurance to low-income children, up to 200 percent of the poverty level, has simply been overtaken by some States. I believe it is a total of 14 States now that use that money, those Federal funds, Federal taxpayer funds, to actually insure adults, obviously not part of Congress's intent, which was to focus on low-income children.

Additionally, the original concept of SCHIP was dedicated to low-income children up to 200 percent of poverty level. We have seen proposals where some have said it ought to go up to as much as 400 percent of the poverty level, which, for a family of four, can mean an income over $80,000 a year and a mandate that SCHIP be used to provide health insurance for people with incomes in excess of $80,000 a year for a family of four.

The challenge I think we have is to make a decision between whether we are going to continue to encourage access to private health insurance, a market-driven response, or whether we are going to simply say the Federal Government is going to take this whole matter over and we are going to have a single-payer system, a national system for providing health care. That, to me, is a very important debate.

Frankly, from my standpoint, I believe every American needs the resources and the ability to purchase health insurance. I think going to a single-payer, Washington-controlled health care system is simply not the way to go. There are a number of ways we can approach this, and I hope this important debate we will have next week will address these issues.

I think we have to end Tax Code discrimination against those who cannot get health insurance through their employer by giving a tax break to every American so they can purchase their own health insurance. Part of the problem is, people are frequently bound to an employer. They are afraid to leave that employer lest they be precluded from getting another health insurance policy because of previous existing conditions. So many people simply lack the portability of their health insurance, the ability to take it from job to job. In effect, they are bound almost to the extent of involuntary servitude with their current employer. We have to change that by creating portability.

I think we need to give individuals the ability to take control of their health care needs and to continue to preserve something they think is very important, and that is the relationship between the patient and their health care provider, along with the freedom to choose what is in the best interest of that individual patient, rather than to have the Government determine for them what kind of health care they are going to get and perhaps ration it and create a huge, expensive bureaucracy to do so.

I also hope part of this debate on reauthorization of the State Children's Health Insurance Program will allow us to look at what the ultimate goals are of some of the proponents. One concern I have is that the dramatic expansion of funding proposed by the Finance Committee—in language we haven't yet seen—will be a precursor to one more incremental step to a Government-controlled, Washington-centered health care bureaucracy, and that will make it harder and harder for us to provide the opportunity for individuals to purchase their own health insurance, along with the right to choose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, parliamentary inquiry: My understanding was that you cited 30 minutes of morning business.

The PRESIDING OFFICER. There is a 10-minute time limit per Senator.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2638

Mr. REID. Mr. President, I will just take a minute and then the Senator from Texas can speak. I told the Senator from South Carolina that I was going to make a unanimous-consent request.

I say to my friend from Texas, what a difference a night makes. As you know—as some know, not very many—Senator CORNYN and I, Senator GRAHAM, and a few others were trying to work something out on border security, and Senator CORNYN and I were the last two to speak on this issue. Like a lot of things around here, if you don't get your way, you kind of throw a tantrum a lot of times. I didn't get my way, so I thought I would throw just a little tantrum.

The evening has brought to my attention that I was wrong. Senator CORNYN was right. I hate to acknowledge that, but that is basically valid. Having said that, Mr. President, and swallowing a little bit of pride, which I shouldn't have had, I now ask unanimous consent that when the Senate resumes consideration of H.R. 2638 today—which will be in just a few minutes—the time until 11:35 a.m. be for debate with respect to the Graham-Pryor border security amendment—and that has the language of the Senator from Texas in it—I would interrupt and say that I have spoken to the distinguished Republican manager and told him I was going to offer this consent agreement—with the time divided as follows: 30 minutes under the control of Senator VOINOVICH and the remaining time equally divided and controlled between Senators GRAHAM and PRYOR or their designees; that no amendments be in order to the amendment prior to the vote; that upon yielding back of time, the Senate proceed to vote on the amendment, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, and I do not intend to object, I want to be sure that there is consent on this side among those who are engaged in the debate, specifically the Senator from Texas and the Senator from South Carolina, so that they understand the proposed order and have no objections to it.

Mr. REID. Is our consent granted, Mr. President?

Mr. COCHRAN. We are getting his reaction to it.

Mr. CORNYN. Mr. President, I have no objection, and I appreciate the generous remarks of the majority leader and his willingness to work with Senator GRAHAM and me on this important issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that out of our allotted morning business time I be granted 5 more minutes, and then I will turn the floor over to my other colleagues who wish to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I appreciate that, Mr. President.

Mr. President, one of the concerns I think many people have about the dramatic expansion proposed by the Senate Finance Committee's adding an additional $35 billion on top of the existing $25 billion commitment for State health insurance plans in the SCHIP program is that it bears remarkable resemblance to a plan originally proposed by the health care task force of President Clinton, and particularly the one that has come to be known—and I don't know whether she takes pride in this title or is offended by it, and I certainly don't mean any offense, but sometimes known as Hillary Care.

This was a plan, as we will all recall, that grew out of a task force chaired by the then-First Lady which I think states very clearly its goal to start the role of Federal control of health coverage with kids first, or children, and then to add employer groups, individuals, and then Medicaid recipients. So that instead of the current 50 percent of health care in America today paid for by the Federal taxpayer and the Federal Government, it would grow to 100 percent, which would simply preclude any private marketplace and the individual choice that goes along with it for individuals.

Mr. President, just so you don't take my word for it and that it is made clear, I will offer from that task force report page 22, and I ask unanimous consent that it be printed in the record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Clearly, in this document, you will see that it does say that this proposal phases in universal coverage starting with Kids First. It says Kids First is really a precursor to the new system, and then other populations it proposes to phase in are employer groups, individuals, Medicaid recipients, and the like.

So I think that is what a lot of us are concerned about. And perhaps Senator CLINTON, now that she is a Member of this body, will talk to us a little bit about it and what her intentions are, what the intentions of the proponents are of the Finance Committee bill because there are some very serious concerns.

I will yield in a moment to the Senator from South Carolina, who has been so active in this area, but I think, as he will explain, there are a lot of us who would like to see not just additional money being provided for children's health insurance but that literally we make as our goal to provide each and every American access to their own health insurance, along with the individual choice and the freedom and the portability that will provide.

I know the Senator from South Carolina has done an awful lot of work on it—I have learned a lot from him in this area—and I think it is an important time to start this critical debate, and not just stop with the expansion of the SCHIP program, but to seek as our goal to provide each and every individual access to health care coverage of their own choosing.

Mr. President, I thank the Chair, and I yield the floor.

EXHIBIT 1

OPTION 3: KIDS FIRST COVERAGE

Implementation Start: January 1, 1995.

Phase-in: By Population, Beginning with Children.

Universal Coverage Achieved by: January 1, 2000.

SUMMARY

This proposal phases in universal coverage, minimizes the financial burden of the program at the outset, and covers the most vulnerable of our citizens—children—as quickly as possible. Under this approach, health care reform is phased in by population, beginning with children. Other populations are phased in as follows: Employer Groups: July, 1997; Individuals: January, 1998; Medicaid: January, 2000.

States may be granted a grace period under certain circumstances.

This proposal is designed in two parts which will be implemented simultaneously:

I. The quick coverage of children—"Kids First"; and,

II. the development of structures for transitioning to the new system and the phasing in of certain population groups.

Part I, Kids First is really a precursor to the new system. It is intended to be freestanding and administratively simple, with States given broad flexibility in its design so that it can be easily folded into existing/future program structures. The Federal government, States, and the private sector will play a role in its implementation and financing.

Part II of this proposal involves the development of purchasing cooperative (PC) structures and the actual phase-in of all other population groups within the PC system.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator from Texas for helping to start a very important national discussion about how we get every American insured. We can see in Washington, as we expand government health care, as we continue to expand unfunded liabilities into the future, and we add administrative costs, we are not covering people who need to be covered still.

When we look at our Tax Code and realize that there has been a lot of inequity there, that we are helping some buy health insurance but only if they work for the right employer, we need to look at being fair with our Tax Code and developing a policy that will help every American have a health policy they can own and afford and keep. We will be talking a lot more about health care later.

HOMELAND SECURITY APPROPRIATIONS

Mr. DEMINT. Mr. President, I wanted to talk about a couple of amendments that I have to the Homeland Security appropriations bill today. First, I would like to bring up the matter of security itself and how it affects our ports. Certainly, it is unfortunate that we have to be here once again to talk about threats to our homeland, but that is the reality we face today.

The amendment I am talking about now has been filed. It is amendment No. 2481. It will help us address some of the vulnerabilities and help secure the American people. This amendment, No. 2481, which I will bring up later today, prohibits the Department of Homeland Security from using any funds to remove items from the list of offenses that disqualifies individuals from receiving a transportation worker identification credential—what we call the TWIC card.

Mr. President, we can spend all the money in the world screening cargo and hiring security personnel, but if someone working in our seaports looks the other way when something dangerous enters our country, all of our spending and all of our work is for nothing. Serious felons are prime targets for those trying to smuggle a nuclear device or a chemical weapon into our country, and we must close that security gap.

My colleagues will no doubt recall that I have tried to address this issue two times in the past year, and both times my amendments received overwhelming support. Yet we have not yet seen a sufficient result from the effort to secure the American people's safety.

Last fall, the Senate accepted an amendment I offered to the SAFE Port Act to close this dangerous loophole by codifying the Department of Homeland Security's rules banning serious felons from gaining access to the secure areas of our Nation's ports. In effect, it would have prevented these felons from obtaining this TWIC card. It was a commonsense amendment, and I suspect that is why it was included in the Senate's bill, without any objection from any Senator here. Let me repeat. It was included in the SAFE Port Act without objection.

I also suspect that is why no Senator has come forward to this day to take credit for gutting the amendment when they went behind closed doors in a conference with the House. The amendment that left this body was a codification of disqualifying felonies, developed after an exhaustive process by the Department of Homeland Security, in consultation with the Departments of Justice and Transportation.

The offenses listed are very similar to those that have worked well to protect our airports and hazardous materials shipments for years.

Unfortunately, the provision that came back to this body after the conference committee was a list of offenses so short and rare that the TWIC restrictions offered by the so-called SAFE Port bill are essentially meaningless. The conference committee chose not to ban murderers, rapists, arsonists, smugglers, kidnappers, and hostage-takers from accessing the most secure areas of our Nation's ports. In short, they chose to override the expressed will of the Senate and make America less secure.

I trusted that Senators chosen to sit in conference with the House would act to protect items included by the Senate; especially those items with unanimous or near-unanimous consent in this body that are critical to our homeland security.

But that trust was betrayed last fall, anonymously, behind closed doors.

It is not only those backroom deals that bring me here to offer this amendment today, but also the episode witnessed out in the open, on the Senate floor, during consideration of the 9/11 Commission bill in February of this year.

At that time, I again offered an amendment to codify the Department of Homeland Security's final rule on TWIC disqualifying offenses. But this time, I requested a rollcall vote, since the conferees clearly gave no regard to the unanimous voice of the Senate last fall.

This should have been another noncontroversial passage. However, knowing they would be forced to actually go on record this time around, a separate side-by-side amendment preferred by Democrats and, no doubt, their allies in the labor unions, was introduced. Its language was less restrictive, allowing the current or future DHS Secretary to modify—in other words, remove—disqualifying offenses on the list. It passed 58–37.

My amendment was voted on immediately after, and passed 94–2. An article in the Roll Call newspaper from July 9 recounted the episode:

> In February, 13 Democrats and Senator Bernie Sanders (I–Vt.) voted against an amendment offered by Senator Jim DeMint (R–S.C.) to prevent people convicted of terrorism or other felonies from getting access to secure areas of American seaports. But before the vote was over, they all switched to "yea."

What happened was Democrat leadership made it clear to their caucus that their version, allowing removal of felonies from the list, would replace my language in conference. My Democrat colleagues switched to supporting my version because they knew it was irrelevant; that it would be "taken care of" behind closed doors, just like last time. Again, the final vote in favor of my amendment was 94–2.

And it is not just the Senate that overwhelmingly supports my language. The House of Representatives, just last week, voted 354–66 to instruct conferees to include my language in the conference report.

The conference report for the 9/11 Commission bill is beginning to circulate, and I understand that the conference committee has now denied the will of the Senate and the House, by including language allowing the removal of serious felonies from the list of TWIC interim disqualifying offenses.

The language has been watered down to reopen loopholes allowing smugglers, arsonists, kidnappers, rapists, extortionists, and people convicted of bribery, money laundering, and hostage taking to obtain access to secure areas in our ports.

We have a chance now on this appropriations bill to ensure that whatever is done to weaken these provisions on the 9/11 Commission bill, that it will not have the effect of weakening our port security this year. We must not allow our constituents to be betrayed again by deals made in secret.

That is why I am offering this amendment. Again, it prohibits the Department of Homeland Security from using any funds we are appropriating in this Act to remove items from the list of offenses disqualifying individuals from receiving transportation worker identification credentials, also known as TWIC cards. I will ask my colleagues later in the day to support this amendment, and hopefully we will have a vote on it.

Mr. President, how much time is remaining on the minority side?

The PRESIDING OFFICER (Mr. TESTER). Eight minutes.

Mr. DEMINT. I would also like to address my amendment No. 2482.

This amendment would prevent the Government from shutting down when regular appropriations bills are not enacted. It would do so by automatically triggering a continuing resolution that funds agencies at current levels for up to 1 year. The amendment would begin automatic funding on the first day of a lapse in appropriations and it would end on the day the regular appropriations bill becomes law or the last day of the fiscal year, whichever comes first.

This would eliminate the must-pass nature associated with regular appropriations bills which often pressures lawmakers into accepting spending bills with objectionable spending.

The Democratic leader said at the beginning of the year that he would get all of the appropriations bills done before the end of the fiscal year, but there are only 2 months left and we have not completed a single bill. This means we are going to eventually be faced with having to pass a bad bill or allowing parts of the Government to shut down. I certainly don't support that and I know my colleagues do not either. This amendment will prevent that kind of train wreck from ever happening.

The President supports this amendment as I believe any President would because it prevents their administration from being shut down. His fiscal year 2008 budget says:

> In the 22 out of the past 25 years in which Congress has not finished appropriation bills by the October 1st deadline, it has funded the Government through "continuing resolutions" (CRs), which provide temporary funding authority for Government activities, usually at current levels, until the final appropriations bills are signed into law.
>
> If Congress does not pass a CR or the President does not sign it, the Federal Government must shut down. Important Government functions should not be held hostage simply because of an impasse over temporary funding bills. There should be a back-up plan to avoid the threat of a Government shutdown, although the expectation is that appropriations bills still would pass on time as the law requires. Under the Administration's proposal, if an appropriations bill is not signed by October 1 of the new fiscal year, funding would be automatically provided at the lower of the President's Budget or the prior year's level.

My amendment would create a safety net that would avoid crisis situations that often pressure lawmakers into supporting spending bills they would not otherwise support. This is a commonsense proposal and I encourage my colleagues to support it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I notice the presence on the floor of the distinguished Senator from Ohio, who is under the order to have a specific amount of time for debate.

Mr. VOINOVICH. Mr. President, I thank the ranking member of the Homeland Security Appropriations Subcommittee for giving me this opportunity.

Yesterday, when I heard the Senate was considering passing an additional $3 billion in emergency spending to secure the border, I looked into the situation very carefully and calculated that, with the funding level the Homeland Security Appropriations Subcommittee recommended, we are already going to be increasing budget authority for border protection and enforcement by roughly 23 percent over fiscal year 2007. The President's budget had recommended $13.5 billion, an 11 percent increase in border protection budget authority over fiscal year 2007. The Appropriations Homeland Security Subcommittee, in their wisdom, decided to increase it by another $1.4 billion, which takes it to a 23 percent increase over fiscal year 2007. If the Graham amendment passes, we will have increased budget authority for this priority by almost 47 percent over what we appropriated last year.

I let the majority leader know that I objected to having this amendment for $3 billion in emergency spending considered by unanimous consent. I thank him for the opportunity to object to it on the basis of a unanimous consent, and I am pleased this will be scheduled for a rollcall vote, I believe at 11:30.

Mr. President, as a senior member of the Homeland Security and Governmental Affairs Committee, and former chairman and now ranking member of its Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for the last 8 years, I rise today to speak against the proposal to allocate an additional $3 billion in emergency spending for the Department of Homeland Security.

First, I want to make clear that I agree with my colleagues that we must secure our border and provide the resources to do it. Had it not been for the fact that the previous administration and former Congresses failed to provide the money needed for border security, we would not have the illegal immigration problem now facing our country.

That being said, this administration has religion and in the past several years has taken seriously the need to secure our borders. The President has recommended the funding necessary to get the job done.

Let me remind my colleagues that the Department's overall budget has grown more than 150 percent since the Department's creation merging 22 disparate agencies; while total homeland security spending has more than tripled since 2001. Of that total, border security and immigration enforcement represents approximately one-third of the Department's annual spending.

Since 2001, Congress has more than doubled funding for border security, from $4.6 billion in fiscal year 2001 to $10.4 billion in fiscal year 2007. Including the $14.9 billion recommended by the Appropriations Committee, this figure would jump to a more than 220-percent increase in border security spending since 2001.

Through the Secure Border Initiative, a comprehensive and multi-year strategic plan funded by Congress, the Department of Homeland Security is making substantial progress. I would like to take a moment to share with you the achievements to date.

The number of border patrol agents has already been increased by nearly 40 percent, from about 9,700 in 2001 to 13,360 today. Congress has appropriated funds to hire a total of 2,500 new agents this year, bringing the anticipated fiscal year 2007 year-end total to 14,819 agents. The fiscal year 2008 budget we are considering would provide funds for an additional 3,000 border patrol agents, bringing the fiscal year 2008 year-end total to nearly 18,000 border patrol agents. By the end of fiscal year 2008, we will have doubled the size of the border patrol since 2001.

As we continue to ramp up the number of border patrol agents, 6,000 National Guard personnel have been deployed to the Southwest border as part of Operation Jumpstart. These personnel continue to assist Customs and Border Protection's efforts to secure the border.

The Department of Homeland Security has already gained effective control of 380 miles on the southwest border, plans to achieve effective control of 642 miles by the end of calendar year 2008; and has a strategic plan in place to gain control over the entire southwest border by 2013.

The Federal Government has effectively ended the practice of "catch and release" through a combination of tough enforcement and increased detention capacity.

We have more than doubled the number of immigration investigators.

The Federal Government has increased detention bed space by 46 percent.

We would all like to see these efforts move more quickly, but the reality is that it takes time to build fences, it takes time to build radar towers, and it takes time to hire and train quality border patrol agents. The executive branch has made clear that border security is a high priority and has developed a strategic plan to accomplish these goals as quickly as realistically possible.

Today, while the Senate engages in debate, Customs and Border protectorate agents will apprehend roughly 2,617 people crossing illegally into the United States. Immigration and Customs enforcement personnel will house approximately 19,729 aliens in ICE detention facilities. The Federal Law Enforcement Training Center will train more than 3,500 Federal officers and agents. These daily statistics are further evidence that progress is being made.

I recall the February 2007 hearing before the Homeland Security and Governmental Affairs Committee when Secretary Chertoff presented his budget request for fiscal year 2008. The Secretary asked for $13 billion to strengthen border security and immigration enforcement.

In justifying the administration's request, I can assure you that Secretary Chertoff was quite clear that he took very seriously his responsibility to secure the border. His testimony detailed the progress he had made, while outlining the Department's multiyear strategic plan for continued improvements. In recognition of the challenge, the Secretary acknowledged that we still had a long way to go to objectively say to the American people that the border is secure. The amount recommended by the Senate Appropriations Committee in the base bill ensures these goals will be met.

The Appropriations Committee reviewed the Department's budget request and in its wisdom decided that the President may not have provided ample resources to the Department of Homeland Security. As a result, the Appropriations Committee recommended $1.4 billion above the President's request for border security and enforcement, at a total of $14.9 billion, which is a 23 percent increase over fiscal year 2007. If you include 3 billion more it will amount to a 47 percent increase.

I am confident that in addition to believing more money was needed for the Department, the Appropriations Committee wanted to send a signal to the American people that we have heard their cry to secure the border.

The Department of Homeland Security requested $35.5 billion for fiscal year 2008, but this bill provides $37.6 billion, more than $2.2 billion above what the Department says it needs. But now, the Senate is proposing to increase that amount by yet another $3 billion, so that the total budget authority would surpass $40 billion. Some Senators claim that this is OK because that $3 billion has been designated "emergency spending," as if using the emergency label is like waving a magic wand so that it doesn't actually cost us anything. That is not true. At the end of the day, this amendment will increase the national debt by $3 billion, regardless of what label you put on it.

I might add that the President said he would veto this bill because it includes an "irresponsible and excessive level of spending." Irresponsible and excessive—words we in Congress disregard too often. Obviously from his perspective, the $35.5 billion in net budget authority for fiscal year 2008 that Secretary Chertoff requested from Congress was what he felt was needed to fund the Department of Homeland Security and continue the efforts to secure the border. I know the President wants to assure the American people that he has moved with urgency to secure the border before he leaves office. Border security will indeed be part of this President's legacy.

In the simplest of terms, the Federal Government continues to spend more than it brings in, and both the amendment and the underlying bill continue that practice. Over my 8 years in the U.S. Senate, I have watched the national debt skyrocket 60 percent—from $5.6 trillion in 1999 to $9 trillion today.

No one talks about the national debt anymore. But running the credit card for today's needs and leaving the bill for future generations should not be the policy of the U.S. Congress. It represents a recklessness that threatens our economic security, our competitiveness in the global marketplace, and our future quality of life. If we decide we absolutely need to spend $3 billion on something—and I support adequately funding border security—then we need to either raise more revenue or cut other spending to pay for it. Simply adding it to the national debt makes our country less secure in the long run.

How does continuing to borrow and spend make us less secure? Today, 55 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from 35 percent just 5 years ago. Foreign creditors provided more than 80 percent of the funds the United States has borrowed since 2001, according to the Wall Street Journal. And who are these foreign creditors?

According to the Treasury Department, the largest foreign holders of U.S. debt are Japan, China, and the oil-exporting countries known as OPEC. Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy, but also our national security, at risk. It is critical that we ensure that countries that hold our debt do not control our future.

Why are we taking the fiscally irresponsible act that will add to our unbalanced budget and national debt? I am glad that the administration and Congress have placed the needed focus on this important priority, but I want to ensure that we do not go too far in simply throwing money at this problem; money that cannot be effectively spent in fiscal year 2008—which begins in October.

This money is not needed in light of the money the Appropriations Committee has recommended, including the $2.2 billion in additional spending over which the President has threatened a veto. The Department is already spending one-third of its budget on border security and immigration enforcement—a clear reflection of its priorities.

Next year, the Senate will review the President's budget request and the Appropriations Committee will recommend funding levels. If next year, we determine that more needs to be spent to continue to improve border security and enforcement, fine. But let's not simply toss an additional $3 billion out the window for fiscal year 2008.

I have the deepest respect for my colleagues, but I respectfully disagree on appropriating an additional $3 billion in emergency spending. They know and I know that the sole reason for appropriating these funds would be to convince the American people that Congress cares about securing the border—even though we know this additional spending exceeds what can possibly be spent in the 2008 fiscal year.

The question I ask is: How dumb do they think the American people are? Don't they realize that the American people will see through this charade and realize we are pulling a fast one on them?

How cynical can we be? The American people want us to work harder and smarter and do more with less and will be very angry that we are simply throwing money at a problem in a manner designed to make them feel good in the short term. This is the type of game playing that has caused our approval ratings to slump to all-time lows.

When something comes along that we decide we must spend more money on—and border security could very well be one of those things—then we need to be prepared to pay for that additional spending by either bringing in more revenues or cutting other spending. I ask my colleagues not to support this fiscally irresponsible act that will surely diminish our credibility with the American people.

I thank the ranking member of the Appropriations Subcommittee on Homeland Security for this opportunity. I hope some of my colleagues have an opportunity to understand why I think what we are doing here today is absolutely fiscally irresponsible. I am extremely pleased that this administration and this Congress is taking border security seriously. This attention is long overdue. I know all of us are trying to convey to the public that we are finally acting to secure the border. There is no one more ardent about that than I am. But let me remind my colleagues that the Department of Homeland Security has presented this Congress with a multiyear strategic plan for improving border security and enforcement, called the Secure Border Initiative. The Appropriations Subcommittee recommendations have fully funded the Department's request for what they believe they can accomplish in fiscal year 2008.

I have been on the Homeland Security and Governmental Affairs Committee since I came to the Senate. I was part of creating the Department of Homeland Security. I have spent many hours with Secretary Chertoff and other Department officials. I really believe the money that has been recommended by the Homeland Security Appropriations Subcommittee is adequate to get the job done during fiscal year 2008, in line with the Department's multiyear strategic plan. And we will reevaluate this situation for fiscal year 2009, and fiscal year 2010, and so on. But I do not think we should go through the charade of making the American people believe we are really sincere about securing the border by spending another $3 billion of emergency spending when the substantial funding that has already been recommended for fiscal year 2008 will get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I believe under the agreement the remaining time will be controlled by myself and the Senator from Arkansas; is that correct?

The PRESIDING OFFICER. The minority has 40 seconds remaining in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Byrd/Cochran amendment No. 2383, in the nature of a substitute.

Landrieu amendment No. 2468 (to amendment No. 2383), to state the policy of the U.S. Government on the foremost objective of the United States in the global war on terror and in protecting the U.S. homeland and to appropriate additional sums for that purpose.

Grassley/Inhofe amendment No. 2444 (to amendment No. 2383), to provide that none of the funds made available under this act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in such basic pilot program.

Cochran (for Alexander/Collins) amendment No. 2405 (to amendment No. 2383), to make $300 million available for grants to States to carry out the REAL ID Act of 2005.

Schumer amendment No. 2416 (to amendment No. 2383), to evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards.

Schumer amendment No. 2461 (to amendment No. 2383), to increase the amount provided for aviation security direction and enforcement.

Schumer amendment No. 2447 (to amendment No. 2383), to reserve $40 million of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities Initiative at the level requested in the President's budget.

Schumer/Hutchison amendment No. 2448 (to amendment No. 2383), to increase the domestic supply of nurses and physical therapists.

Dole amendment No. 2462 (to amendment No. 2383), to require that not less than $5,400,000 of the amount appropriated to U.S. Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act.

Dole amendment No. 2449 (to amendment No. 2383), to set aside $75 million of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act.

Cochran (for Grassley) amendment No. 2476 (to amendment No. 2383), to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane.

The PRESIDING OFFICER. Under the previous order, the time until 11:35 a.m. shall be for debate on the Graham-Pryor amendment, with 30 minutes under the control of the Senator from Ohio, Mr. VOINOVICH, and the remainder of the time equally divided and controlled by the Senator from South Carolina, Mr. GRAHAM, and the Senator from Arkansas, Mr. PRYOR.

The Senator from South Carolina is recognized.

AMENDMENT NO. 2480 TO AMENDMENT NO. 2483

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, we will be talking about an amendment that was discussed last night. Senator CORNYN had some language changes to the amendment that have now been adopted. I believe it makes it a much stronger, better amendment.

What we are trying to do here is add $3 billion to go toward securing the border, and I believe that is a homeland security event. So it is certainly an amount of money that is large in nature but goes to something that is large in nature in terms of our national security needs.

In terms of Senator VOINOVICH and his concerns about spending—I admire him greatly. He has been a constant, serious, thoughtful voice about controlling spending. This is an emergency designation, which means it is an off-budget item. I think Senator VOINOVICH has every right in the world to be concerned about how the Congress is spending money in a way for the next generation to pick up the bill, but I would argue there is a time for emergencies in business life and personal life and legislative life, and this is one of those times.

This is an emergency kind of manufactured by Washington. It is something that should have been done 20 years ago. Now we have taken up immigration in a serious way. We had an extensive debate not long ago, and we were not able to get comprehensive immigration reform, but I think most Americans believe losing operational control of the U.S.-Mexican border is a national security issue of a serious nature, and they applaud our efforts to put money into securing the border between the United States and Mexico. That is exactly what this amendment does.

If there were ever a legitimate emergency in this country, I think this would be one of those times because we have lost control of our border. In the age of terrorism, what does it mean for a nation like the United States, which is being pursued by a vicious enemy that knows no boundaries, to lose control of its border?

It means that you are opening yourself up to attack. Now, most of the people who come across the border come here to work. This amendment does not deal with that. Hopefully, it will slow down how you get into the country. Hopefully, it will control who comes into the country—people coming to work illegally or people coming across the border to do us harm, it would make it more difficult.

But the idea of employment and the magnet of employment is not addressed by this amendment. We need a temporary worker program. We need employer verification systems so people cannot come here and fraudulently get jobs. That is not dealt with in this amendment. But this amendment is a great first step to controlling people coming across our border and overstaying their visas. I think it is a step that will get a large bipartisan vote.

What does it do? The $3 billion in emergency spending will allow us to hire 23,000 Border Patrol agents to go report for duty; more boots on the ground, more people patrolling our border making it harder for somebody to come across illegally. We should have done this a long time ago.

This amendment allows the hiring of a substantially larger number of Border Patrol agents, four unmanned aerial vehicles that will allow us to patrol isolated areas of the border by having new technology in place—the unmanned aerial vehicle has been a very effective tool in controlling illegal border crossings—one hundred and five ground-based radar and camera towers. We need walls along the border in urban areas where you can walk across the street, but technology in the desert and other areas of the border has proven to be a good investment. This amendment seriously increases the amount of technology to detect illegal border crossings; 300 miles of vehicle barriers, where people can drive up and down the border with vehicle lanes, where the Border Patrol can patrol that area in question and make it a more effective policing regime; 700 miles of border fence. We have approved the fencing. This would actually completely fund 700 miles of fencing. The border is, I believe, over 2,000 miles. Why 700 miles? Seven hundred miles would allow us to control crossings where you can literally walk across the street. The technology we are putting into place through this amendment will control other areas. The additional boots on the ground will help in all phases.

On the catch-and-release program, where you catch someone, turn them loose, and they come right back, well, we are trying to deal with that problem by increasing detention beds to 45,000, so when we catch someone, we can detain them and deport them—without them never showing up to their hearing.

The Cornyn addition will allow this $3 billion to be used in interior enforcement in a way to go after people who have absconded, who have been deported, who have been issued orders but have left and they are on the run. We can track them down and bring them to justice.

Overall, this amendment is money well spent. I am sorry it has to be spent in an emergency fashion, but it is an emergency. The reason this is an emergency, we have let it get out of hand. The goal of this amendment is operational control of the U.S.-Mexican border.

Mr. President, I call up amendment No. 2480 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. ENZI, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, and Mr. CORNYN proposes an amendment numbered 2480 to amendment No. 2383.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Border Security First Act of 2007".

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109-367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the

United States, for employment eligibility verification improvements for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States and for reimbursment of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I yield to Senator CORNYN to speak on this topic for 5 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to express my gratitude to Senator GRAHAM for his strong leadership on this issue. I know Senator PRYOR, on the other side of the aisle, is the principal Democratic cosponsor.

I concur with what Senator GRAHAM said. The necessity for this particular amendment is occasioned by the neglect of the Federal Government over the last 20 years at meeting its commitment to do whatever is necessary to keep the American people safe.

This has become, of course, a national focus in a post-9/11 world, when we have to know who is coming across our borders and what their intentions are. We cannot any longer assume people are coming across for benign reasons or are simply economic migrants because we know the same broken borders that allow a person to come across who wants to work in the United States can be exploited by human smugglers or drug traffickers and potentially even those who want to come here and commit acts of terrorism in the United States.

Yesterday, I made a part of the CONGRESSIONAL RECORD, by unanimous consent, the first of a four-part article written in the San Antonio Express News, documenting the movement of what are called special interest aliens; that is, individuals who are coming to America, from countries where terrorism is flourishing, through our broken southern border.

The particular story that is documented talks about a young Iraqi who traveled from Damascus, Syria, to Moscow, to Havana and then to Guatemala and then up through the southern border, our southern border with Mexico, into the United States. Thank goodness this individual did not appear to be committed to a life of terrorism, but it demonstrates the kind of vulnerability we have in this country, and it is important we do everything possible to protect it.

I am pleased with the majority leader's agreement to now allow us to include the use of these funds for interior enforcement because we know 45 percent of the illegal immigration in this country occurs not from people who violate the border but people who enter legally, then overstay and then go underground. So I am grateful to the majority leader and am pleased to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to speak about amendment No. 2480, the Graham-Pryor amendment. Let me first say the legislation Senator GRAHAM and Senator PRYOR have brought to the floor this morning, in terms of an amendment, is essentially the same language and has the same legislative provisions we had in the comprehensive immigration reform package. They are good aspects of that legislation that allow us to move forward with securing and fixing our borders.

As we went through the immigration reform debate, we said we had to do three things: First, we needed to enforce and fix our borders; secondly, we needed to enforce our laws within our country; and, thirdly, we needed to figure out a realistic solution to the reality that we have 12 million undocumented workers who are here in this country today.

This amendment takes a part of those principal components and addresses it in a very effective way. Indeed, when you look through the language, what it does is it says we will hire 23,000 additional Border Patrol agents; we will have 4 unmanned aerial vehicles and 105 ground-based radar and camera towers; we will have 300 miles of vehicle barriers and 700 miles of fence; we will have a permanent end to the catch-and-release policy and additional funding to enhance employment verification; we will have increased removal and detention of visa overstays and reimbursement to State and local governments for immigration expenses.

So that all is good. It addresses one of the fundamental components of immigration reform. So I am supportive of what we are trying to do here. I do wish to let my good friend and colleague, Senator GRAHAM, and my good friend, Senator PRYOR, know that the concern I have with the amendment, notwithstanding the fact that I will support it, is that it is all focused on the southern border.

While it may be, and it is true our borders are broken, it is not just the border between Mexico and the United States that is broken. We have the same kinds of problems in our ports, we have the same kinds of problems along our northern border. This is, frankly, unfair in terms of focusing only on the Mexican border. We have to fix all our borders, not just the Mexican border.

So while I will be supporting this amendment, I also intend to offer another amendment that will address the other broken borders we have in our country because I think that is a way to be fair about it. It is the only way in which we will ultimately achieve the objective we have, which is dealing with the national security of the United States of America. You cannot have national security when you have broken borders.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am very pleased that Senator GRAHAM and others have come together to increase and enhance our border security in this country. We all know in this Chamber we have tried very hard to reform our immigration system that we have on the books.

In fact, I have been very vocal saying I am for immigration reform. I think we need to do that. But so far we have not been able to get that done in the Senate. I believe, honestly, we need more involvement with the White House in trying to get that done.

But regardless of that, today one of the things that came through to me loudly and clearly from the people in Arkansas is we need to secure our border. People do not want to wait 2 years, 3 years, 5 years, whatever it may be, to have border security; they want us to start working on that now.

That is what we are trying to accomplish with this amendment today. Again, I am very pleased that Senator GRAHAM, a true South Carolina conservative Member of this body, someone whom we all respect, someone who, even though he has impeccable conservative and Republican credentials, is willing to reach across the aisle to work with others to try to get good things done for his State and for our country. He and Senator CORNYN of Texas and many others have worked on this issue. I am very pleased to be part of a bipartisan solution on border security.

One of the things I like about this legislation is it adds $3 billion for border security. That means we will get 23,000 additional full-time border agents, we will get new border-monitoring technology, we will get 300 miles of vehicle barriers, we will get 700 miles of fence. That is funded by this amendment. We will get 105 radar and camera towers, and we will get resources to detain an additional 45,000 illegal immigrations who are in this country right now.

It also includes money to help with some internal matters in this country, to help do some processing and look at employee issues and employer issues, et cetera.

This is a good amendment. I think one of the things I heard loudly and clearly from the immigration debates we had on the Senate floor was people in Arkansas want us to secure the border first, let's enforce the laws we have on the books. They have been on the books for a long time, and we have not done a very good job of enforcing those laws.

When I say "we," I mean the administration. The will to try to enforce the laws we have on the books has not been there. I am not trying to point fingers. It is not only this administration; we can go back for a couple of decades.

Regardless of that, I am not trying to point fingers. Right now I want to look forward. I want to add to this amendment an additional $3 billion for border enforcement to enhance this Nation's security.

I encourage my colleagues to look at this, give it very strong consideration, and support this amendment. It is bipartisan. We have a number of Senators who were on it originally, a number more have been added as we go today. So I would, in closing, recommend to my colleagues that they give this very strong consideration. It will allow us to enforce the laws we have on the books, it allows us to enhance our border security in very real and very meaningful ways. I think it is what the American public wants.

I yield the floor and suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise to speak on the border security amendment No. 2480. As the immigration bill came to a close, there was one thing that was very clear—there was unanimity and support for the issue of border security. The issue of protecting our border is one we all understand. The American people understand. It needs to be done. That was one of the many things that was in that bill that was undone that needed doing.

I believe today we do a great thing by moving this issue forward. We have a great threat of terrorism, the continued flow of illegal immigrants. We need to do all we can to secure our border.

This amendment will provide an increase in resources to improve our security by building our physical presence and surveillance on the border itself. It requires within 2 years of enactment that we secure operational control over the southern border between the United States and Mexico, and it allows the Border Patrol and U.S. Customs to hire and train and report for duty 23,000 full-time agents. I believe this is a step in the right direction. The United States, in addition to that, will deploy four unmanned aerial vehicles. These are essential for electronic surveillance in order to fully protect our southern border. In addition, the U.S. shall engage in the catch and return of illegal aliens. We know that a great many of those who are here illegally have simply overstayed their visas. This also permits interior enforcement in order to be able to be successful in implementing strong border and interior enforcement. Ninety days from enactment of this bill and every 90 days thereafter, the administration shall report to Congress on the progress. If the progress isn't on track, the report will include specific recommendations for fixing the problem. That is essential because for too long we have known we had a problem. We have thrown money at the problem, and the solutions have not always been what we wanted. Regardless of our position on the issue of immigration, all of us can coalesce around the idea that border security is essential to the rights of a sovereign nation. The deployment of additional border agents, the end of catch and release, the provision of additional space in beds, interior enforcement to ensure we can begin to move forward to ensure those who have overstayed their visas, we understand how that happens and we keep track of that, and not allow them to occur. It is all part of what we need to do in order to ensure we have a safe and secure country.

Giving the American people the security and understanding that the Government is serious about border enforcement and about interior security, we then will be able to move forward with phases of the immigration reform act that did not come to pass. There was a lack of credibility that our Government has with the people with respect to our seriousness of purpose in border enforcement. This amendment is a step forward. We are putting the dollars that it needs, in addition to the specific direction it ought to have, as well to ensure that we will have the kind of border security all Americans expect and want so that we can then move forward with the other phases of immigration reform that are so desperately needed.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The President pro tempore is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate yesterday attempted to add $3 billion in emergency spending to secure our borders. I supported that effort. Unfortunately, rather than voting on the substance of the amendment, it was necessary for the Senate to vote on a procedural matter. In order to provide for the orderly processing of appropriations bills in the Senate, it was essential to vote to sustain the ruling of the Chair under rule XVI. However, I still believe it is important that we not miss this opportunity to provide robust funding to secure our borders and to enforce our immigration law. Therefore, I support the amendment providing $3 billion—that is $3 for every minute since Jesus Christ was born—get that, hear me, $3 for every minute since Jesus Christ was born—in emergency spending to hire, train, and equip Border Patrol agents and immigration enforcement officials, procure additional detention beds, expand our immigration enforcement efforts on the interior, construct border fencing infrastructure, and technology, and other steps to secure our borders.

This $3 billion will not be encumbered by controversial legislative and policy issues. Instead, it will be used in support of already authorized activities such as hiring Border Patrol agents, building fencing and other border technology, and enforcing the immigration laws already on the books.

Specifically, this amendment will hire, train, and equip at least 5,000 new Border Patrol agents, in addition to the 3,000 new agents funded in the underlying bill. It will procure more than 4,000 additional detention beds, in addition to the 4,000 new beds funded in the underlying bill. It will hire more than 1,000 new immigration investigators and detention and removal personnel to perform interior enforcement activities such as expanding the work site enforcement investigation. It will increase the number of Criminal Alien Program and Fugitive Operations teams to locate and remove the over 630,000 fugitive alien absconders whom a judge has already ordered to be removed. It provides an additional $1 billion for border fencing, infrastructure, and technology.

Finally, it provides funds to procure additional helicopters, fixed-wing aircraft, marine vessels, and other border surveillance equipment, as well as funds to construct additional border stations in which our Border Patrol agents work. This amendment is balanced, and it is focused on meeting the immediate border security needs while enforcing our current immigration law.

I urge my colleagues on my left and my colleagues on my right to support the amendment.

I thank all Senators, and I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand Senator SESSIONS wishes to speak. He is on the way. As soon as he gets here, we will gladly yield back any time that is remaining. I wish to make a couple comments about the amendment.

No. 1, in terms of spending, it is one of those situations where the country finds itself in an emergency that maybe shouldn't have been an emergency to begin with because we have neglected our border security obligations.

I ask unanimous consent to add Senators SPECTER, COLEMAN, and LINCOLN as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. We are where we are as a nation. We have a porous border. Every time a supplemental bill comes through on Iraq, it gets the votes from this body that it needs to become law, because all of us understand, whether we disagree with the policies in Iraq, that once the soldiers and warfighters are there, our troops are there, there are certain things that have to flow from their presence, and we designate a lot of money for the Iraqi operation as emergency spending; I believe rightfully so.

Well, I would argue to anybody, Republican or Democrat, that one of the big chinks in our national security armor is a porous border between the United States and Mexico, and this $3 billion will really help in a serious way. It is serious money to deal with a serious problem that is truly an emergency. It will add more boots on the ground. It will add agents for there to be a total of 23,000 border security agents on the border, which is a tremendous increase over what we have now. I think it is like 13,000 or 14,000.

But the technology in this bill will be a force multiplier. The technology we spend money to secure will allow the force in place to be multiplied by a factor of many because the technology literally leverages the boots on the ground in a tremendous way.

The 45,000 additional bedspaces will stop a program that is really the wrong message to send—catch and release: We catch you. We release you back. You come again. Now we have bedspace to detain people to make sure they do not flee, and they are deported for coming across the borders illegally.

It is an effort to basically deal with a problem that has been a long time in the making. There is money that will have a beneficial consequence to securing our borders. The term "operational control" is a military term. I look at this effort to secure our borders in many ways as a military operation.

I hope this amendment gets a strong bipartisan vote. I understand Senator VOINOVICH's concern about the emergency designation in spending money offline, but this is one of those times I think it is justified.

To the administration, I understand your concerns about spending, but you have sent hundreds of millions of dollars in requests over—billions of dollars—to the Congress to make sure we have the money necessary to secure Iraq for our troops' point of view. Now it is time to spend $3 billion to secure our borders here at home.

I hope the body will understand this is a step forward. It does not solve the problem. We still have a magnet of employment that has to be dealt with. We need a temporary worker program. We need a lot of things this amendment does not cover. But this is a great start in providing operational security to a porous border that in the age of terrorism is really not only an emergency but a national disgrace.

I hope the taxpayers at large will see this as a serious effort to do something about a problem which has huge consequences over time if left unaddressed. So I appreciate Senator REID working with us and Senator CORNYN making it better and my good friend from Arkansas, Senator PRYOR, for helping us move the ball down the road.

If this bill ever gets to conference, which I hope it will, I hope this provision is left standing as is because if there is a retreat from this, from the money, and from the designations in this amendment, I think it would be considered a retreat in terms of regaining operational control of our borders.

So with that, I believe Senator PRYOR wishes to be recognized.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator BYRD as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Graham-Pryor amendment, which is currently the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise in support of the Graham amendment to the Homeland Security appropriations bill. This is an issue which has been with us for years now, an issue of border security which we simply, as a group of policymakers, have not addressed in the right way. That became pretty obvious during our debate on the immigration bill several weeks ago. All of us heard from our constituents back home that while overall immigration reform may be needed in due course, what we need to do immediately is to take action to make sure our borders are, in fact, actually secure. That is the first step in real immigration reform.

Senator ISAKSON and I sent a letter to the administration imploring them to take action on this issue. We have asked the administration to send an emergency supplemental to the Senate and the House requesting that certain measures to secure our borders be enacted and adequately funded.

What Senator GRAHAM has done with this amendment is a step in the right direction toward ensuring that our borders—particularly our border to the south—are made secure.

I am a little bit disappointed we cannot go any further because what Senator ISAKSON and I have asked the administration to do in its supplemental request to this body would be to include the creation of a biometric identification card so all of those folks who cross the border in a legal way would have that identification card and any employer who sought to hire any of those individuals would know that they are here legally. If you hired them otherwise, it would be at your own peril.

There are some technical reasons why Senator GRAHAM could not add that provision in here. It is going to require more money, No. 1, plus some other issues regarding the rules of this body. So I am hopeful that there are some additional measures we will take up after we, hopefully, adopt this amendment overwhelmingly, get this bill into conference, out of conference, and on the desk of the President.

So I applaud my colleague from South Carolina, as well as Senator PRYOR, who I know has worked very hard on this particular measure. This amendment does many of the things Senator ISAKSON and I have asked for, and we are very hopeful this will get to the desk of the President immediately. This will answer one of those questions a lot of us heard during the immigration debate from our constituents; that is, why don't you enforce the laws that are on the books today? Well, here is the answer: We do not have the money to do it. This will give us the money to do some of those things.

So I urge all of my colleagues to look very favorably on this amendment. Let's take the first right step to secure the borders. Then we can come back and deal with the overall remaining immigration issues that are outstanding.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent that Senators LINCOLN, BAUCUS, and WEBB be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think the Senator from New Hampshire and the Senator from Alabama would like to speak. We have until 11:35.

I ask the Senator from New Hampshire, would you like 5 minutes?

Mr. GREGG. Thank you.

Mr. GRAHAM. To be followed by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from New Hampshire have a total of 7 minutes 40 seconds.

Mr. GRAHAM. Mr. President, I ask unanimous consent that it be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from South Carolina for reaching this understanding on how to proceed relative to making sure our borders are secure.

The language in this amendment, which adds a significant amount of money to support the expansion of the boots on the ground and the technology on the border, is critical to the first step—which has been related here by a number of individuals—of securing the border as part of our effort to get comprehensive immigration reform.

I think we all understand the American people are asking the question, Why isn't the border secure? This has been an effort that has been ongoing for a number of years now, to make the border secure. But this amendment we are taking up now would be the final downpayment on what is necessary to accomplish that goal.

We know what we need in order to secure the border. It is more border agents, it is more physical fencing but a lot more virtual fencing, it is more detention beds, and it is more ICE agents. It is also necessary to have in place the law these individuals need in order to enforce the border and pursue people who come into this country illegally and who may be inappropriately here and who are committing crimes here. Unfortunately, that language was not included in this amendment. That language was stripped out yesterday. But still, getting the resources in place in order to support the border is the first critical step, and this bill does that.

I have been working on this issue for a long time, both as past chairman of the Homeland Security Appropriations Subcommittee and as past chairman of the Commerce, State, Justice Appropriations Subcommittee in the Appropriations Committee, as have Senator COCHRAN and Senator BYRD. There has been a strong commitment on the part of the Appropriations Committee to accomplish these goals. But there has always been additional resources needed in order to fully fund border security. Now, with this amendment, we will actually put in place those additional resources.

I congratulate the Senator from South Carolina for bringing this process to closure. I congratulate the majority leader for reaching a consensus here that could be bipartisan. As Senator MCCONNELL said last night, this is a positive, bipartisan effort to try to step forward on one of the most critical issues we have as a nation, which is making sure the people who come into this country come into the country legally.

So it is the end of a long road, quite honestly, relative to the responsibility of Congress. We will now have put in place the necessary resources to secure the border. The question now becomes whether those resources will be effectively used. Certainly, we will have to use all our oversight capability to ensure that occurs, but at least we have addressed our responsibility of making sure the funds are there to support the necessary additional boots on the ground, the additional expansion of security along the border in the form of virtual fencing and in the form of physical fencing, and the additional detention beds necessary to make sure that when someone is apprehended for coming into the country illegally, they are not simply set off on their own recognizance to appear in court someday but are actually restrained in a place so they can be returned back to the nation they came from in an orderly manner, which is critical.

So this is a good bill and good language. I am glad we are making this progress on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the requirements of fencing, additional Border Patrol agents, bedspaces for those who have been detained who come here illegally are not there as an end in themselves. Our goal—our real goal—must be to create a change in the mindset of what is happening at the border, to reach that tipping point in which the world knows our borders are not wide open, that it is exceedingly difficult to penetrate them illegally and they are unlikely to be successful. As a result, we can move from the current situation—in which over a million people last year were arrested coming into our country illegally—and see those numbers drop off, to reach that tipping point, where the world knows that border is not open.

We have talked about it for all the 10 years since I have been in the Senate. Presidents have talked about it. They have campaigned on it. Members have talked about it. But we have not done anything about it. That is why the American people are not happy with us.

So I think this legislation will do some things of significance. It will fund 700 miles at the border and complete that process. Why it has taken as long as it has I am not sure, but work is being done right now, although not a lot has been accomplished so far. I am told that pretty soon we will see the fencing come up that we have authorized and that the work is continuing on. So it will be 700 miles. That is really progress, I have to say, but it is not the final installment. We are going to have to do more in the years to come. It is actual fencing, plus virtual fencing also.

So I am pleased we have made a concrete step forward with this funding. It will allow us, if the executive branch uses it wisely, to transform in a significant way the open border system we now have to a lawful system. That would be good for America in terms of creating a lawful system of immigration, and it will be good for the people who send us their money and expect us to do what we promise to do and that we actually get serious about it and start taking steps in that direction.

With regard to fencing, other countries use fencing significantly. Spain is constructing quite a lot of fencing on their African border. Other countries are doing so in the EU. Hong Kong has a border situation that they have dealt with through fencing. It is not anything unusual. It is the normal course when you have a wide open border because what happens is, a fence will multiply many times the effectiveness of a Border Patrol officer.

I ask my colleagues how you would be able to control hundreds of miles of border if you are just standing out there by yourself. If the person trying to come in knows they have to cross a fence, they will have a much harder time and be much easier to apprehend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I would like to pick up on some of the comments my colleagues on the Republican side have made on this amendment.

One of the things Senator SESSIONS just mentioned is that this is a concrete proposal. I know he didn't intend the play on words, but this is concrete. We are talking about adding real border enforcement. It is real. It is bricks and mortar. It is physical barriers. It will definitely slow the influx of people coming into this country who are not playing by the rules.

Again, I want to thank my colleagues, both Democrats and Republicans. We have been adding cosponsors this morning to this legislation. I want to thank all of my colleagues who participated. I need to give a special thanks to Senator HARRY REID who helped pull this amendment together. To put $3 billion on border enforcement on the Homeland Security appropriations makes perfect sense. It makes perfect sense in terms of good government, and it makes perfect sense to the people all across this Nation.

One of the messages I heard loudly and clearly during the immigration debate which we finished a few weeks ago is, people want more border enforcement. They want the U.S. Government to secure our border. There is no doubt about that; this is something the Federal Government has failed to do or has been pretty lax in trying to do over the last several years. Again, this didn't start with the Bush administration. I think it has probably gotten worse during this time, but it goes back several administrations. I am not here to point fingers today.

By voting for this amendment today, Senators would add 23,000 additional full-time border agents. We would add new border monitoring technology. We would add 300 miles of vehicle barriers, 700 miles of fence, 105 radar and camera towers. We would add resources to detain 45,000 illegal immigrants.

So this is, as Senator SESSIONS said, a concrete step in the right direction. This is good public policy. I know we have broad bipartisan support for this legislation. I want to thank my colleagues for giving this strong consideration, and I ask that they look at this legislation before we vote in just a few minutes.

Before I sit down, I ask unanimous consent that Senator LANDRIEU and Senator MCCASKILL be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add as cosponsors Senators ALEXANDER, DOLE, DOMENICI, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Would the Senator add me as a cosponsor?

Mr. GRAHAM. Absolutely. The Senator from Alabama, Mr. SESSIONS, and Senator COBURN from Oklahoma also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like to thank my good friend from Arkansas. It has been a pleasure working with him and all of my colleagues. Senator GREGG has been working on this issue for many years. Senator CORNYN's addition to the amendment last night has made it far better. If no one else would like to speak——

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator FEINSTEIN as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

The question is on agreeing to the Graham amendment No. 2480.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) would each vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—89

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse

NAYS—1

Voinovich

NOT VOTING—10

Brownback
Coleman
Conrad
Dodd
Inouye
Johnson
McCain
Obama
Stevens
Wyden

The amendment (No. 2480) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Vermont is recognized.

SUBPOENAS ISSUED

Mr. LEAHY. Mr. President, today the Senate Judiciary Committee is issuing subpoenas to political operatives at the White House for documents and testimony related to the committee's ongoing investigation into the mass firings of U.S. attorneys and the politicization of hiring and firing within the Department of Justice. This is not a step I take lightly. For over 4 months I have exhausted every avenue seeking the voluntary cooperation of Karl Rove and J. Scott Jennings but to no avail. They and the White House have stonewalled every request. Indeed, the White House is choosing to withhold documents and is instructing witnesses who are former officials—not current officials but former officials—to refuse to answer questions and provide relevant information and documents.

We have now reached a point where accumulated evidence shows that political considerations factored into the unprecedented firing of at least nine U.S. attorneys last year. Testimony and documents show that the list was compiled based on input from the highest political ranks in the White House, including Mr. Rove and Mr. Jennings. And today I will subpoena Mr. Rove and Mr. Jennings. The evidence shows that senior officials were apparently focused on the political impact of Federal prosecutions and whether Federal prosecutors were doing enough to bring partisan voter fraud and corruption cases. It is obvious that the reasons given for these firings were contrived as part of a coverup and that the stonewalling by the White House is part and parcel of that same effort. Just this week, during his sworn testimony, Mr. Gonzales contrasted these firings with the replacement of other U.S. attorneys for "legitimate cause."

The White House has asserted blanket claims of executive privilege, despite testimony under oath and on the record that the President was not involved. The White House refuses to provide a factual basis for its blanket claims. The White House has instructed former White House officials not to testify about what they know and instructed Harriet Miers to refuse even to appear as required by a House Judiciary Committee subpoena. The White House has withheld relevant documents and instructed other witnesses not to produce relevant documents to the Congress but only to the White House.

Last week, the White House did much to substantiate the evidence that it is intent on reducing U.S. attorneys and Federal law enforcement to merely another partisan political aspect of its efforts when it dispatched an anonymous senior official to take the position that the U.S. attorney for the District of Columbia would not be permitted to follow the statutory mechanism to test White House assertions of executive privilege by prosecuting contempt of Congress. In essence, this White House asserts its claim of privilege is the final word, that Congress may not review it, that no court can review it and that this White House, unlike any White House in history, is above the law.

Two days ago, during an oversight hearing with Mr. Gonzales, the senior Senator from Pennsylvania, the ranking Republican on the Senate Judiciary Committee, rightly asked:

> Mr. Attorney General, do you think constitutional government in the United States can survive if the President has unilateral authority to reject congressional inquiries on grounds of executive privilege and the President then acts to bar the Congress from getting a judicial determination as to whether that executive privilege is properly invoked?

There can be no more conclusive demonstration of this administration's partisan intervention in Federal law enforcement than if this administration were to instruct the Justice Department not to pursue congressional contempt citations and intervene to prevent a U.S. attorney from fulfilling his sworn constitutional duty. In other words, telling the U.S. attorney: Violate your oath of office; don't carry out your sworn constitutional duty to faithfully execute the laws and proceed pursuant to section 194 of title 2 of the United States Code. The President recently abused the pardon power to forestall Scooter Libby from ever serving a single day of his 30-month sentence for conviction before a jury on multiple counts of perjury, lying to a grand jury, and obstruction of justice. Stonewalling this congressional investigation is further demonstration that this administration refuses to abide by the rule of law.

This stonewalling is a dramatic break from the practices of every administration since World War II in responding to congressional oversight. In that time, Presidential advisers have testified before congressional committees 74 times voluntarily or compelled by subpoenas. During the Clinton administration, White House and administration advisers were routinely subpoenaed for documents or to appear before Congress. For example, in 1996 alone, the House Government Reform Committee issued at least 27 subpoenas to White House advisers. The veil of secrecy this administration has pulled over the White House is unprecedented and damaging to the tradition of open government by and for the people that has been a hallmark of the Republic.

The investigation into the firing for partisan purposes of U.S. attorneys, who had been appointed by this President, along with an ever-growing series of controversies and scandals have revealed an administration driven by a vision of an all-powerful Executive over our constitutional system of checks and balances, one that values loyalty over judgment, secrecy over openness, and ideology over competence.

What the White House stonewalling is preventing is conclusive evidence of who made the decisions to fire these Federal prosecutors. We know from the testimony that it was not the President. Everyone who has testified has said that he was not involved. None of the senior officials at the Department of Justice could testify how people were added to the list or the real reasons that people were included among the Federal prosecutors to be replaced. Indeed, the evidence we have been able to collect points to Karl Rove and the political operatives at the White House.

A former political director at the White House made a revealing admission in her recent testimony before the Senate Judiciary Committee when she refused to answer questions citing the oath she took to the President. In this constitutional democracy, the oath taken by public officials is to the Constitution, not any particular President of any particular party. The Constitution itself provides the oath of office of the President. Every President since George Washington has shown to "preserve, protect and defend the Constitution of the United States." The oath for other Federal official is prescribed by Congress through statute and provides that every Federal officer's duty is not to support and defend any particular President or administration but "to support and defend the Constitution of the United States" and "to bear true faith and allegiance" to our founding principles and law.

Mr. BYRD. Mr. President, may we have order so that the Senator can be heard?

The PRESIDING OFFICER. May we have order? Take conversations outside the Chamber, please.

Mr. BYRD. I hope the Senator will say that again.

Mr. LEAHY. I will. The witness testified that she had taken an oath to the President. I reminded her the oath is to the Constitution, not to any particular President.

Mr. BYRD. Yes.

Mr. LEAHY. The distinguished Senator from West Virginia, the constitutional authority in this body, knows that every President since George Washington has sworn to preserve, protect, and defend the Constitution of the United States.

Mr. BYRD. Yes.

Mr. LEAHY. " . . . to support and defend the Constitution of the United States" and "to bear truth fair and allegiance" to our founding principles and law, not to a particular political party or to a President.

I pointed out to Ms. Taylor that the oath I have been privileged to take as a U.S. Senator is likewise to the Constitution. I proudly represent the people of Vermont. I know it is a privilege to serve as a temporary steward of the Constitution and the values and protections for the rights and liberties of the American people that it embodies. My oath is not to a political party and not even to the great institution of the U.S. Senate but to the Constitution and the rule of law. As a former prosecutor, I feel strongly that independent law enforcement is an essential component of our democratic government, and that no one is above the law.

Despite the constitutional duty of all members of the executive branch to "take Care that the Laws be faithfully executed," the message from this White House is that the President, Vice President, and their loyal aides are above the law. No check. No balance. No accountability.

The law says otherwise. The criminal contempt statute, 2 U.S.C. § 194, provides that if a House of Congress certifies a contempt citation, the U.S. attorney to whom it is sent has a "duty" and "shall" "bring it before the grand jury for its action." For this White House to threaten to intervene in an effort to preempt further investigation, cover up the truth and avoid accountability is an insult to the rule of law. This law was duly passed by both Houses of Congress and signed by a duly elected President of the United States. It is derived from law that has been on the books since 1857, for 150 years.

The Bush-Cheney White House continues to place great strains on our constitutional system of checks and balances. Not since the darkest days of the Nixon administration have we seen efforts to corrupt federal law enforcement for partisan political gain and such efforts to avoid accountability.

Given the stonewalling by this White House, the American people are left to wonder: What is it that the White House is so desperate to hide? As more and more stories leak out about the involvement of Karl Rove and his political team in political briefings of what should be nonpartisan government offices, I think we have a better sense of what they are trying to hide. We have learned of political briefings at over 20 government agencies, including briefings attended by Justice Department officials. This week, the news was that Mr. Rove briefed diplomats on vulnerable Democratic districts before midterm elections. Why, Senator WHITEHOUSE properly asked at our hearing yesterday, were members of our foreign service being briefed on domestic political contests? Mr. Gonzales had no answer. Similarly, why were political operatives giving such briefings to the Government Services Administration, which rents government property and buys supplies? In her testimony before the Senate Judiciary Committee, the former political director at the White House ultimately had to concede that her briefings included specific political races and particular candidates being targeted.

In this context, is anyone surprised that the evidence in our investigation of the firings of U.S. attorneys for political purposes points to Mr. Rove and his political operations in the White House? Despite the initial White House denials, Mr. Rove's involvement in these firings is indicated by the Department of Justice documents we have obtained and from the testimony of high-ranking Department officials. This evidence shows that he was involved from the beginning in plans to remove U.S. attorneys. E-mails show that Mr. Rove initiated inquiries at least by the beginning of 2005 as to how to proceed regarding the dismissal and replacement of U.S. attorneys. The evidence also shows that he raised political concerns, including those of New Mexico Republican leaders, about New Mexico U.S. Attorney David Iglesias that may have led to his dismissal. He was fired a few weeks after Mr. Rove complained to the Attorney General about the lack of purported "voter fraud" enforcement cases in his jurisdiction.

We have learned that Mr. Rove raised similar concerns with the Attorney General about prosecutors not aggressively pursuing voter fraud cases in several districts and that prior to the 2006 mid-term election he sent the Attorney General's chief of staff a packet of information containing a 30-page report concerning voting in Wisconsin in 2004. This evidence points to his role and the role of those in his office in removing or trying to remove prosecutors not considered sufficiently loyal to Republican electoral prospects. Such manipulation shows corruption of Federal law enforcement for partisan political purposes.

Documents and testimony also show that Mr. Rove had a role in the shaping the administration's response to congressional inquiries into these dismissals, which led to inaccurate and misleading testimony to Congress and statements to the public. This response included an attempt to cover up the role that he and other White House officials played in the firings.

Despite the stonewalling and obstruction, we have learned that Todd Graves, U.S. attorney in the Western District of Missouri, was fired after he expressed reservations about a lawsuit that would have stripped many African-American voters from the rolls in Missouri. When the Attorney General replaced Mr. Graves with Bradley Schlozman, the person pushing the lawsuit, that case was filed and ultimately thrown out of court. Once in place in Missouri though, Mr. Schlozman also brought indictments on the eve of a closely contested election, despite the Justice Department policy not to do so. This is what happens when a responsible prosecutor is replaced by a "loyal Bushie" for partisan, political purposes.

Mr. Schlozman also bragged about hiring ideological soulmates. Monica Goodling likewise admitted "crossing the line" when she used a political litmus test for career prosecutors and immigration judges. Rather than keep Federal law enforcement above politics, this administration is more intent on placing its actions above the law.

The Senator from Washington has been very good to let me have this time. With our service of these subpoenas, I hope that the White House takes this opportunity to reconsider its blanket claim of executive privilege, especially in light of the testimony that President was not involved in the dismissals of these U.S. attorneys. I hope that the White House steps back from this constitutional crisis of its own making so that we can begin to repair the damage done by its untoward interference with federal law enforcement. That interference has threatened our elections and seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement. Mr. Rove and the White House must not be allowed to continue manipulating our justice system to pursue a partisan political agenda. Apparently, this White House would rather precipitate an unnecessary constitutional confrontation than do what every other administration has done and find an accommodation with the Congress. If there are any cooler or wiser heads at the White House, I urge them to reconsider the course they have chosen.

There is a cloud over this White House and a gathering storm. I hope they will reconsider their course and end their cover up so that we can move forward together to repair the damage done to the Department of Justice and the American people's trust and confidence in Federal law enforcement.

Mr. McCONNELL addressed the Chair.

Mr. CONRAD. Mr. President, on a matter of personal privilege.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask for one moment, I say to the leader.

EXPLANATION FOR NOT VOTING

Mr. CONRAD. Mr. President, I want to indicate that on the last vote, Senator WYDEN and I were in the Budget Committee on the confirmation hearing of Mr. Nussle. We called over to ask that the vote be held so that we could come to the floor and cast our votes. If I had been here, my vote would have been "yea" on the Graham amendment. I want the RECORD to reflect that fact. Senator WYDEN should also be recognized for a similar purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on a matter of personal privilege, I associate myself with the remarks of Senator CONRAD. I will be very brief.

We were in the middle of critical issues. I was asking about a program that is a lifeline to the rural West, the county payments program where the administration is trying to change 100 years of history, and on a bipartisan basis the Senate indicated it wants to oppose that program.

Had I been here, I would have, as Senator CONRAD, voted for that measure, strongly supporting efforts to strengthen border security.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be able to proceed for a few moments as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia objects?

Mr. BYRD. Mr. President, will the distinguished Senator yield just for a second? The Senator said "for a few moments." How long is that?

Mr. McCONNELL. Probably about 5 minutes.

Mr. BYRD. That is fine. I have no objection.

The PRESIDING OFFICER. The Republican leader.

CONDOLENCES TO SENATOR NORM COLEMAN AND FAMILY

Mr. McCONNELL. Mr. President, let me notify all Members of the Senate that Senator NORM COLEMAN's father passed away this morning. Therefore, he missed the vote that we just had and will be missing votes for the remainder of this week. I know I speak for all Members of the Senate in sending our condolences to Senator COLEMAN and his family at this very sad time. We look forward to having him back in the Senate in due time.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. McCONNELL. Mr. President, I wish to make a few observations about the nomination of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Over the past few days, members of the Democratic leadership have commented about Judge Southwick's nomination. These comments have, in my view, mischaracterized his record and his service to the people of his State. Worse still, some of our Democratic colleagues have made insinuations about the commitment of this fine man to the principle of equal justice for all. These gross insinuations are, of course, at odds with the views of his peers and his home State Senators, both of whom actually know him.

So over the next several days, we will continue to set the record straight, as the ranking member did so ably yesterday, to ensure that the Senate does not treat dishonorably an honorable man, a fine judge, and a courageous war veteran. Judge Southwick deserves more from this country than insinuation and innuendo. This leads me to a much broader point.

My friend, the majority leader, and I have an understanding—at least I believe we had an understanding—as to how this Senate would treat judicial nominees in general. A fundamental component of that understanding is that individual nominees will be treated fairly. That commitment to fair treatment may be in serious jeopardy with the Southwick nomination.

I remind my colleagues that the Judiciary Committee unanimously approved Judge Southwick for a lifetime appointment to the district court just last fall, but it is now threatening to kill his nomination on a party-line vote in committee. The only material change in Judge Southwick's qualifications between last fall and now is the rating of the American Bar Association, the Democrats' gold standard for judicial nominees. The ABA has actually increased its rating of Judge Southwick. In other words, they have given him a higher rating for the circuit court than for the district court. Judge Southwick was rated "well qualified" for the district court. He is now rated "unanimously well qualified," which means every single member of the committee who took a look at his credentials for the circuit court found Judge Southwick well qualified. That is the highest possible rating one can achieve for a judicial nomination from the American Bar Association.

It goes without saying that for committee Democrats to oppose Judge Southwick for the circuit court after having supported him for the district without any change in the man's record would certainly fall far short of treating the man fairly.

I encourage my Democratic colleagues to think hard about the implications of unfair treatment for Judge Southwick for this Congress and, for that matter, for future Congresses.

I thank the Chair, and I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2488 TO AMENDMENT NO. 2383

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment so that my amendment at the desk may be called up, amendment No. 2488.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Ms. STABENOW, proposes an amendment numbered 2488 to amendment No. 2383.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(B) only imports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

AMENDMENT NO. 2496 TO AMENDMENT NO. 2488

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask it be reported on behalf of myself and Mr. BYRD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BYRD, proposes an amendment numbered 2496 to amendment No. 2488.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter propoed to be inserted, insert the following:

None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, simply so I can understand the posture we are in and the nature of this amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator LANDRIEU joined me in including important language in the Senate report that accompanies the Homeland Security Appropriations Act for Fiscal Year 2008. This language addresses a serious trade problem that is affecting the United States and many of its most critical industries. Our report language directs U.S. Customs and Border Protection to undertake a more vigorous approach to collecting unpaid antidumping and countervailing duties which are owed the United States under the U.S. trade laws.

In our report language, the Appropriations Committee directs CBP to work with the Departments of Commerce and Treasury and the Office of the U.S. Trade Representative to increase the collection of duties owed on unfairly traded U.S. imports. CBP—Customs and Border Protection—is directed to provide an annual report to the committee within 30 days of each year's distributions under the Continued Dumping and Subsidies Offset Act. The CBP report must summarize the Agency's efforts to collect past-due amounts and to increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China.

The Continued Dumping and Subsidy Act—also known as the Byrd amendment—was enacted on October 28 in the year of our Lord 2000. It provides that assessed duties received pursuant to either an antidumping or a countervailing duty order must be distributed by Customs to affected domestic producers for certain expenditures that the producers incurred after the order was put in place.

On June 4, 2007, CBP transmitted to Congress a fiscal year 2006 report on annual antidumping and countervailing duties collected on a case-by-case basis. The report stated that while CBP distributed nearly $400 million to more than 1,700 affected domestic producers in fiscal year 2006, a whopping—hear me—a whopping $146,391,239.89 was due but never—never—collected. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since 2000 is approaching $700 million.

Let me read that again. Hear me now. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since the year 2000 is approaching $700 million, with the largest uncollected amount, over $400 million, owed in a single case: dumped crawfish tail meat from China.

On June 20, 2007, CBP advised that, since October 1, 2001, CBP has simply "written off" $30.3 million in uncollected antidumping and countervailing duties. The greatest amount written off, again, was in the case of crawfish meat from China, where CBP wrote off nearly $7.5 million. That is a lot of money. This is money that otherwise would have been distributed directly to eligible U.S. crawfish producers. This means these funds will never be distributed to the hundreds of deserving American families to whom they are owed. What a shame.

Have Senators heard of Moon Landrieu? That was this Senator's father, Senator LANDRIEU. I would like to ask my esteemed colleague from Louisiana, Senator LANDRIEU, if she is similarly concerned about our Government's failure to collect these funds, recompense which is now lost—to whom? To Louisiana's honest and hardworking crawfish farmers and processors.

Ms. LANDRIEU. I thank Senator BYRD, because I am extremely concerned about this situation and hope we could find a remedy. I commend the Senator for his work over many years, to try to make sure our trade laws are fairly enforced and that agreements we have entered into, with countries such as China and others, are followed. But in this instance, as the Senator has so eloquently stated in this discussion this morning on the floor, this situation is not being handled correctly. Our industries, particularly in Louisiana, that he has mentioned, our crawfish producers have lost more money from the failure of U.S. importers to pay duties owed by China than any industry in our Nation. In Louisiana alone—I know it might be hard for people to believe this, but as spring rolls around, it will become quite evident—we have 3,300 crawfish farmers in our State and over 40 processors who employ a tremendous number of people and contribute hundreds of millions of dollars to our economy. The Senator from West Virginia understands our Government has failed to collect almost $70 million for this industry alone. This is antidumping duties on crawfish tail meat from China owed to the processors in my State and to our crawfish farmers. There are additional funds that are owed.

It is my understanding—and the Senator from West Virginia is very aware—that our Customs officials are required to collect these duties, but they are not being collected. Many of these importers simply close up shop, they change their names, they move offshore, they reorganize, and evidently we are not able to collect the money that is owed to us. It is a great detriment to this particular industry and to others.

I have expressed concern over the years. We are going to continue to press this issue. We will continue in Congress to work to solve this problem. I feel very strongly that our U.S. Secretary of Commerce, Secretary Gutierrez, and the U.S. Trade Ambassador, Susan Schwab, should take this up directly with the China Ministry of Foreign Trade and Economic Cooperation. China sought to become a WTO member. It is my firm belief, if China wants to receive the benefits that accrue to them through WTO, they should enforce them and help us, and we should do a better job of making sure the importers abide by the rules we have agreed to.

I was very pleased to see in response to concerns raised by the Senate, GAO recently announced it has begun an in-depth investigation as to why our Government cannot seem to collect duties owed to U.S. industries on goods imported from China.

Since 2003, the total amount of uncollected duties on all antidumping countervailing duty orders for all countries totaled $630 million. Of this amount, $485 million, or 77 percent of the total, relates to 34 specific antidumping and countervailing duty orders that have been imposed by the United States on agriculture and aquacultural imports from all countries. Of that $485 million, 73 percent relate to six antidumping orders that have been imposed on U.S. agricultural and aquacultural imports from China alone.

While the biggest duty noncollection problem in my State relates to the crawfish industry, as the Senator from West Virginia most certainly knows, Louisiana also is experiencing a problem with our catfish farmers. I see the senior Senator from Mississippi. This affects Mississippi, it affects Arkansas, it affects Alabama. We were unable to collect almost one-third of the fees that are owed to our catfish farmers.

These are hard-working businesspeople who work long hours, who are trying to run these industries and abide by all environmental regulations, pay their taxes, abide by all the wage and hour laws in this country. When we enter into trade agreements, the least our Government can do is enforce them. That is what I come to the floor to express my concern about, through this colloquy with the distinguished Senator from West Virginia.

I commend the Senator for his tireless work. We are going to press on this issue of noncollection. I hope, even if this Subsidy Offset Act expires, our Government will continue to collect the money that is owed to us during the time this act was in effect. It means a great deal to the small businesses in my State, to crawfishers and catfish producers equally. I am hoping we can make some progress and do not continue to have our trade laws undermined in this way.

I thank the Senator for this time on the floor and I thank him for his continued work on this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2505 TO AMENDMENT NO. 2468

Mr. DORGAN. Mr. President, I ask for the regular order. I send an amendment to the desk.

Mr. VITTER. I object.

The PRESIDING OFFICER. Amendment No. 2468 is pending. The clerk will report.

Mr. COCHRAN. I make a point of order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 2505 to amendment No. 2468.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to bringing Osama bin Laden and other leaders of al Qaeda to justice)

At the end of the amendment, add the following:

SEC. 536. (a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture or killing, or information leading to the capture or death, of Osama bin Laden.".

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense

shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Mr. COCHRAN. Mr. President, point of order. What is the pending business before the Senate?

The PRESIDING OFFICER. The Landrieu amendment, No. 2468, with the Dorgan second degree.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have sent a second-degree amendment to the desk to the Landrieu amendment. My second degree will not strike her amendment. As a matter of fact, it will add at the end of her amendment the provisions of an amendment I had offered on Defense authorization. I am to chair the Democratic Policy Committee luncheon in a few minutes so I am not able to speak at length about this amendment. I intend to do that at some later point.

I wish to mention what Senator LANDRIEU has described in her first-degree amendment, the interest in having as our major policy goal here with respect to the fight against terrorism, the destruction of and elimination of the leadership of al-Qaida, Osama bin Laden. My amendment is one I had offered, as I said, to the Defense authorization bill, previously. It is an amendment that requires a quarterly classified report to be offered to the Congress that would tell us what is being done to bring to justice the leadership of al-Qaida.

The reason for offering that is quite simple. A week ago, we had a new National Intelligence Estimate, an NIE, given to the Congress in classified and unclassified form; an NIE that was reported to the American people. The reports were not particularly surprising but in some ways stunning. The report says the greatest terrorist threat to our homeland, in this country—the greatest terrorist threat to our homeland is al-Qaida and its leadership. It also says al-Qaida and its leadership is in a secure hideaway or safe harbor.

I ask the question for which there is no answer: Why, nearly 6 years after 9/11/2001, in which Osama bin Laden boasted about engineering the murder of thousands of innocent Americans—why, after 6 years, is there a safe harbor or secure hideaway anywhere on this planet for the leadership of al-Qaida and for Osama bin Laden? That, in my judgment, is a failure.

We have a lot of briefings in this Congress; some of them classified, top secret briefings. There are no briefings that I am aware of on what is being done or what has not been done to bring to justice, to apprehend, and eliminate the leadership of al-Qaida. Those briefings do not exist. One of the reasons that perhaps we have not seen progress in bringing to justice and eliminating the leadership of al-Qaida is the President himself said: I don't think much about that. I don't think much, don't care much about Osama bin Laden.

If you believe the intelligence estimates, they are today planning additional attacks against this country. Yesterday, we woke up to the news that there are apparently dry runs, they think—our intelligence people think there are dry runs being made in our airports with various things packed in luggage by terrorists who want to do potential attacks later. We hear all these reports and the question remains: Why is it the leadership of the organization that poses the greatest terrorist threat to this country has a secure hideaway somewhere or a safe haven somewhere? There ought not be a square inch of ground on this planet that is safe for those who murdered Americans on 9/11, for those who pose the greatest threat to this country. That is intolerable.

The Defense authorization bill will come back to the floor of the Senate, I guess. This amendment I have offered is in that piece of legislation. But to make certain this amendment becomes law and gets to the desk of the President for signature, I have offered it to this appropriations bill. I understand it fits better on Defense authorization. My hope is that is where it will wind up on the President's desk.

It seems to me we went through agonizing debates and passionate debates on the floor of the Senate about the war in Iraq. I respect everybody's opinion on those issues. But while we have soldiers who got up this morning and strapped on body armor and got in humvees and then went and knocked door to door in Baghdad in the middle of a civil war, where Shias are killing Sunnis and Sunnis are killing Shias and Shias and Sunnis are both killing Americans—while that happened this morning in the middle of a civil war, we have the greatest terrorist threat to this country apparently in a safe harbor or secure hideaway. That ought not exist. First things first. Let's fight the terrorists first and defeat the terrorists first. That ought to be the first and most important priority and responsibility. If they are the greatest threat to this country, let's eliminate that threat. That ought to be the goal of this country. That is why I offer this amendment.

Mr. BYRD. Senator, tell the Senate about his amendment again. Let me hear about the amendment again.

Mr. DORGAN. Mr. President, this amendment has two parts to it. No. 1, it increases the reward for the elimination of the al-Qaida leadership and Osama bin Laden, and, No. 2, it required a quarterly classified report to be made to the Congress, every quarter, from this administration and from any administration, to say what they are doing, to tell us what they have been doing to try to apprehend and bring to justice and eliminate the leadership of the greatest terrorist threat to this country.

Is it too much to ask that we ought to be informed?

Mr. BYRD. No.

Mr. DORGAN. We ought to understand what is being done or what is not being done. I think the American people have a reason to ask the question: Why, nearly 6 years later, do we now read—and I have read it on a number of occasions in unclassified versions of classified reports that say—there is a secure hideaway for Osama bin Laden and the leadership of al-Qaida?

There is a secure hideaway. There is safe haven. Now, why should any place on this Earth be secure or safe for those who would attack this country?

Mr. BYRD. Where? Where? Where is that, Senator?

Mr. DORGAN. Well, the intelligence reports indicate that somewhere between Pakistan and Afghanistan, in the tribal-controlled mountainous regions, there is some sort of safe hideaway or secure hideaway or safe haven, as they call it. I have flown over this region. I have looked down, and I know there is no border. You cannot tell what country you are in. I have flown over the region that they call tribal-controlled between Afghanistan and Pakistan. There is no evidence of a country boundary. It is a tough country, tough region, I understand that.

But if we now have al-Qaida reconstituting and rebuilding training camps, which they are doing—they are recruiting new recruits, they are building training camps, they are planning attacks against the West, planning attacks against the United States of America, and doing so in a secure hideaway or safe haven—then I say that is wrong. It ought to be job No. 1 for this country to eliminate the leadership of al-Qaida that represents the greatest threat to our country.

That is the purpose of this amendment, to say we want that to be the overriding and overarching goal, and we want reports, classified reports every single quarter of what has been done or what has not been done because I do not believe, frankly, this has been a significant priority.

It certainly should have been. If it has not been in the past, at least let's make it so in the future.

Mr. BYRD. I compliment the Senator on his statement. Am I a cosponsor of this amendment?

Mr. DORGAN. I want to say that Senator CONRAD joins me in this amendment. I ask unanimous consent that Senator BYRD be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. As I said, I have to chair the Democratic policy committee luncheon in just a moment. I wanted to make a comment on the amendments that have been offered, and perhaps after the policy committee luncheon, if these issues are still pending, I will be able to comment.

Senator VITTER has offered an amendment dealing with prescription drugs. Senator COCHRAN has second-degreed that amendment, as I understand it. I believe we ought to have access to lower priced prescription drugs, FDA-approved prescription drugs.

Lower priced prescription drugs exist in virtually every other country of the world. Why should the American consumer not have the capability to acquire them under our current rules? I would say that we already have a circumstance where we are allowed about a 90-day supply of drugs, if someone walks across the border or drives across and comes back with a personal use, 90-day supply. Very few Americans live close enough to the border to be able to do that. But we have an amendment that is a broad bipartisan amendment; 30-some Members of the Senate have worked on it, cosponsored it. This will not be the legislation in which we consider that amendment, I do not expect.

The amendment that Senator VITTER has offered, as second-degreed by Senator COCHRAN, would simply restate current rules; that is, currently what is allowed. It would simply restate current rules, which I assume offends no one but accomplishes nothing as well.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding there are 11 amendments pending on this bill. There are points of order that lie against several of them. And the managers will make those whenever they see fit. I hope that those people who have other amendments pending would agree to short time agreements on them and accept a time for voting. Maybe the managers can even accept some of them.

This is a bill we want to finish today. It is an important piece of legislation. It has been improved in many different ways, not the least of which is this border security legislation that was passed earlier today. So I hope that Democrats and Republicans who offered these amendments will contact the managers and agree on a reasonable period of time so we can vote. It is 1 o'clock in the afternoon. It is important we do this.

I do not want to sound like a stuck record, but we have to finish this legislation before we go home in August. We have to finish the SCHIP bill before we go home in August. We have a 9/11 conference report we have to finish before we go home in August. We have the ethics and lobbying reform we have to finish before we go home in August. We are going to do that.

Everybody should understand—and, of course, I mentioned on the floor about the bill that Senators Boxer and Inhofe have worked on dealing with WRDA, which is so important to the whole country, but certainly important to the western part of the United States.

Mr. DORGAN. Would the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Let me say that on the amendment I just offered, I would be glad to a 10-minute time agreement when we get ready. I expect we will not need a recorded vote on that. But I know, as the Senator from Nevada is pointing out, we had an objection to even the motion to proceed on this bill, which was strange to me. Why would anybody have objected to proceeding?

Now we get a bill on the floor, and Senator BYRD, Senator COCHRAN, the chairman and ranking member, I know they want to get this done. I believe we ought to get these appropriations bills through and out of here. This is a good bill.

I hope this afternoon Senators can come and offer the amendments. I hope we can get this bill done today. It is not just this bill, we have got a lot of appropriations bills we have to do. So the Senator from Nevada, the majority leader, has an important message: We need to get this appropriations bill done. It deals with homeland security after all.

Mr. REID. That is a really good example to set for the other people offering amendments. I would also say, as I said on the Senate floor this morning, there is an extremely important congressional delegation that is scheduled to be in Greenland this weekend. I would really like—first of all, I would like to have gone on the trip. But there are 10 or 11 Senators scheduled to go on that trip. I hope that trip can take place. But we are going to have to get this legislation done.

If we get some idea that there is a real stall going on here, we will have to file cloture on the conference report dealing with homeland security, the 9/11 Commission recommendations, and that vote would not take place until Saturday. So we are doing our best to work through all of this. But I want everyone to know, as I have said here so many times, we have a very few things to do, but we are going to do them. And it is no bluff. We have a whole month to complete everything in August. I hope people will help us work through that so that is not necessary.

Mr. BYRD. Mr. President, I would like for our majority leader to say that again.

Mr. REID. I would be happy to do that for my distinguished friend, the senior Senator from the State of West Virginia, of the West Virginia hills.

We have four things to do for sure: the bill we are on now, this appropriations bill, children's health, the conference report on the 9/11 Commission recommendations, and the message that we are going to get from the House on ethics and lobbying reform. Those four things are essential.

The luxury we would have is also to complete WRDA. The conference report is important. We should be able to do that quickly. We got a huge vote when it came out of here.

These are the things that we must do before we leave. This is not anything new that I just sprung on anybody. That is something that I have been saying for a long time. We have made great progress. I am very happy with it. We were able to get Wounded Warriors done. We were able to get the pay raise for the soldiers, sailors, airmen, and marines. We were also able to pass for the first time in 3 years the higher education bill—that is important—reconciliation, getting the biggest change in how students are able to go to our schools in our country since the GI bill. We have a few things we need to do, and we really need to do it.

I repeat, it is almost 1 o'clock on Thursday. I will be happy to work into the night to complete this bill. I say that the managers of the bill says it all, Senator BYRD and Senator COCHRAN. They are the best we have.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, taking the distinguished majority leader's words to heart, I would like to ask the Senate to return to the Vitter amendment to try to dispose of that.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Would the Senator repeat his request?

Mr. VITTER. The request is to return to the Vitter amendment to dispose of that and proceed with the business of the majority leader.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. What is the number of the amendment?

Mr. VITTER. Amendment No. 2488, which is pending.

Mrs. MURRAY. Mr. President, I would object at this time and suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I renew my unanimous consent request to go back to amendment No. 2488.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, at this point I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. VITTER. Mr. President, just to be transparent and clear to everyone, this modification of my amendment takes out a specific provision limiting the amendment to a 90-day supply.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. VITTER. Mr. President, I will be happy to explain exactly what the modification is. The modification simply takes one phrase out of the previous version of my amendment. And that single phrase in the old version of my amendment limited the amendment to a 90-day supply of prescription drugs.

That limitation is now taken out of my amendment. That is the only thing the modification does. Now, the purpose of the modification is to now make it a pure funding limitation amendment so that it is not subject to the point of order of authorizing on an appropriations bill.

That is the full explanation of the modification.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I call for the regular order with respect to the Landrieu amendment.

The PRESIDING OFFICER. The Landrieu amendment is pending.

Mr. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I wish to take a few minutes to walk everyone through where we are right now.

About 15 or 20 minutes ago, the majority leader came over to the Senate to talk to us about moving quickly through the Homeland Security appropriations bill that is now on the floor because, as he described, we have many items of business that need to be accomplished before the Senate goes into recess for the August break. He asked the managers of this legislation, Senators BYRD and COCHRAN, to work with Senators who have pending amendments to move them through in an orderly fashion so we could possibly finish this bill by tonight and go on to the rest of the business that needs to be completed.

In complying with that, Senator BYRD and Senator COCHRAN and myself worked out an agreement to begin to deal with some of those amendments. That is how we work in the Senate. We would never finish everything if we didn't take some time to have conversations to figure out how we can work through amendments in an orderly fashion.

There are 11 amendments currently pending that we are trying to work our way through. One of those amendments is an amendment offered by the Senator from Louisiana, Mr. VITTER, which he had a right to come and offer. It was not the pending matter. The pending matter was the Landrieu amendment, second degreed by the Dorgan amendment.

In order to get to the amendment offered by Senator VITTER, we had to agree by unanimous consent to set that aside. We talked to the Senator and agreed on a process to dispose of his amendment. Senator BYRD, Senator COCHRAN, Senator VITTER, and I were here to come to an agreement that Senator VITTER would offer his amendment. He understood that a point of order lay against that regarding whether it was a rule XVI. He understood that Senator COCHRAN's second-degree amendment also was in the same procedural difficulty.

The agreement was that we would agree to lay the amendment aside, Senator VITTER would set aside the amendment, go to his amendment, and a point of order would lie against it, as well as a point of order against the second degree offered by Senator COCHRAN. It sounds complex, but the upshot was, it would dispose of the amendment, a point of order would lie against it, and we would move on to the other numerous amendments that now lay before the Senate.

In this body, it is extremely important that we all have the opportunity to work out these agreements so we can work through bills in an orderly fashion. I assumed that would be the case, that we had all agreed upon that and that would be the order this would go to.

Unfortunately, when the Senator rose to ask to set aside the amendment, according to the agreement we agreed to, I did not object. The Senator went to his amendment, and instead of going through the process we had all agreed upon, he sent a modification to the desk that changed his underlying amendment and meant that it no longer had a point of order lying against it.

That is a difficult position it puts us all in because we have 11 amendments, possibly more, to get through. If we can't come to an agreement and trust each other on how the process is going to move forward and go outside that, we are not going to be able to get through these amendments, because this Senate really is based on trust.

So, Madam President, we are now in the parliamentary position where we have gone back to the regular order. Another amendment is pending. If we move through these in proper fashion, the amendment offered by Senator VITTER will now be at the end of 12 amendments that are now in order. At some point we will get to it, but we now are in a difficult position of: How do we move through all these other amendments that are being offered? How do we deal with all the other Senators who are going to come to the floor and ask us to work through these amendments, if we cannot have an agreement that this Senate—when Senators stand on the floor and agree to it—knows that is what will occur? So we find ourselves in a very difficult position.

I see the majority leader is on the Senate floor and will yield to him if he would like to make a statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I gave a talk a week ago tomorrow to a group of people. It was a church meeting. There were adults and young adults there. I told them about my experience serving in the Congress. I have served in the House, and I have served in the Senate. It is not like when I practiced law.

When I practiced law, you put everything in writing. We do not do that in the Congress. We do not do that in the Senate. Your word is your bond. If a Republican Senator or a Democratic Senator—it does not matter—if you tell them you are going to do something, that is the way it is.

To show how powerful and important that is, Alan Bible was a Senator from Nevada who served 20 years and became ill. He retired. When he passed away—there was a plane that was always available to take Senators to funerals. The plane was scheduled to go to Nevada so Senators could attend Alan Bible's funeral.

There was a Republican on that airplane, TED STEVENS. The reason he was on that airplane was there was a vote very important to TED STEVENS dealing with Alaskan oil. Alan Bible had given his word he was going to vote with TED STEVENS. There was tremendous pressure on Alan Bible. Alan Bible's vote was the essential vote, and he withstood all the pressure and voted with TED STEVENS. That is the reason TED STEVENS went to Reno, NV: to honor the life of Alan Bible because he kept his word.

That is what we do in this Senate. We keep our word. It does not matter with whom you make an arrangement; if you tell him you are going to do something, if you tell her you are going to do something, that is the way it is.

So my disappointment in what has happened in the last few minutes is—it appears Senator MURRAY said it in a more discreet fashion than I am going to say it. Somebody did not keep their word. And that, I suggest, should be worked out. I think if someone in this body is known to have broken their word—and I was part of the little conversation right here—you do not take advantage of people. There are a lot of rules that allow you to take advantage of people, but you cannot do that.

So this is not appropriate. This is wrong. And I would hope that the Senator from Louisiana would kind of retrace his steps and back off and put us back where we should be. If that is not the case, and he chooses not to do that, I think it is going to be a difficult time, I would suggest, for him making other arrangements with Senators in the future because that is how we do business here.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President—while the majority leader is here, and the managers of the bill—the parliamentary position in which we now find ourselves is that the amendment that is now before the Senate under the regular order is the Dorgan amendment to the Landrieu amendment.

Senator DORGAN was on the floor a few minutes ago and said he would be willing to agree to a 10-minute debate time and a vote. I know the majority leader has several issues that are going on. I would like to ask the managers of the amendment how they would like to proceed at this point.

Mr. COCHRAN. Madam President, if the Senator will yield, I have no objection to proceeding to a vote at whatever time the majority leader suggests.

Mr. REID. Madam President, if the Republican floor staff would check to find out if we could do the vote at 1:50, 2 o'clock. Two o'clock is fine? Two o'clock.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate vote at 2 o'clock on or in relationship to the Dorgan amendment to the Landrieu amendment that is currently pending, with the time equally divided between now and 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not in a quorum call.

Mr. REID. Madam President, I ask unanimous consent that the 15 minutes prior to the vote be equally divided between those in favor of the amendment and those opposed to it. Senator DORGAN is in favor of it, so he would get 7½ minutes. Is that appropriate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2448 WITHDRAWN

Mrs. MURRAY. Madam President, on behalf of the Senator from New York, Mr. SCHUMER, I ask unanimous consent to withdraw amendment No. 2448.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I rise to express my disappointment with where we find ourselves on the pending bill. We are debating the Homeland Security appropriations bill. The bill includes over $14 billion—spelled with a "b"—for border security. By a vote of 89 to 1, we just approved $3 billion in emergency funding for border security. I note that the bill also includes $1.7 billion for FEMA disaster relief to help fund the response to Hurricane Katrina.

The Senator from Louisiana—where is he? Do you want to hear me? Come on out. I want to say it in front of you.

The Senator from Louisiana is now holding up this bill over a legislative matter that is not germane to the measure. As the manager of the bill, I thought we had reached an accommodation on how to dispose of the matter.

Instead, the Senator from Louisiana—where is he? He was here a moment ago.

I thought we reached an accommodation on how to dispose of the matter. Instead, the Senator from Louisiana offered a new amendment—a new amendment.

Is he here? All right. I want to say it in his presence.

Instead, the Senator from Louisiana offered a new amendment. I am disappointed that the Senator from Louisiana has decided to delay consideration of a bill that includes critical funds for aiding the victims of Hurricane Katrina.

Did you hear me? Where is that Senator?

I am disappointed——

Mr. VITTER. Madam President, will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. VITTER. Thank you for the courtesy.

First of all, let me say to the distinguished Senator from West Virginia, I have the utmost respect for him. I just want to clarify that it certainly is not my intent to delay anything. I am happy to proceed with votes on this bill—all votes that are lined up, and other votes.

I would also like to make this offer, if it would clarify or help heal the past situation. I apologize if anything was miscommunicated regarding the last hour or so. But if it would help heal that, I would be happy to withdraw my pending amendment as long as I was given the opportunity and assured of an opportunity to file a new amendment, which is germane, and that could be made pending. And, of course, in that context, I would have no objection to anyone, including Senator COCHRAN, being able to offer a second-degree amendment on that amendment.

So I would be happy to withdraw my pending amendment as long as I could be given the opportunity to submit an amendment that could be made pending rather than have the clock run out or have proceedings and votes on the bill happen before that amendment would be made pending.

But, again, my main point is, it is certainly not my intent to delay this bill, or any votes on amendments or the bill, and I am eager to proceed with all of those.

I thank the Senator for the courtesy of yielding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Madam President, we have not seen any amendment.

Mr. VITTER. I will be happy to provide a copy of what that new amendment would be. I would be happy to do that right now.

Mr. BYRD. Spell it out on the floor in front of everybody. What is the amendment?

Madam President, I suggest the absence of a quorum so that we may be able to see the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Again, I would remind my colleagues that we are currently debating the Dorgan amendment to the Landrieu amendment. Senator KERRY is on the floor and wishes to speak. I yield him the time until 1:45 when it will be equally divided at that time. So the Senator has 10 minutes.

Mr. KERRY. Madam President, last November was one of those truly rare moments in the short history of our country and our democracy. Any political science student taking a freshman lecture, of course, will hear how incredibly hard it is to remove entrenched congressional majorities. They know the statistics about how hard it is to defeat incumbents around here. It doesn't happen that often. But sometimes, the American people rise up in one moment, as they did last November, and they make history. Just six times in our 230-year history has one party lost both Houses of Congress, and 2006 was the first time the Republican Party failed to win a single House, Senate, or gubernatorial office previously held by the Democrats.

We Democrats have been in that predicament. In 1994, Democrats woke up to a landslide defeat some people thought would never come. It wasn't always easy, it wasn't always collegial, but we listened and we learned. Together, we reached across the aisle to balance the budget and reform welfare. We wrestled with why we had lost, and we wrestled with what we had to do in order to come together—not just as a party but as a country.

Evidently, some people still haven't wrestled with what happened last November 7.

Last November, Americans were appropriately angry. They saw our young men and women in uniform paying the ultimate sacrifice in Iraq for a failed policy that was stuck on autopilot. They saw the number of Americans without health insurance skyrocket to 45 million, with more hard-working Americans joining them every day. They saw record-high oil prices and global climate change—a reality denied and deferred and no serious national effort to address these issues. They saw staggering corruption and no accountability for the way the people's House had been turned into a refuge for the special interests. Americans saw a politics and a party that was broken, and they rejected the stubbornness, cynicism, corruption, and failed policies that made "Washington" a dirty word. They voted for a change.

President Bush seemed to get the message the day after the 2006 election when he said to America:

> The message yesterday was clear. The American people want their leaders in Washington to set aside partisan differences, conduct ourselves in an ethical manner, and work together to address the challenges facing our Nation.

The President said he got the message, but the question has to be asked: What have Republicans done since then? Where are they 6 months after their worst electoral defeat in 50 years? What happened to the President's post-election statements when measured against the President's actions and those of the Republican minority in the Senate? Those actions tell a very different story. Before the dust had settled, before defeated Republicans had even cleaned out their offices, this President and his remaining allies in Congress have made a calculation, on issue after issue, that they would just set out to stop everything from happening and then they would turn around and they would ask: Why is nothing happening under the Democrats? This is a pure political calculation. It is wrong for the country, and I respectfully would suggest, ultimately, it will be wrong for the party. They would rather spend their time attacking HARRY REID than attacking the Nation's problems. Delay is no longer just a former Republican leader; it has become a Republican way of life.

We have been busy debating progress in Iraq around here and measuring benchmarks. I can't help but think as we talk about measuring benchmarks that pretty soon the Iraqi Government is going to wonder whether the Republican caucus is going to meet any of its benchmarks or any of the country's benchmarks.

For 6 months now, the Democratic majority has worked in good faith to deliver on our promises to the American people. Because of the Democratic majority, the minimum wage earner in America now makes 70 cents an hour more than they did under a Republican Congress—and soon they will be making $2 more. The longest streak without a raise in the minimum wage in the history of the minimum wage has ended but not before 4 months of Republican obstruction cost each minimum wage earner in America around $500 in earnings.

We passed legislation to make college more affordable and cut interest rates in half for millions of Americans with student loans. We stood up to powerful special interests and raised the fuel efficiency of our automobiles by 10 miles per gallon. Twenty years had passed since Washington raised the fuel standards, but Democrats took on the special interests and got it passed. We passed funding for stem cell research. We passed the 9/11 Commission recommendations. We passed ethics and lobbying reforms.

Just yesterday, we passed legislation that will fix many of the shortfalls in our care for injured troops and veterans, and, over yet another White House veto threat, we also passed a 3.5-percent raise for members of the military. Most importantly, we passed legislation demanding that the President face reality and begin redeploying troops from Iraq.

Regrettably, there is, on almost every one of these issues, today as I stand here a gap between how many of those policies that are aimed to help everyday Americans, which enjoy the majority support of the Senate, and how many have actually been signed into law. Why? One simple reason: The President and his allies in Congress have decided to use every means at their disposal just to slow it down and block it, to stand for a policy of obstruction and obstruction and obstruction, not accomplishment for the American people. They have vetoed and filibustered and killed bills in conference. They have wasted days and days with procedural motions and delays that have nothing more to do in their purpose than to waste time and squander the trust and patience of the American people and, ultimately, to hope to be able to blame it on the Democrats.

Just look at what they have blocked. They vetoed a Senate bill demanding a new strategy in Iraq. They vetoed a stem cell research bill, science that could prove crucial to cures for 100 million Americans with Alzheimer's or

Parkinson's or diabetes or other diseases. Now, another veto is threatened on children's health care—of all things, children's health care—a veto threat on a bill the President hasn't even read, because he was worried about the price tag. Well, we are talking about our children's health, and the bill offered just $7 billion each year for uninsured children, while we spend 1½ times that amount every month in Iraq. Those are just the bills which made it to the President's desk.

Senate Republicans blocked a vote on a bill to allow the Federal Government to negotiate lower prescription drug prices for 43 million Americans on Medicare. Republicans are blocking the passage of a bill that would provide crucial funding for the intelligence community. They are blocking ethics bills that would mark the most sweeping ethics reform since Watergate. They don't have the votes to stop it, so they are pulling a procedural maneuver and refusing to appoint conferees in order to hammer out the final details of the bill.

The Republicans are now setting records for filibusters and obstruction. The Senate record for filibusters is being set already, and it is only halfway through this term. To paraphrase Winston Churchill: Never, in the field of Senate legislation, was so much progress blocked for so many by so few.

Actually, they have made history, I suppose, because thanks to the Senate Republicans, L.A. is no longer the center of gridlock in America—it is right here. On issue after issue, the Republicans have chosen to filibuster—and to do so just 2 short years after they declared the filibuster, as their then-leader, Bill Frist, said in late 2004, "nothing less than the tyranny of the minority." After expressing outrage at the mere hint of a Democratic filibuster last session, the Republicans have suddenly become the principled champions of so-called minority rights in the Senate, but minority rights apply to legitimate filibusters for legitimate issues, not a policy of obstruction to stop everything that comes along.

After threatening the so-called "nuclear option" when Democrats stood up to defend the Arctic National Wildlife Refuge, they have introduced a filibuster to stop everyday business in the Senate. Almost everything the majority leader tries to do here now requires us having a cloture vote in order to prevent a filibuster. In fact, the rubberstamp Republicans of the previous 7 years have now become the roadblock Republicans. The party of Abraham Lincoln has become the party of redtape—vetoes, filibusters—any means necessary to deny the will of the majority of the Senate and the vast majority of the American people.

If you don't believe me, listen to what the minority whip, Senator TRENT LOTT, told a reporter just this April. He said:

> The strategy of being obstructionists can work or fail, and so far, it is working for us—

The "us" being the Republican Party and the minority in the Senate.

Well, I think the Senator is looking at it the wrong way. The question isn't, Is it working for Republicans, is it working for Democrats? The question is, Is it working for the American people? Is it working for the millions of low-income children whose health care funding the President has threatened to veto? Is it making us safer when you block the funding for the intelligence agencies? Is this obstructionist strategy working for the 12 million Americans forced to live in the shadows of American life while our borders stay broken? Is it working for the 554 soldiers who have died in Iraq since Republicans first blocked a measure to redeploy troops last February?

Instead of the Senate's highest shared principles of consensus and bipartisan accomplishment, the Republicans have chosen the lowest common denominator—a zero sum game in which they are willing to gamble the American people's loss for Republican gain. The Republican strategy seems to be to slash the tires of the Senate and then wonder why we are still stuck on the side of the road and blame somebody else for that problem.

Let me be clear what I am criticizing here. I support the right of the minority to filibuster. In fact, I have done so myself. Every Senator in this body has that right. I support that right. But when filibustering not for the principle of the issue at hand but for the generic, broad strategy of stopping what happens here so you can blame the party in charge for not being able to finish the work, that is unacceptable.

The rights of the minority in the Senate ought to be protected, but they also ought to be used responsibly too. Do I have a problem with time?

The PRESIDING OFFICER (Mr. SALAZAR). Yes.

Mr. KERRY. I ask unanimous consent for a few more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Mr. President, obstruction for obstruction's sake is not in the best traditions of this great institution. It is the worst kind of cynical political calculation. I think all of us on our side would join in voting to protect the right of the minority to be able to filibuster. We all understand that what goes around comes around, and the time may come when we again may be in the minority. We Democrats don't want to use the nuclear option. We are not even talking about it. We want to pass bills. We want to pass bills that are supported by a majority of people in the Senate, including Republicans, and certainly supported by the majority of Americans.

I say to my Republican colleagues that there is a better way to do business. We can work together and actually do something positive for the American people. All of us know this is a uniquely challenging moment for this country. We face new threats and hurdles no generation has faced before. We ought to be working together to solve those problems. The only chance this Senate has to make a real contribution to history is to make a bipartisan contribution. That is the only way the Senate meets its own expectations.

Some of the great legislative accomplishments in recent memory came under mixed Government, when both sides of the aisle came together.

In 1981, Ronald Reagan saw that Social Security was in danger of going bankrupt and placed a call to the Democratic speaker of the House, Tip O'Neill. They realized that at the end of the day, nobody would solve it if they didn't. So they got together and took the politics out of a tough and unpopular vote. The deal they struck kept Social Security afloat. Neither man could have done it without the other. Neither party could have done it without the other.

We all know the limits of a politics of division, of partisan sectarianism. A politics of division can rush our country into war, but it cannot sustain our trust or the war itself. A politics of division has no answer for 12 million undocumented workers in our houses, fields, and factories. It has no answer for 45 million Americans with no health insurance, no answer for icecaps that are melting or a failed policy in Iraq. The politics of division is bad for America—from the Parkinson's patient to the undocumented immigrant to the soldier in Iraq. Nobody is benefiting from Republican obstructionism.

It is also bad for the Senate. This Senate has been known as the greatest deliberative body in the world. But there is nothing deliberative about partisan sabotage. There is nothing deliberative about blind obstructionism.

The ongoing debate we have here is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship with each other, Republicans and Democrats. All of us go home and hear from our constituents about how they have lost faith in Washington. All of us want to do right by the people who elected us and try to make life better for the American people.

Any Senator who has been here for a period of time has watched the decline of the quality of the exchange on both sides of the aisle in this institution. I have seen colleagues stand up against it. I remember when Senator GORDON SMITH, in the middle a painful debate on Iraq, said:

> My soul cries out for something more dignified.

I think a lot of Senators on both sides of the aisle are concerned for the

Senate. Voters want a debate over ideas, not a war of words; a choice of direction, not a clash of cloture votes. The stalemate we have now is not what the Senate is renowned for. This is called, as I said, the greatest deliberative body in the world, a place where people on both sides can find common ground and get good things done for other people.

Ultimately, we are accountable to the American people—accountable for false promises, accountable for failure to address issues we promised to address, whether it is energy independence or military families who lose their benefits. We are accountable.

Mr. President, a filibuster to stop all progress, then claim Democrats aren't doing anything, is a failed strategy. It is a failure because it doesn't put the American people first. I believe the American people will hold a party of obstruction accountable. I hope that will change.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2505

Mr. DORGAN. Mr. President, my understanding is that by unanimous consent, we have a vote scheduled at 2 o'clock.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I know of no opposition to the amendment I have offered. Are there those on the minority side seeking to use time against the amendment?

The PRESIDING OFFICER. The Senator has 7 minutes under the unanimous consent order.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator CONRAD be recognized for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota, Mr. CONRAD, is recognized.

Mr. CONRAD. Mr. President, it has been 2,144 days since 9/11. We all remember the day our Nation was attacked. That attack was led by Osama bin Laden, the leader of al-Qaida. At the time, the President said:

> This act will not stand. We will find those who did it. We will smoke them out of their holes. We will bring them to justice.

Mr. President, 2,144 days have passed, and still we have not brought Osama bin Laden or al-Zawahiri or the rest of the top leadership of al-Qaida to justice. These are the people who led the attack on our country. It wasn't Saddam Hussein and Iraq; it was Osama bin Laden and al-Qaida. Yet this Nation lost focus under the leadership of this administration.

I think the most striking story of all is this from the USA Today in late March 2004:

> In 2002, troops from the 5th Special Forces Group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Mr. President, there are not a lot of Spanish speakers in Afghanistan or in Pakistan. That is where Osama bin Laden is still lurking, still hiding, still waiting to strike our country.

This amendment says: Let's remember who attacked America, and let's finish business with him and his al-Qaida network.

Mr. President, we have now learned this week, according to the New York Times, that a 2005 raid on al-Qaida chiefs was called off at the last minute by Secretary Donald Rumsfeld:

> The mission was called off after Rumsfeld rejected an 11th hour appeal from Porter Goss, Director of the CIA. Members of the Navy Seals unit in parachute gear had already boarded C–130 cargo planes in Afghanistan when the mission was canceled.

This amendment says: Let's put the focus back on Osama bin Laden and al-Qaida. Let's finish business with the people who attacked America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. I ask unanimous consent to use the remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that we have a 2 o'clock vote on this amendment. This amendment is one Senator CONRAD and I had offered on the Defense authorization bill. That bill, as you know, is no longer on the floor of the Senate. So we offer it now to this legislation. Just as my colleague from Louisiana has previously offered an amendment with respect to the objective and the priority of eliminating the leadership of al-Qaida, this amendment we offered about 2 weeks ago would do two things: increase the reward for Osama bin Laden and the leaders of al-Qaida; No. 2, and most important, it would require quarterly top-secret classified briefings to this Congress every quarter about what is or is not being done to bring to justice, to capture, or kill the leadership of al-Qaida.

Why do we want to do this? It has been nearly 6 years since thousands of Americans were murdered—innocent Americans murdered by Osama bin Laden and al-Qaida. They boasted about engineering the murder of innocent Americans.

Here is what last week's National Intelligence Estimate says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

That doesn't need much interpretation. The most serious threat to our homeland is al-Qaida.

> We assess the group has protected or regenerated key elements of its homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Does anybody in this country believe there ought to be a safe haven on this planet for those who boasted about murdering thousands of innocent Americans? Does anybody believe there ought to be secure hideaways or a safe haven for the leadership of al-Qaida that, today, in the mountains somewhere, are planning attacks against this country?

Why, after 6 years, are we not successful in bringing to justice and limiting the leadership of al-Qaida? It is not as if we don't know all of this.

This is in June:

> Al-Qaida regroups in new sanctuary on the Pakistan border.
>
> While the U.S. presses on in its war against insurgents linked to al-Qaida in Iraq, bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary. . . .

This is from the New York Times in February:

> Terror officials see al-Qaida chiefs regaining power.
>
> Senior leaders from al-Qaida are operating from Pakistan near the Afghan border, according to American intelligence and counterterrorism officials.

How much more do we need to understand? We have soldiers in Iraq going door to door in Baghdad in the middle of a civil war, where Sunni and Shia are killing each other and Sunni and Shia are both killing American soldiers. In the middle of a civil war, we have soldiers going door to door in Baghdad and, in the meantime, we have al-Qaida building training camps in a secure hideaway between Pakistan and Afghanistan. And today, this afternoon, they are planning additional attacks against our country. That is unbelievable to me.

Mr. President, in August 2001, the Presidential daily briefing given to this President said the following:

> Bin Laden Determined to Strike in the U.S.

That was the title. Nearly 6 years later, we now have intelligence assessments with this title:

> Al-Qaida better positioned to strike the West.

That is what I call failure.

We must succeed. That is why we ask with this amendment for quarterly classified top-secret briefings to this Congress to tell us what they are doing or what they are not doing to bring to justice and to eliminate the leadership of al-Qaida. It is unbelievable to me that Osama bin Laden, who boasted of attacking this country, now apparently is in a secure hideaway or a safe haven. Nowhere on this small planet should there be somewhere safe for the leader of the organization or the leadership of the organization that launched the attack on this country in 2001. It is unbelievable to me that we are in this situation.

Now, the President said this when asked about it:

> I don't know where bin Laden is. I have no idea and really don't care. It is not that important and it is not our priority.

Those are the words of President Bush.

Let me read the words of the National Intelligence Estimate of last week that came out from this administration:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

Maybe we ought to modify that statement of the President because it ought to be our priority. That is what this amendment is about. It should have been our priority 4 years ago, 5 years ago. It ought to be our priority today. I know of no more important priority for this country than dealing with the leadership of al-Qaida and eliminating the greatest political threat and the most serious terrorist threat to our homeland. That is what our amendment does.

I hope the Senate will once again agree to this amendment and establish this as a preeminent priority for this country.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, it is my understanding no time remains and we will go to a vote immediately; is that correct?

The PRESIDING OFFICER. The question is on agreeing to the amendment as under the previous order.

Several Senators addressed the Chair.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 more minutes on this subject, and then we can go to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, will the Senator modify her request to allow me 2 minutes before we go to the vote?

Mr. DURBIN. Objection.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mr. DORGAN. What is the Senator's request?

The PRESIDING OFFICER. The Senator from Louisiana has asked for 2 minutes. The Senator from South Carolina has asked to modify that request for 2 minutes.

Does the Senator from Louisiana so modify her request?

Ms. LANDRIEU. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, in fairness, as I have seen Republican amendments taken down with rule XVI, I raise a point of order that the pending amendment constitutes legislation on an appropriations bill and violates rule XVI.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that we consider the amendment I have offered, notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The point of order is well taken and the amendment falls.

The Senator from Washington.

Mr. DEMINT. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I believe I have the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are in the twilight zone. We are on an appropriations bill. An amendment was offered subject to a point of order. The point of order was raised and sustained by the Chair. And now the person who won wants to appeal the ruling of the Chair.

Mr. DEMINT. Will the Senator yield?

Mr. REID. I will be happy to yield for a question.

Mr. DEMINT. I thank the leader. We were rushed, and I didn't have a chance to explain what I was trying to do. As I was listening to the debate of the last couple of days, I have seen rule XVI used against LINDSEY GRAHAM's bill. I have seen other Republican bills, such as DAVID VITTER's, taken down because it violated rule XVI, legislating on an appropriations bill. Yet when I heard Senator DORGAN's amendment, I realized there was a double standard. We were being inconsistent. It was OK to legislate on a Democratic bill but not a Republican bill. My intent was to make a point, to raise a point of order that Senator DORGAN's amendment does violate rule XVI. But when the Chair ruled, I appealed the ruling of the Chair, which the Parliamentarian said she did not hear. But what I wanted to vote on was the ruling of the Chair to establish are we going to use rule XVI against Republicans but not Democrats; are we going or are we not going to have a fair debate?

Obviously, our preference would be not to be legislating on appropriations bills, but if we are going to do it for some, we should do it for all.

In this case, I say to the leader, my hope had been to vote on an appeal of the ruling of the Chair, which I had asked for, but was not recognized apparently, before we went into a quorum call.

Mr. REID. I say to my friend, you won. The rule XVI you raised and you won. The amendment falls. And it is a Democratic amendment.

Mr. DEMINT. I had asked for the yeas and nays on appealing the ruling of the Chair because that was my intent, to question whether we should be legislating on appropriations bills. That was more of a vote on rule XVI than it was the Dorgan amendment. That is what I was here for, to ask for a vote on appealing the ruling of the Chair, which was my language: "I appeal the ruling of the Chair and ask for the yeas and nays."

Mr. REID. Just a second; I have the floor.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, the Senator from Nevada and others were in the well a moment ago when Senator DEMINT indicated what he wanted was a vote on my amendment. I said that is fine, withdraw your objection and we will have a vote on my amendment. Apparently, that is not what he wanted because the Senator offered an objection relative to rule XVI. The Chair sustained the Senator's objection, and because the Senator won, he was not satisfied and wanted to do something further.

I don't have the foggiest idea what might be the motivations here. If the Senator from South Carolina wants a vote on my amendment, all he has to do is withdraw his objection, and we can have a vote in 30 seconds. If there is some other nefarious purpose here, then maybe the Senator might explain it to us.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, that is why I said I think we are kind of in a twilight zone here. The Chair is not partisan. The Parliamentarians who serve at our pleasure, Democrats and Republicans, are not partisan. They go by the rules and the precedents set in this body.

Mr. LOTT. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to yield to my friend. I will say to my friend, he and I were on this floor and we danced this tune once before. It took us 4 years to unwind from it. That is why the vote yesterday was so important.

Mr. LOTT. That is what I wish to comment on, Mr. President, if the distinguished Senator will yield briefly. Without getting into the substance or without questioning anybody's motives, it is important that we understand—and I can put this in the form of a question to the majority leader—if, in fact, this appeal of the ruling of the

Chair should succeed, that would do away with rule XVI, as I understand it, and then we would all have a grand old time legislating on appropriations bills.

Before the leader responds, let me say there are pent-up feelings on this side, probably on your side: Well, we can't get the authorizations and some of the language we want and the appropriations bills may be about the only thing moving through here, in some respects, and we want to have an opportunity to legislate on appropriations bills. But here is part of my concern, honestly. I don't think we can win that battle against the other side. I suspect you all would wind up legislating more than we would on appropriations bills.

Mr. President, I think we need to calm down around here. There is a rule on the books for a reason. For good reason we took an action that knocked it out a few years ago. I learned painfully what a mistake that was. We should not be legislating on appropriations bills. You can make a good-faith effort around here if you want to do that. I think this action would cause some consequences we would not want, if we look at it in the future.

Am I stating this correctly, I ask the majority leader?

Mr. REID. Mr. President, our roles were reversed too many years ago when I had his job and he had my job, and it was a very difficult time. Even everything being in order, to move these appropriations bills is hard, and then anybody can offer anything on them. The key to these appropriations bills is you deal with matters of appropriation, not some of the subjects people have thrown into them all the time.

As my friend said, there is a lot of frustration. The House can move a lot of authorizing legislation. We cannot over here. So there is a tremendous temptation to stick in these appropriations bills all kinds of authorizing legislation that shouldn't be on appropriations bills.

I plead to my friend from South Carolina: It doesn't prove anything to have us vote on something—you have already won. I will also say this. The only partisan nature of raising points of order is we try—it usually works out that way—if there is a Republican who violates a point of order, a Democrat who is the manager of the bill will raise a point of order; if it is a Democrat, then a Republican will raise a point of order. That is the only partisan nature of raising points of order.

Mr. LOTT. Mr. President, will the distinguished majority leader yield briefly?

Mr. REID. I will be happy to yield.

Mr. LOTT. Mr. President, I feel a necessity at this point—and I will follow it with a question—to also say that I understand the right of the Senator from South Carolina to do this procedure. I am not questioning that at all. I think the result would be one that would not be good for the institution, and I think we would be abusing it on both sides.

But also I want to emphasize the right of a Senator to modify his own amendment. I wasn't here when the discussions took place with regard to Senator VITTER's modifying of his own amendment, and I know that has caused some consternation.

Mr. President, if I could say to the majority leader, wouldn't it be better for this institution if we would not get in the position of questioning each other's motives? I realize we have to be honest with each other, and I understand what everybody is doing. I understand the amendment on Osama bin Laden. Yes, we want to catch him, and I know there is a lot being done—and I won't get into the intelligence—and I understand what Senator DEMINT is doing, but I would hope this would give us an opportunity, in a bipartisan way, for the sake of this institution, to step back, to calm down, and to stop trying to do these things to each other on both sides of the aisle.

I am grandstanding, and I apologize, but my purpose is to try to say to the institution, to our people, I hope we will find a way to avoid this. I think it would be a mistake, and I assume the majority leader agrees with that.

Mr. REID. Mr. President, I appreciate my colleague, calling on his years of experience, to try to settle things down.

I would say that, perhaps with Senator VITTER, giving him the benefit of the doubt, maybe there was a misunderstanding in the conversation. That is totally possible. Maybe he didn't understand the rules. Maybe he didn't do one thing and say something else, and I accept that, if in fact that is the case.

So I think what we should do is, I am going to ask a quorum call be started, and then we will huddle over here and see if we can work all this out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, due to the good work of my friend from Mississippi and others, on both sides, here is what we are going to do. There has been a point of order raised against the Dorgan amendment, and that has been sustained. So that amendment will fall. And in the order of amendments filed, Senator VITTER's is at No. 11 or 12; OK?

Senator VITTER, when he had his conversation with Senator COCHRAN, Senator MURRAY, and me, was under the impression he could still modify his amendment. We thought differently. It was just a misunderstanding. Maybe we have been around here too long—I shouldn't say "we." Maybe I have been around here a long time and just accept things for the way they appear to be and not sometimes the way they are. Senator VITTER has said there was nothing nefarious in what he did. He just assumed he could automatically modify that. And under the rules, he could.

So we will go back right where we were. No one is accusing Senator VITTER of anything that is illegal or unethical. It was simply a misunderstanding among the four of us. So anything I have said earlier today, based on my misunderstanding of him and what his thoughts were, just forget about them because based on the conversation I have had with him in the last few minutes, that wasn't the case. So I shouldn't have been as upset, and Senator MURRAY shouldn't have been as upset as she was. Senator COCHRAN was his usual stoic self trying to lead us in the right direction, which we didn't go.

Mr. VITTER. Mr. President, will the majority leader yield?

Mr. REID. I will be happy to yield.

Mr. VITTER. I thank the majority leader.

First of all, I appreciate those words very much, and I certainly want to reiterate that I never thought I was waiving what I considered my ability as a Senator to modify my own amendment and try to get a vote on my own amendment in the form I would like. So I appreciate the comments of the leader in that regard.

I also want to point out that I was actually modifying the amendment in order to get rid of this point of order and the fact that it, in a previous form, would have legislated on an appropriations bill, which we are trying to avoid. So I was trying to avoid that with regard to my amendment.

But I appreciate the comments, and I look forward to moving forward.

Mr. REID. Finally, Mr. President, let me say, I haven't mentioned his name but, of course, the distinguished Republican leader, being involved in this little huddle that took place, had a tremendous influence on our ability to work this out. I would say—and I hope I don't jinx anything we are working on now—what I would really like us to do is to see if in the foreseeable future we can work out a time on this bill for final passage. No one has had any amendments being prohibited. If people don't want to have final passage in the next 24 hours or so, that's fine.

As I have said before, I don't want to file cloture. We can just keep grinding through the weekend, but I would rather not do that.

Sometime today we are going to see if we can move to the conference report that Senator LIEBERMAN has so masterfully brought back to us dealing with the 9/11 Commission recommendations. He, of course, worked with Senator INOUYE and others to get this done, and so we will do that at a later time. But I wish everyone would work—certainly the two managers of the bill—to see when would be an appropriate time to see about a time for final passage.

Remember, we have this bill to complete. We have to work on children's health. We have two conference reports—there may be three conference reports—and that is all we have to do. But we have to go through all the procedural hurdles, and that may take longer than any of us wants to get through in the next few days.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I thank the distinguished minority whip, Mr. LOTT, for pointing out for the Senate a few moments ago the importance of rule XVI. I also want to thank the junior Senator from South Carolina for understanding, as well, that is a rule that has occasionally been reversed and restored in the Senate, and I think it is important to most of us that it continue to be in effect.

I also thank the majority leader and Senator VITTER for the colloquy we just heard. I think it is entirely possible for us to conduct our business in a civil fashion. I think we have just experienced a good example of the Senate working together on a bipartisan basis to get back together and to begin to move forward and finish this bill as soon as possible. Certainly, I share the views of the majority leader that we need to wrap up this bill in the very near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all our colleagues for working with us to a point where I hope now we can start working through the amendments.

I call for regular order at this point, and I would remind all of us that I have about 12 or 13 amendments that have been offered. I know several other Senators have asked to be recognized to offer amendments. We want to work our way through all of these in a timely manner in regular order. We will be doing that this afternoon. So I ask Senators to stay close by the floor so we can move them through as quickly as possible. Hopefully, we can get time agreements on them in short order and dispose of them in whatever way is appropriate.

At this time, I call for regular order.

AMENDMENT NO. 2468

The PRESIDING OFFICER. The Landrieu amendment is the pending amendment.

Mr. COCHRAN. Mr. President, I make a point of order against the Landrieu amendment, that it is legislation on an appropriations bill, in violation of rule XVI.

Ms. LANDRIEU. Mr. President, how much time do I have to speak on the amendment? Is there any time allocated on the amendment?

The PRESIDING OFFICER. The point of order is not debatable.

The Senator from Washington.

Mrs. MURRAY. Mr. President, at this point we would like to move to regular order. The next amendment pending is the Grassley-Inhofe amendment.

I understand the Senator from Louisiana would like 2 minutes just to discuss the amendment that just fell, so I ask unanimous consent that she have 2 minutes.

Ms. LANDRIEU. Mr. President, reserving the right to object, let me ask the distinguished minority manager of the bill for just 10 minutes to speak on my amendment, and then he can speak on the point of order?

The PRESIDING OFFICER. The point of order has been raised.

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes on my amendment.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, in the interest of comity, I will agree, but may I bring up two amendments that have already been filed while I am here?

Mrs. MURRAY. I object at this time. I have a number of Senators who are asking us to call up amendments. We would like to work with all of you to do that in a regular fashion. Maybe we can do that after the Senator from Louisiana is speaking, but at this point we are going to allow the Senator from Louisiana to speak and then move back to regular order, which will then be the Grassley-Inhofe amendment, No. 2444.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Louisiana?

Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair, and I can appreciate the situation we are in with the point of order being raised against the amendment, but as you know, Mr. President, I offered this amendment in good faith last night and spoke at some length on the amendment. I was under the impression that before we voted I would have the opportunity to speak on the amendment. Since that didn't happen, I appreciate the goodwill of my colleagues to at least allow me 5 minutes to speak, although the amendment has a point of order called against it.

My amendment actually proposes $25 million on this appropriations bill. I don't know where else to appropriate money except on an appropriations bill, and that is basically what my amendment does. It is a two-page bill, and it appropriates $25 million to the CIA to give them some extra resources to try to track down the No. 1 terrorist and his network that is threatening our country.

This amendment was prompted not out of politics or spite, it was prompted out of last week's National Intelligence Estimate that has been referred to now several times on both sides of the aisle. This did not come from a Democratic think tank or a Republican think tank, it came from the National Intelligence Estimate that says the al-Qaida network is as strong as it was before 9/11 and that Osama bin Laden is still the No. 1 target.

I offered an amendment in good faith and reached out to my colleagues to say we are on homeland security, could we find $25 million to appropriate some additional funding to the CIA? I know there are other resources, some of them are classified and some of them are not—and to clearly restate the policy that Osama bin Laden remains the foremost objective of the United States in the global war on terror and protecting the U.S. homeland, the foremost is to capture and kill Osama bin Laden.

I understand the point of order. I understand technically the Parliamentarian would probably rule against me. But for the purposes of the constituents I am representing I wish to say I am trying but am blocked to appropriate $25 million more on a Homeland Security bill to give it to the CIA to help protect us from the No. 1 terrorist, according to our intelligence reports. That is all I wished to say.

I thank my colleagues for allowing me that moment of the record. I know the Senator wants to go back to regular order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that the Grassley amendment No. 2444 be temporarily set aside; that we proceed to the Alexander-Collins amendment No. 2405.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

AMENDMENT NO. 2405, AS MODIFIED

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my amendment described by Senator MURRAY be modified. The modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302), $300,000,000.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 1 hour of debate, equally controlled in the usual form, with no second-degree amendments in order prior to the vote, and upon use or yielding back of the time, the Senate proceed to vote in relation to the amendment, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington for her courtesy. I thank the Senator from Mississippi for his help with this amendment, facilitating its coming to the floor last night at a late hour. I am grateful to him for that.

This is an amendment which I described on the Senate floor yesterday. It is an amendment involving REAL ID. I am offering the amendment with several cosponsors, including Senator COLLINS of Maine, Senator WARNER, and Senator VOINOVICH. It is my intention to use about 10 minutes of our 30 minutes on this side and to reserve the rest of that time for Senators COLLINS, WARNER, and VOINOVICH, if they choose to come to the floor in support of this.

Mr. President, I ask unanimous consent that Senator KYL of Arizona be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, this amendment would provide $300 million in funding to the States to implement the program known as REAL ID. It is offset with a .8-percent across-the-board cut in the rest of the bill. The total pricetag of the rest of the bill, the Homeland Security appropriations bill, is about $37.6 billion.

I will have a word to say about the offset in a moment. I know the Senator from Washington will have a few more words to say about the offsets when her time comes. I would prefer another offset, but I will talk about that a little later.

First, let me describe again what the amendment does. I would ask the Chair if I can be informed when 10 minutes has expired.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Mr. President, after 9/11, the 9/11 Commission recommended that in light of the terrorism our country faces, we begin to study how we can have more secure identification cards. A number of the terrorists had stolen cards or had fraudulent cards or had ID cards that were not real.

As a result of that, the Congress passed the Intelligence Reform and Terrorism Prevention Act at the end of 2004 which established a process by which we could look at the recommendation of the 9/11 Commission. It established a negotiated rule-making process.

Because most of the ideas about ID cards involved State and local governments, all of them involved issues of privacy, all of them involved the possibility of great inconvenience to most Americans, this negotiated rule-making process would basically create a seat at the table for representatives of all the affected groups and try to work out the most sensible thing to do.

I have historically been opposed to the idea of an ID card. When I was Governor of Tennessee, I twice vetoed the photo driver's license bill because I thought it was an infringement on liberty. But the legislature overrode me, I accepted it, and today, after 9/11, I agree it would be wise for our country, with a combination of terrorism and the difficulties within immigration, to have more secure identification cards.

The question is, which one? Then suddenly, in 2005, along came an appropriations bill for our troops, and in the middle of it, the House of Representatives stuck something called the REAL ID Act, which set minimum standards for State driver's licenses as an effort to deter terrorists from easily obtaining that form of identification.

Well, that could be a good idea. But there are 245 million Americans with driver's licenses or ID cards. Many of us send those in by mail or online to renew them. Last year in the State of Tennessee, for example, there were 1.7 million driver's licenses issued. There are 53 driver's license identification stations. I believe the only group of people who could have passed REAL ID in the dead of the night, without any hearings, were Congressmen who had never been to a driver's license examining station in Tennessee or maybe in their own State, because these are not State employees who are trained in catching terrorists. They are not equipped to deal with the large number of new responsibilities, in a State which is going to have REAL ID, that include having to come in person to that driver's license office and show a number of documents, including the Social Security card and a valid U.S. passport.

We would have to prove, I would have to prove, that I am lawfully a citizen of the United States. Our family has been here for 12 generations. Senator SALAZAR has been here for 13 generations. The Presiding Officer has written a book about the number of generations his family has been here. We would have to go down to one of these driver's license stations and prove we belonged here. Nobody else ever had to do that before in my family that I know about. But in an age of terrorism, we might have to do that.

At the very least, I would think we would want to do one of two things: One would be that in the Senate, in the Homeland Security Committee or other appropriate committees, we might want to think about whether there might be other ways to come up with a better secure identification card, rather than add that to the burden of the driver's license.

For example, most of the problems that surround the immigration bill have to do with work, people coming into this country illegally to get a job. That is what most of it is about. Senator SCHUMER and Senator GRAHAM have a piece of legislation that would create a secure Social Security card.

Now, I wonder if, over a period of years, having workers with a Social Security card that is secure, includes biometrics, and a good employer verification system, might not be a more sensible way for us to improve the question of whether we have secure identification cards.

There is the idea of more passports. Already we have a backlog because of the number of American who are getting a passport. But passports are a more secure identification. Maybe there should be a secure travel card we could use when we travel on airplanes. For example, there are a couple million of us at a time who are up in the air. If we all had one of those cards, you begin to add all those up—you may have some driver's licenses that are more secure, a secure work card, a passport and a travel card, a variety of secure cards would begin to avoid the terrors we imagine from a "Big Brother" national ID card.

We remember what happened with that sort of thing in Nazi Germany and in South Africa, where you had to carry around a wallet and a portfolio describing how mixed your blood might be so they can determine your race. We do not want that in the United States.

So that would be the kind of discussion we should have had in hearings before any of this was adopted. We were going to have that with the negotiated rule-making process, before suddenly this so-called REAL ID card comes through here at night and we have to vote for it, up or down, or not send any money to support the troops fighting in Iraq and Afghanistan.

We can get an idea of what the REAL ID surge might cost by looking at what is happening right now with the passport backlog in the United States. There were 12 million passports issued in 2006. This year there are going to be

17 million because of new travel requirements. The Passport Office employees are working hard, but they grossly underestimated, or we did, what the new demand would be.

As a result, there was a backlog of 3 million passports in March. Today it is 2.3 million. The turnaround time used to be 6 weeks, now it is 12 to 14 weeks on regular service and 4 to 6 on expedited service. We have destroyed summer vacations, we have ruined weddings and honeymoon plans, we have disrupted business meetings and educational trips. People lost days of work waiting in line. If we think the passport backlog has created consternation, imagine what it is going to be like when 245 million Americans, many who have been used to renewing their driver's licenses by mail, many who have thought of themselves and their parents and grandparents as good, legal Americans, have to go to their driver's license station with a pack of documents and prove they are legally here.

Then they might get right up to the door and somebody says: You forgot one thing, and they have to go all the way back home, get it, and stand back in line again. I bet we get more calls on that than we did on immigration.

There is another problem I would like to describe. It is one I am trying to address with this amendment. I am trying to provide three hundred million dollars next year to help States who wish to comply with REAL ID pay for it. Now, not all States will take advantage of this because 17 States have already

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator has used 10 minutes.

Mr. ALEXANDER. I will continue with my time because I do not see Senator COLLINS or Senator WARNER or Senator VOINOVICH. I will take another 4 or 5 minutes. If they don't come, then I will give back my time, except a minute or two to the Senator from Washington and let the Senator from Washington be recognized.

But let me talk about the money a minute. Seventeen State legislatures, including Tennessee, have passed legislation against REAL ID. We do not want it. We want something else. But for those who do have it, they have to get cracking because it says here: States have to be ready to comply with these new measures by May of next year.

The Department of Homeland Security has not even issued final regulations about what the compliance must be. But the Department, thanks to the good work of Senator COLLINS and others with an amendment we had earlier this year, has agreed to grant waivers to States for delayed implementation. So States have a little bit of time to work on this, if they choose to.

But 17 States do not want to. However, we have a principle here called federalism. Much of it is incorporated in the 10th amendment to the Constitution. I see our constitutional expert, the Senator from West Virginia, on the floor. When I was Governor, I said on the floor many times, nothing made me madder than when some Congressman or Senator would stand up with a big idea, pass it, hold a press conference taking credit for it, and send the bill to me. I would have to either raise tuition or cut this or change that, and then that same Congressman would be home making a big speech about local control the next weekend.

I did not like that. It was called unfunded Federal mandates. I have also stated many times on this floor that the Republican Congress got elected in 1994 running against these mandates. They stood on the steps of the Capitol in 1994 with Newt Gingrich. They said: No more unfunded mandates. If we break our promise, throw us out. Maybe that is one of the reasons they did throw us out, because we forgot that promise.

We forget it with REAL ID because, according to the National Governors Association, implementing it would cost $11 billion over 5 years. The Department of Homeland Security itself expects the cost to reach $20 billion over 10 years.

Today, the Federal Government has appropriated only $40 million for the States to comply with those mandates, even though it could cost $20 billion over 10 years.

We are not supposed to be doing that. If we want to require it, we should pay for it. My view of unfunded mandates is we ought to either fund REAL ID or we ought to repeal it. We should not require it unless we are going to pay for it. I see the Chair, the distinguished former Governor himself, the Senator from Nebraska. When I described how I felt about unfunded mandates as Governor of Tennessee, I imagine he felt exactly the same way. I have sought, working with Senators COLLINS, WARNER, VOINOVICH, and KYL, to identify a way to begin to deal with this issue of the unfunded Federal mandate. That is where this $300 million amendment comes from.

The National Governors Association met last weekend. They issued the following statement regarding REAL ID:

> If Congress is truly committed to transforming REAL ID into a reasonable and workable law that actually increases the security of our citizens, it must commit the Federal funds necessary to implement this Federal mandate. As the Senate considers the Homeland Security appropriations bill for fiscal year 2008, the Nation's Governors urge Senators to support Senator ALEXANDER's efforts to begin funding the mandates imposed by REAL ID. States estimate the cost of REAL ID will exceed $11 billion over 5 years, including $1 billion in up-front costs merely to create systems and processes necessary to implement the law and prepare to re-enroll all 245 million driver's license and identification cardholders. To date Congress has appropriated only $40 million to assist States.

I only have one more point to make. Then I will yield the floor and reserve the remainder of the time.

The chairman of the Appropriations Committee and the ranking member allowed me to discuss this and bring up this amendment during committee deliberations. I thank them for that. I offered offsets from other funds that States were receiving. A majority of the members of the committee didn't like the offsets. That is not so unusual in the world in which we live. My amendment was defeated in the Appropriations Committee. I am coming to the floor with a different offset. It is 0.8 percent across the board cut in the rest of the bill. I know very well that the chairman of the committee and the chairman of the subcommittee and other Senators don't like that offset, but I suggest to my colleagues that there are others of us who don't like underfunded Federal mandates. If the Congress is going to impose on the States a $20 billion cost over 10 years, then we should pay for it. We have only appropriated $40 million.

As the Governors said, it is time for us to move ahead and appropriate $300 million this year, only a downpayment on what we should pay, and if the offset we adopt today is not the one the chairman and others would prefer, then perhaps there is an opportunity during conference on an this appropriations bill of $37.6 billion to make that adjustment.

I thank the managers of the bill for giving me a chance to bring the amendment to the floor. I will yield the floor and wait to see if Senator COLLINS or others decide to come. If they do not come, I will yield back the rest of my time except for 2 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator from Tennessee for his amendment. It highlights another shortcoming in the President's budget. When it comes to homeland security, the President—and I speak most respectfully of the President; I always do—likes to rob Peter to pay Paul. Regrettably, in an effort to help States deal with the cost of REAL ID, the able Senator proposes to do the same thing. The able Senator proposes to do the same thing by using an across-the-board cut. I don't like across-the-board cuts. That cuts into programs that hit a lot of people, all good people.

I rise to oppose the amendment. The President's budget fails to address the mandate imposed on States by the REAL ID Act. According to the National Governors Association, it will cost States $11 billion to implement the REAL ID Act.

Yet the budget did not include one thin dime to help the States with this

Federal mandate. Meanwhile, the Department has let $35 million which Congress appropriated in 2006 for REAL ID implementation sit in the Federal Treasury unspent for almost 2 years.

Let me say that again: The Department has let $35 million—that isn't just chickenfeed—which Congress appropriated in 2006 for REAL ID implementation to sit in the Federal Treasury unspent for almost 2 years. I share the concern of the Senator that this law, which was jammed down Congress's throat in an unamendable war supplemental, will impose serious costs on our States. However, given that there is $35 million still sitting at the Department and that we have no request from the White House, this bill is not the place to fix this problem.

This amendment would hamper the Department's ability to secure the Nation. For example, this cut would result in the reduction of 416 transportation security officers at the same time air travel has been increasing approximately 3 percent each year and the TSO workforce has decreased or stayed flat each year. It would also occur at a time when the aviation sector is at a heightened alert status. Let me say that again: It would also occur at a time when the aviation sector is at a heightened alert status. The Federal air marshals would reduce coverage of critical flights. The Coast Guard would be unable to respond to projected search-and-rescue cases, thus endangering the lives of citizens and property, interdict a projected increase in migrants, marijuana, and cocaine, and remediate anticipated oil and chemical spills, further degrading our natural resources. This cut would delay the recapitalization of the Coast Guard's fleet, further exacerbating maritime and aviation operational gaps.

The President's budget requested—and the committee supports—funding for 3,000 new Border Patrol agents. Furthermore, this reduction would cut that increase in agents to 24. Additionally, the National Guard forces currently supporting Operation Jump Start on the southwest border assisting the Border Patrol will begin leaving the border this summer. Once again, the Border Patrol will be forced to move agents back from the border to perform administrative duties.

Additionally, the committee's bill includes funding to support a total of 4,000 new detention beds, bringing total detention beds to 31,500. Moreover, this reduction would cut that increase by 32 beds. Are you listening? Given that the average length of stay in a given detention bed is approximately 40 days, losing 32 beds means we have lost the space to detain approximately 300 illegal aliens annually. Are you still listening? We have spent the past 2 months debating immigration reform and the need for detention beds. A cut like this turns that debate on its head.

The President's budget requested and the committee bill supports funding of $1 billion—that is $1 for every minute since Jesus Christ was born—for fencing infrastructure and technology along our still porous border.

If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. Let me say that again: If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. A cut like this moves us in the exact opposite direction. First responders' State formula grants would be cut below the fiscal year 2007 enacted level; ironically, the level approved under a Republican-controlled Congress.

The practical implication of this will be: First responders will go without up-to-date personal protective equipment; fewer critical infrastructure facilities, including chemical and nuclear, will have a security buffer zone; public transportation, a known target by terrorists overseas, will be less secure.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thought the distinguished Senator from Tennessee made a very compelling argument about this amendment, which he has offered. We have heard him discuss his ideas on federalism, and there is no better proponent of clear thinking on that issue than the Senator from Tennessee.

But what occurred to me when I was sitting here is that I have heard some of these arguments before. I started thinking back to the hearings that were held and the markup sessions that were held in the Governmental Affairs Committee, the committee of legislative jurisdiction, when the Department of Homeland Security was being created by Congress to more effectively—with a better Federal organization of talent and wherewithal—cope with the challenges from threats to the security of our homeland. Many of these issues were discussed in great detail.

I remember the Senator from Connecticut, in particular, Mr. LIEBERMAN, being in a position of leadership on the committee at that time. We had other talented Senators working on that authorizing legislation.

What is happening to us, I am afraid, is as we get about the business of implementing the changes in our laws that were made by the creation of this new Department, and the creation of new agencies to implement and carry out these responsibilities in a coherent way—the policymakers have their guidance from that legislation, but we now here are considering an appropriations bill. We are not at a point where we are going back and reviewing in an oversight hearing or in a consideration of changes that ought to be made in the law. We are appropriating the funds to give to the Department and the agencies that were created and given these responsibilities.

So to come in now with an amendment—and I hate to argue against this amendment because the eloquent argument on its behalf was very impressive, but this is the wrong vehicle and this is not the right way to deal with the problem. If we have made an error in requiring too expensive, too stringent, too illogical, unworkable requirements or laws, let's change them. Let's change them. But let's not try in an Appropriations Committee to halfway fund our needs. We do not have the money to pay for this program. That was pointed out very clearly.

The REAL ID program is hugely expensive, and at some time there will be a day of reckoning. Maybe we are fast getting there. We have heard the warnings. I think we should heed the warnings and urge the legislative committee to think about modifying the authorities and the directives that are contained in the law—make it affordable, for one thing; decide, are State and local governments going to share the responsibility for these costs or is the Federal Government going to build up a huge Federal deficit trying to pay for the costs on an annual basis through the annual appropriations bills.

Well, anyway, as my law school dean used to say, it is not a horse that is soon curried. This is something that is going to take some time and effort, and we need to rise to the challenge the Senator from Tennessee presents to us and come up with a more thoughtful and workable and affordable way to deal with this issue.

So I am going to oppose the amendment because I think it should be done legislatively, and the problem cannot be solved with adding money and adding new language which is legislative in nature. I hope the Senate will carefully review the options we have and try to do the responsible thing.

Mr. LEAHY. Mr. President, the REAL ID Act was legislation forced through Congress as an add-on to the emergency supplemental bill passed in May 2005, without any Senate hearings or debate, but the implications of the Act are enormous. In addition to numerous privacy and civil liberties concerns, REAL ID is an unfunded mandate that could cost the States in excess of $23 billion.

As hearings in the Judiciary Committee and Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for primetime. In fact, the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation. With 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID up and running in the next 5 years—much less in fiscal year 2008.

On top of that, even though they are not even in production yet, REAL ID cards are rapidly becoming a de facto national ID card since they will be needed to enter courthouses, airports, Federal buildings, and now workplaces all across the country. In my opinion, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years, and we should not support the Alexander-Collins amendment.

In May, the Department of Homeland Security Data Privacy and Integrity Advisory Committee expressed concern over several items in the REAL ID proposed regulations and said that they pose serious risks to individual privacy by: failing to establish a standard for protecting the storage of personally identifiable information; failing to provide methods for Americans to inquire or complain about the collection, storage, and use of personal information and remedy errors; failing to require notifying consumers of information collection and use by the State; failing to require that individuals have a choice over secondary use of that information; and failing to assure that the information collected for a specific purpose is used only for that purpose.

Congress should not fund the REAL ID program until the Department of Homeland Security makes fundamental reforms to the program and stops forcing such onerous provisions on the States. In addition, with this amendment offset by an across-the-board cut from all DHS programs, I don't think we should be robbing from other critical Homeland Security accounts—where we have seen real gains in securing our country—to pay for just 1 percent of the floundering REAL ID program.

REAL ID is not popular in our States, and opposition spans the political spectrum, from the right to the left. A large number of States have expressed concerns with the mandates of the REAL ID Act by enacting bills and resolutions in opposition.

Seventeen States have enacted statutes or resolutions against REAL ID, including Hawaii, Washington, Idaho, Nevada, Montana, North Dakota, Colorado, Nebraska, Oklahoma, Missouri, Illinois, New Hampshire, Maine, Arkansas, Tennessee, Georgia, and South Carolina.

Washington, Georgia, Oklahoma, Montana, South Carolina, New Hampshire, and Maine have gone so far as to indicate that they intend to refuse to comply with REAL ID.

Ten States have had statutes or resolutions pass one chamber of their legislature, including Oregon, Utah, Arizona, New Mexico, Wyoming, Minnesota, Louisiana, West Virginia, Pennsylvania, and Vermont.

Another 10 States have had statutes or resolutions introduced in their legislatures, including Alaska, Texas, Wisconsin, Michigan, Kentucky, Ohio, New York, Massachusetts, Rhode Island, and Maryland.

The reaction to the numerous privacy concerns and unfunded mandates of the REAL ID Act is a good example of what happens when the Federal Government imposes itself rather than working with the States to build cooperation and partnership. Since so many States have risen up in opposition to REAL ID, we should not fund this failed program, and I urge a "no" vote on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I know Senator COLLINS, Senator VOINOVICH, Senator WARNER, and Senator KYL—all cosponsors of the bill—had hoped to speak, but I am not sure any of them are able to come now, so I wish to reserve 2 minutes prior to the vote, but other than that, I say to the managers and to the distinguished chairman of the committee that on this side we are ready to go forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we do have one other Senator who wants to come and speak on this amendment. I think he will be here shortly.

If there are no other Senators who want to speak at the moment, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, so everyone knows what is happening, Senator TESTER is going to be here in a minute to speak for several minutes. Senator ALEXANDER has a few minutes remaining. At the end of that time, we will be moving to a vote on the underlying amendment, so I hope all Senators are close by the floor.

Mr. President, I see the Senator from Montana is in the Chamber and I ask him how much time he is going to use.

I believe the Senator from Montana will be using 5 minutes. Senator ALEXANDER will be using a few. So a vote will be imminent.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise in strong opposition to the Alexander amendment. It is a bad idea. The amendment would take away $300 million from port security, rail security, and all the grant programs that fund the first responders in each of our home States. It would rob the Border Patrol, Customs Enforcement, and the Coast Guard of the resources they need to keep our Nation safe. It would be robbing Peter to pay Paul.

The amendment would take $300 million and give it to departments of motor vehicles. Let me say that again. This amendment takes funds off the border, and gives funds to departments of motor vehicles. That is because the REAL ID Act will require every citizen to obtain a new driver's license from your State. To do that, you will need a birth certificate, your Social Security card, and some way of verifying your current address. It applies to everyone.

It will require States to reissue more than 245 million driver's licenses—let me say that again. It will require States to reissue more than 245 million driver's licenses—only after certifying that the person requesting the document is an American citizen or in the country legally. States are also being asked to build a whole new set of databases and other information technology to link up with the Federal database and with other States.

All in all, the national ID system will cost $23 billion—with a "B"—$23 billion for the States to implement, and we are going to take away $300 million from port security and rail security and first responders in our home States and think that is going to make a difference.

This amendment would only provide 1.3 percent of that $23 billion cost. That does nothing to help the States. In fact, it is an afront to them to say "we hear your complaints," and then provide them with a 1-percent solution.

Beyond the funding issues this amendment creates, endorsing REAL ID would be a real mistake. The REAL ID Act puts massive new Federal regulations on the States. From new databases and fraud monitoring, to new network and data storage capacity, the States will be tasked with an enormous range of new regulations and new requirements.

Once REAL ID becomes effective, every State's department of motor vehicles will have to play immigration official. DMV workers will be tasked with reconciling discrepancies in Social Security numbers with the Social Security Administration. Departments of motor vehicles will have to require proof of "legal presence" in the United States from immigrants.

REAL ID also creates enormous privacy concerns. REAL ID is a national ID card. Make no mistake about that. Every citizen who wants to get on a plane, who wants to enter a Federal building, and, possibly, who even wants to get a job will have to be a part of it. We should not be funding something such as that without a real debate in Congress about the wisdom of such a program.

One month ago, 52 Senators voted to prohibit the expansion of REAL ID in the immigration bill. I hope we do not retreat from that progress by suddenly agreeing to this amendment to fund—at a 1-percent level—REAL ID. The way to improve our country's homeland security is not by outsourcing it to the States' Department of Motor Vehicles. Our security is improved by hiring more border agents, strengthening Customs and the Coast Guard, and ensuring local law enforcement has the tools they need to prepare for and respond to terrorist threats.

This amendment sets the wrong priorities for homeland security, and I urge its defeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, if I might ask the managers of the bill, if I am not mistaken, after my 2 minutes, we can proceed to a vote?

Mrs. MURRAY. Will the Senator repeat his request?

Mr. ALEXANDER. If I am not mistaken, after the 2 minutes I have, we may proceed to a vote?

Mrs. MURRAY. That is correct. He can speak for 2 minutes, and I will then make a motion at the end of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I agreed with the last half of the Senator from Montana's statement, but the first half was an eloquent argument for a $20 billion unfunded mandate for the States of Montana and Nebraska and Tennessee and everybody else. If we are going pass it, we ought to fund it. And if we are not going to fund it, we ought to repeal it. That is my position.

We passed the law in 1995, the Federal Unfunded Mandate Act, but the REAL ID program imposes on the States, according to the Department of Homeland Security, an up to $20 billion unfunded mandate. It will require up to 245 million of us to go in and prove we are lawfully here and stand in line at our driver's license offices. Seventeen States have said they don't like it, including mine.

The National Governors Association meeting in Traverse City, MI, last week generated a letter to all of us saying: If you are going to require it, fund it. That is what we are beginning to do.

If you think the passport backlog is a big problem, wait until the driver's license backlog comes if we don't properly fund REAL ID or repeal it. There will be weddings. There will be vacations. There will be honeymoons. There will be trips. But there will be work days messed up. There will be a lot of mad Americans, and rightly so.

So this amendment would make a small installment payment of $300 million for the REAL ID program we imposed on the States. Surely the conference can find, in a $37.6 billion bill, $300 million to do what we are supposed to do. If we require it, we should fund it. The Republican Congressmen were right in 1994 when they said it, and if we can't remember that, they should throw us out.

I urge a "yes" vote on behalf of myself, Senator COLLINS, Senator WARNER, Senator KYL, and Senator VOINOVICH, the cosponsors of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I move to table the amendment.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—50

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Clinton
Cochran
Conrad
Craig
Crapo
Dorgan
Durbin
Feingold
Gregg
Harkin
Inouye
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Stabenow
Sununu
Tester
Webb
Whitehouse

NAYS—44

Alexander
Barrasso
Bennett
Bond
Boxer
Bunning
Burr
Carper
Casey
Chambliss
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Coburn
Collins
Corker
Cornyn
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Sessions
Smith
Specter
Stevens
Thune
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Lugar
Vitter
Voinovich
Warner
Wyden

NOT VOTING—6

Brownback
Coleman
Dodd
Johnson
McCain
Obama

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTES

Mr. DORGAN. Madam President, on rollcall 279, I voted "nay." It was my intention to vote "yea." I ask unanimous consent that I be permitted to change my vote. It will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I came in at the end of the vote intending to vote against Senator ALEXANDER's amendment and did not look close enough. It was actually a tabling motion. So I would not want to vote to table Senator ALEXANDER's amendment.

I thank the Presiding Officer.

Mr. BAYH. Mr. President, on rollcall vote No. 279, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be allowed to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above orders.)

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULE XVI

Mr. DORGAN. Madam President, let me make one additional point I did not make earlier in the discussion in the Senate, and I think it is an important point to make.

There was a suggestion on the floor of the Senate by a Senator earlier that rule XVI has been applied in this Senate in a manner that was unfair. That is simply not the case. Every Senator has the right to raise the issue of rule XVI if someone is trying to legislate on an appropriations bill. It was done, as another Senator suggested, with respect to Senator GRAHAM; it was done with respect to something they offered on the floor. Everyone has that right.

But let me make this point: It is not unusual to legislate on an appropriations bill in circumstances where what is being done is something that is done almost by unanimous consent, a provision that everyone agrees with, a provision that is noncontroversial. That is not unusual at all. That happens all the time.

Now, I am frankly surprised there is anyone in this Chamber who would disagree with the proposition that we ought to get quarterly classified, top-secret reports on what is happening to try to eliminate the al-Qaida leadership that apparently is now in a safe haven in the tribal area of Pakistan. I didn't expect that to be controversial. I didn't expect there would be one person in this Senate who would disagree with that. But, apparently, there is. He has that right. But it is an unfortunate circumstance that we had a situation that allows, or a situation that persuades someone to stand up on the floor and say there is a double standard on rule XVI. There is no double standard. There is not one person in the Senate who believes that, outside of the person who said that. There is no double standard. The standard is applied in exactly the same way to every Senator.

What is unusual to me is objecting to the standard of allowing what normally would be uncontroversial, or noncontroversial provisions—including this one, saying it ought to be our top priority to eliminate the leaders of al-Qaida, and that the Administration should give Congress quarterly reports on what is being done to address the greatest terrorist threat to our country. I am flabbergasted. I am enormously surprised that would be controversial with anyone in the Senate. I would expect 100 Senators would agree with that proposition, but one, apparently, does not.

So we will have that debate again. We will have the debate at another time. As I said earlier, we have already added the same amendment to the Defense authorization bill. That was an amendable bill. That bill has been taken from the floor at this point, but I assume it will come back.

I did wish to make the point on behalf of every Senator, except the person who said this, that there is no double standard on rule XVI. Those who suggest that, profoundly misunderstand, apparently, the rules of the Senate. But there should not be a misunderstanding in this Senate about the urgency of at least 99 Members of the Senate wanting to go after and eliminate the leadership of al-Qaida. I would hope that would represent everyone's determination.

Al-Qaida is the terrorist organization that represents the greatest terrorist threat to this country, right now, according to the National Intelligence Estimate; and al-Qaida and its leaders are the ones who boasted about murdering 3,000 or more innocent Americans on 9/11/2001.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, what is the pending business? Madam President, regular order.

The PRESIDING OFFICER. The regular order is the Grassley amendment.

AMENDMENT NO. 2444, AS MODIFIED

Mrs. MURRAY. The Grassley amendment, No. 2444, is the pending amendment. I understand that there is a modification at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The amendment (No. 2444), as modified, is as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. MURRAY. Madam President, I believe that amendment is agreed to at this time, as modified.

Mr. COCHRAN. Madam President, this amendment has been reviewed. We have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (No. 2444), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2416 WITHDRAWN

Mrs. MURRAY. Madam President, am I correct under regular order the pending amendment is now Schumer amendment No. 2416?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, I ask unanimous consent to withdraw Schumer amendment No. 2416 that is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2461, AS MODIFIED

Mrs. MURRAY. Madam President, I understand now under regular order the next pending amendment is Schumer amendment No. 2461, and there is a modification at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, we have talked with the minority. I do believe this amendment, as well, is agreed to.

Mr. COCHRAN. Madam President, there is no objection to proceeding to consider that amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2461), as modified, is as follows:

On page 19, line 26, strike "$524,515,000" and insert "$521,515,000".

On page 18, line 2, strike "$5,039,559,000" and insert "$5,042,559,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2461), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447

Mrs. MURRAY. Madam President, under regular order the next amendment is Schumer amendment No. 2447. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I believe that amendment also has been agreed to on both sides.

Mr. COCHRAN. Madam President, we have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2447) was agreed to.

AMENDMENT NO. 2462

Mrs. MURRAY. Madam President, under regular order is the next item of business the Dole amendment, No. 2462?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, at this time we are hoping Senator DOLE can be on the Senate floor. We are working our way through these amendments really well at this point. We do have a number of Senators who have their amendments in order. I advise all of them to stay close by the floor. We are trying to work our way through them. As soon as Senator DOLE arrives on the floor, we will try to work out an agreement with her and hopefully move forward.

AMENDMENT NO. 2476 WITHDRAWN

Madam President, I ask unanimous consent to withdraw amendment No. 2476.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

AMENDMENT NO. 2497

Mr. BYRD. Madam President, I have an amendment that I will offer at the appropriate time.

Madam President, in this technological age of vehicle barriers, ground-based radar, camera towers, and unmanned aerial vehicles, I am pleased to note that the U.S. Border Patrol still guards America's southwest border in a timeless and very American manner, on horseback.

Unfortunately, sometimes these horses are injured or simply are no longer fit for such rigorous service. When that happens, the Border Patrol must make the decision to either put the horse out to pasture, or, in some cases, as the only humane option, to relieve the poor animal's suffering and put it to sleep. Before that happens, my amendment would ensure that the Border Patrol provides the trainer or handler of the horse with an opportunity to adopt it.

This is a very simple amendment. The Bureau of Land Management within the Department of the Interior already has a horse adoption program, which I encourage the Border Patrol to use as a model for creating its own program. My amendment would also ensure that such an adoption program includes appropriate safeguards to ensure that a horse, once adopted, is not sold for slaughter or treated inhumanely. This amendment would make 20 horses available for adoption per year within the Homeland Security Department. It is the humane and decent thing to do for these noble animals which help to secure our borders and keep our citizens safe.

I urge the adoption of my amendment when it is offered later today.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise today to praise the work of Senator BYRD, Senator INOUYE, Senator COCHRAN, Senator STEVENS, Senator MURRAY, and the entire Appropriations Committee for the work they have done on the Homeland Security Appropriations Act for fiscal year 2008. This is a strong bill. It is an essential bill to protect our homeland.

Our foremost duty here in the Congress is to make sure we are protecting America, and this bill is a significant step in the right direction. I agree with Senator BYRD and the majority leader that this must be the first appropriations bill for this fiscal year and that we must pass it this year. I hope we will pass it later today.

A government's primary responsibility is in the protection of the homeland and keeping its citizens safe from attack. This bill will help us secure our borders, train and support our first responders, prevent the transport of nuclear materials, and strengthen our defenses against terrorists.

We need not look far to understand the threats that face this country. September 11 brought the specter of terrorism to the front door of America. September 11 illustrated tragically and horribly the great threat extremist groups can pose to the United States. But September 11 is not the only terrorist attack we or our allies have endured in recent times. In 2002, a bomb in Bali killed 202 people and wounded 209. In 2004, bombs on trains in Madrid killed 191 people and wounded over 2,000. In 2005, attacks on London's Underground killed 52 commuters and injured 700. The list goes on and on.

The State Department reports that the number of incidents of terrorism worldwide has grown dramatically in recent years. Between 2005 and 2006, the number of incidents rose from 11,000 to over 14,000. Three-fourths of these incidents resulted in death, injury, or kidnapping. All told, terrorism claimed the lives of more than 74,000 people around the world last year.

Americans today know that they are not immune from attack. We know America is not immune from attack. We also know violent extremism is posing a growing threat to our society and to that of our allies. Americans expect their Government to respond to these threats with adequate resources, sound policies, and strong leadership.

Unfortunately, our homeland is not as secure as it should be. A recent survey revealed that national security experts on both sides of the aisle agree that we have not come as far as we should have over the last 6 years. They agree that the Department of Homeland Security is underperforming. They agree that intelligence reform has not been effective. And they agree that too few resources are being allocated to the defense of our homeland and our Nation.

The reports of holes in America's armor, from inadequate rail security to insufficient funding for screening at ports, along with the Government's recent record of failed responses to national disasters, such as the bungled leadership of Hurricane Katrina to a lack of National Guard equipment when a tornado tore through the State of Kansas—those incidents underline the urgency of passing a strong and smart bill that funds our homeland security.

I wish to briefly describe three ways in which the additional funding in this bill is vital for our security.

First, the funding levels allow us to improve security at the border and to enforce our immigration laws. Just a few weeks ago, during our immigration debate on this floor, we all agreed that we must get control of our border and know who is coming into this country. Now it is time for us to walk the walk. The bill before us would allow us to hire additional Border Patrol agents to protect our borders. It also includes funds for additional border fencing, infrastructure, and technology to monitor the vast open spaces we need to monitor and control. It also provides an additional $475 million for enforcement of customs and immigration laws within the United States. Our Nation is and must be a nation of laws.

Second, I am proud that this bill supports our first responders—the firefighters, peace officers, nurses, and volunteers who rush in when others rush out. They serve us by devoting their time, their skills, their courage, and oftentimes their lives. We owe them the tools and resources they need to do their jobs. The bill before us provides money for State and local emergency preparedness programs, money for firefighter assistance grants in this program and funds for emergency performance grants.

I am particularly pleased that this bill restores funds to our first responder and State training programs for law enforcement and firefighter operations that the President had proposed to cut. This bill, however, funds these provisions, and that includes $525 million for the State Homeland Security Grant Program, $375 million for law enforcement and terrorism prevention grants, $560 million for firefighter equipment grants, and $140 million to hire firefighters.

I wish also to note that the bill makes a serious investment in the Federal Law Enforcement Training Center, the crown jewel of training centers for the law enforcement community. A bipartisan group of us added a provision to the 9/11 Commission bill to create the Rural Policing Institute at FLETC to address the particular law enforcement needs of rural America. This was a need that I saw. It was very clear to me as attorney general for Colorado. The rural sheriffs and peace officers whom I spoke with during all of the time that I was attorney general and in crafting the Rural Policing Institute legislation agreed that the Rural Police Institute would be a valuable addition to FLETC.

The $220 million in this bill for FLETC will help ensure that our peace officers continue to get the highest level of training they need as we deal with the reality we find in the post-9/11 world. It is going to be the eyes and ears and skills of the nearly 800,000 peace officers of America who will protect our homeland from the vicious kinds of attacks we saw in New York on 9/11, the vicious kinds of attacks that took 150-plus lives in Oklahoma City some years ago. So we must do everything we can to support our men and women who are in law enforcement at both the local and State level. This legislation does that.

Finally, in addition to providing better protection along our borders and ports and more tools for law enforcement and first responders, this bill helps us to prepare to recover from an attack or a disaster.

FEMA's response to Hurricane Katrina sounded the alarm bells for all of us. Unfortunately, not everyone seems to have heard them. Not only does FEMA need better leadership and serious Congressional oversight, but it now needs the resources to do this job. The bill before us would provide $6.9 billion for emergency preparedness and response activity. That is a significant amount of additional money beyond what the President requested. Almost half of those dollars would go out to States and local preparedness programs.

Once again, I wish to reiterate my appreciation for the bipartisan leadership which Senator BYRD and Senator COCHRAN, Senator MURRAY, Senator INOUYE, Senator STEVENS, and the other members of the Appropriations Committee have shown on this bill.

It is right that this is the first appropriations bill that we consider because our homeland security must come first before everything else. The threat of attack on our soil is as great as it ever has been, and this bill is an important step toward ensuring America's first responders have the tools and the equipment and training they need to keep America safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I rise to compliment the distinguished Senator from Colorado. In his statement, he is right on when he is talking about the fact that there is no other bill we have pending in the Senate that is more important than the bill we are considering here today, the funding of the Department of Homeland Security and the agencies which are charged with the responsibility of carrying out the authorizations that have been passed earlier creating the Department following the 9/11 attacks on our country.

This is serious business. I compliment the Senator on the manner in which he is carrying out his duties as a new member of this body—relatively new member. He has important committee assignments, and we appreciate the commitment he has shown during consideration of this bill and the discussion of amendments and the offering of amendments to try to help make sure that the work product we produce is the best we can produce for our great country and our homeland.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE) Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the current amendment be set aside and I be permitted to speak on two amendments that I will call up, intend to speak on, and then ask that they be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2503 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment 2503 and ask that Senators KYL and GRAHAM be added as cosponsors.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for himself, Mr. KYL, and Mr. GRAHAM, proposes an amendment numbered 2503 to amendment No. 2383.

Mr. MARTINEZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the issuance and use of social security cards with biometric identifiers for the establishment of employment authorization and identity)

On page 69, after line 24, add the following:

SEC. 536. (a) USE OF BIOMETRIC SOCIAL SECURITY CARDS TO ESTABLISH EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)) is amended—

(1) in clause (ii)(III), by striking "use." and inserting "use; or"; and

(2) by adding at the end the following:

"(iii) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 536(c) of the Department of Homeland Security Appropriations Act, 2008, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 536(e)(1) of such Act.".

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

"(I) As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.".

(c) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(d) DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—The Commissioner of Social Security—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) shall, in consultation with the Secretary of Homeland Security, issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(e) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)), should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue

fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (c)(1) of this section, and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

Mr. MARTINEZ. I ask unanimous consent that Senators KYL and GRAHAM be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. In the course of the immigration debate, it became clear that one of the issues about interior enforcement that was so difficult for us to get our arms around was the issue of identifying who was here. It was the issue of duplicative Social Security numbers and cards and the ease with which those intent upon breaking the law could fraudulently create a Social Security card. It seems to me the time has come for us to consider a biometric Social Security card. It would be a Social Security card that would fix this problem for interior enforcement and one that would be a foundational step toward having the kind of serious interior enforcement the American people want.

One of the things we heard over and over is, why don't we enforce the current law. The reason we cannot enforce current law is because there isn't a national way in which we can identify who is here legally and who is not when they apply for a job. It isn't fair to put employers in a position of employing someone about whom they may wonder whether they are here legally but that they wouldn't know because there is no verifiable way of finding out. They also would have no way of knowing whether in fact the card they were being presented was a real one or a fraud.

It would make substantial steps in securing and improving the employee verification system. This amendment would allow employers and employees alike to be sure their employment was lawful. It would provide a card with a photograph of every lawful guest worker, permanent resident or citizen that matches up with a photograph on file with the Social Security Administration or the Department of Homeland Security. It would also allow for phasing in this new card over a period of 10 years, upon which only biometric Social Security cards or a U.S. passport or green card would be valid for employment authorization purposes. It does not affect the use of driver's licenses for establishing identity. It does not become a national ID card. Rather, this amendment only addresses the use of the Social Security card which we already use and sets standards to protect against the use of fake Social Security cards. No lawful American or foreign visitor should have any legitimate concern. A new biometric card will go a long way toward ensuring that documents used for employment authorization are secure and fraud resistant. This card would help weed out fraudulent documents currently in circulation supporting illegal employment in our country.

AMENDMENT NO. 2503 WITHDRAWN

My understanding is this amendment, if offered today, would be subject to a rule XVI. It does in fact attempt to legislate and attempts to correct a serious problem we face in the country today.

At this time I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2413 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment No. 2413.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. MARTINEZ] proposes an amendment numbered 2413 to amendment No. 2383.

Mr. MARTINEZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that all funds for State and local programs be allocated based on risk)

On page 35, line 20, strike "which shall" and all that follows through "3714):" on line 26 and insert the following: "which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

"(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:".

Mr. MARTINEZ. This is an amendment in which the senior Senator from Florida, Mr. NELSON, joins as a cosponsor. It is one that is tremendously important to make sure we have the best security for our Nation we can possibly have. The concept of this amendment is straightforward. It directs Homeland Security dollars to areas where the threat of attack by terrorists is the greatest.

It was no accident that when the terrorists attacked our Nation on September 11, they picked powerful, high-profile and heavily trafficked targets. Terrorists target areas where they can inflict the most damage and get the most attention. For those reasons, they focus on urban areas and areas of national importance or those that are, naturally, highly populated. One of the things that often gets overlooked is when you look at only the population in a certain place, oftentimes we overlook places such as Florida. In Florida, we have 70 million people from all over the world and certainly from all over the United States who visit as tourists. During any given day there are hundreds of thousands of tourists all over the State of Florida. This only adds to the population of our State at any given point in time.

On March 18, 2003, the Federal Aviation Administration proposed a no-fly zone over the Walt Disney world resort area because, according to the FAA, the Disney parks are a potential target of symbolic value. In a similar instance, Port Everglades in Broward County actually has more passengers, freight, and people moving through it than even the port of Miami. All of the cruise ships, tankers, and shipping traffic out of the Miami area actually sail from Broward County. These examples highlight the issues associated with regional influx. They underscore the need for additional security resources.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of the 17 million persons who call Florida home. We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities but also on those regional centers that require by their nature special protections. On this issue, the Secretary of Homeland Security Michael Chertoff has weighed in with a consistent message.

In a letter the Secretary says:

> Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner. The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

At this time I do not intend to pursue this amendment and would in a moment ask that it be withdrawn. My understanding is that the 9/11 bill, the bill that gives life to many of the recommendations of the 9/11 Commission, is going to be accepted or is going to be voted on and accepted by the Senate. In that bill there will be a much better distribution of dollars in a way that is more in keeping with the risks our Nation faces.

AMENDMENT NO. 2413 WITHDRAWN

With that in mind, I will at this time ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2404

Mr. MARTINEZ. I wish to take an additional moment to speak about amendment 2404 which will be considered later today.

Many other countries, including Israel, Canada, Japan, the United Kingdom, and the Netherlands, have successfully demonstrated how an international registered traveler program can work to ensure security, focus attention on lesser known travelers, and provide a smoother and more predictable travel schedule for repeat travelers. Amendment No 2404 attempts to create an international registered travelers program.

This amendment would authorize the Department of Homeland Security to establish an international registered traveler program to expedite the inspection of frequent U.S. and international travelers arriving by air into the United States.

The Secretary of Homeland Security is accordingly authorized to impose a reasonable fee to cover the costs associated with establishing and maintaining such an expedited inspection process and is tasked to coordinate such a program with the Department of State.

The Transportation Security Administration and private industry developed the Registered Traveler program here in the U.S. to provide expedited security screening for passengers who volunteer to undergo a TSA-conducted security threat assessment in order to confirm that they do not pose or are not suspected of posing a threat to transportation or national security. It has been quite successful. I believe this is something that can work.

If we can create an international version, it will go a long way in helping to develop more strategic ties with our allies abroad and show openness to investment and travel in America.

We fight all the time for travelers who have options to travel anywhere in the world to come to our country to be tourists. Certainly tourism areas in our country such as Florida, but like many others, Washington, DC, New York City, many national parks out West, many of the beautiful areas of our States are natural attractions for foreign travelers. But the foreign traveling public has options of where to go. Part of the decisionmaking process is cost and ease of traveling. I believe this is a well-thought-out amendment which will enhance our national security while at the same time allowing travelers to more easily find their way to our country in order to enhance the travel and tourism industry, which is of great importance in terms of our own tourism dollars, which keep many Americans employed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I believe the pending amendment is the Dole amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I send to the desk a second-degree amendment to the Dole amendment, No. 2442.

The PRESIDING OFFICER. The clerk will report.

Mr. SESSIONS. Mr. President, this second-degree amendment is a modest but important amendment. It would ensure that $2.5 million of the $51 million in this bill that is set aside for 287(g) training—and I will explain 287(g) training, but it is basically training of State and local law enforcement officers by Federal officials so that they can be of assistance to Federal officials——

The PRESIDING OFFICER. Would the Senator suspend a moment. The Parliamentarians are having a discussion about this amendment, which may be helpful.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I withdraw the second-degree amendment that I offered earlier, recognizing that there is some parliamentary question about it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SESSIONS. Mr. President, what I believe we should do, and the purpose of the amendment that I offered and am hoping we will be able to get accepted in some fashion, is modest, but it is an important step. It will require that $51 million be set aside in the underlying bill that is before us today for section 287(g) training; that is, training State and local law enforcement officers to be of assistance to Federal immigration officers, and that $2.5 million of the $51 million could be used to reimburse State and local training expenses.

Now, there are 65 pending training agreements out there right now, some of which are being executed and some of which are waiting to be executed. I would like to explain why I think this is important, fair, and commonsensical. It is something we should do.

Section 133 of the Immigration Reform and Immigration Responsibility Act of 1996 is codified as section 287(g), the Immigration and Nationality Act, the INA, and it has commonly been known as the 287(g) program. Under this program, States and localities can ask the Department of Homeland Security to enter into a memorandum of understanding. That is like a treaty between the State and the Department of Homeland Security. They enter into these agreements.

The Presiding Officer, as a former U.S. attorney, knows how these MOUs are. They enter into these agreements, and the agreements essentially provide that their local law enforcement officers be cross-trained to work with Customs enforcement.

The program clearly has not expanded at the pace we originally envisioned, but the tide is beginning to turn as to these issues and how we deal with the problem of illegal aliens. So today the number of illegal aliens in the United States is a staggering number. It is estimated at between 10 million to 12 million, with another estimated 800,000 arriving in our country each year. Last year, we arrested over 1 million.

One solution to address the problem is to increase partnerships between Federal immigration authorities and State and local authorities through such programs as the 287(g) program. It is something I know a little bit about. I was a U.S. attorney in Alabama for 12 years. I was attorney general for 2 years, and I traveled around the State and met with local law enforcement officers as attorney general and as U.S. attorney. Since I have become a Senator, I have asked them about how things work if they apprehend somebody they believe to be illegally in our country.

Let me tell my colleagues what they tell me without virtually any exception, except as we are seeing through this 287(g) program. But, fundamentally, what they have been telling me is they let them go. That is not just true in Alabama; it is true all over America. Local law enforcement officials who apprehend people they have every reason to believe—maybe absolute proof—that they are here illegally routinely are allowing the people they apprehend—maybe it is DUI, maybe it is for an accident or whatever, a domestic dispute—whatever it is, they are letting them go because somehow they have gotten the message that nobody will come and pick them up, and they don't know how to do it or who to call and what the processes are. That is what the 287(g) program is designed to deal with.

Now, it has been odd to me since I have sought to do something about this for quite some time, well before the comprehensive immigration reform bill was introduced in this Senate over a number of years ago to deal with it, there is always an objection. It was out of that objection that I made the comment one time that people will vote for any kind of immigration reform, as long as it is a reform that would not work. If you produce something that will actually work and actually help the system get better and more lawful, somebody objects. It becomes a big deal. So I think this is a commonsensical thing.

Our State and local officers are in the best position on a daily basis to come in contact with those unlawfully present here. We don't have Federal ICE agents, immigration agents throughout the country. Border Patrol people are just on the border. If you can get past the border—and that is one of the attractions of trying to get past the border—if you can get past it, you have a pretty good chance of being home free for some time.

I think we have about 5,000 Federal ICE immigration agents inside our country, but only about 2,000 of those are actively involved in enforcement operations. We have 600,000 to 800,000 State and local law enforcement officers, sheriffs, police officers, State troopers. They are out there on the roads every day.

Now, this bill and the training it provides on a 287(g) does not train and does not ask that the State and local officers do anything they don't want to do. They will not be compelled to participate in anything they choose not to participate in. It is a voluntary participation agreement. They are not called upon to participate in conducting raids to try to identify and find people who might be here illegally. Our goal would be to provide a situation in which they could assist the ICE officers during the course of their ordinary duties. If they come upon someone likely to be an illegal alien, they would take the proper steps, after they have been trained, to identify whether they are, in fact, illegal and take the appropriate steps in conjunction with ICE to handle it in the proper manner.

Because of an interest I had in it for some time, the State of Alabama, I am proud to say, became the second State in the Nation to enter into one of these agreements. Our Governor, Bob Riley, thought it was the right thing to do. He is an excellent Governor. He took steps to do it some years ago.

To date, we have trained 60 State troopers in 3 classes of 20 each, and the Federal Government trained these troopers at the Center for Domestic Preparedness in Anniston, AL. But let me tell my colleagues what happened to the State as a result of their partnership and willingness to assist the Federal Government. They have to pick up the costs of this training. Each class costs Alabama an average of $40,000, for a total of $120,000 in State money, all designed to help ensure that our State troopers are knowledgeable on all of the correct, fair, just, and legal ways to deal with illegal entrants into our country, and to be able to assist the Federal agents in doing their duties.

I think one reason we have seen a fairly slow expansion of the 287(g) program is the fact that it costs the States a bunch of money. Now we have $51 million set aside here in this program for training. But they are not paying any of it, apparently, as of this date to refund the States for their costs of training. It takes some number of weeks in this training—more than I think is justified. It is 6 weeks, my counsel tells me. It is 6 weeks that they have to go through a training program.

I have to tell my colleagues, if you go through any town in the country, whether it is Alabama or anywhere else, and you are a Senator, and you are speeding through that town and you are drunk, some 19-year-old, 20-year-old police officer can put you in jail, put your rear end in the Bastille. He doesn't have to have special training on how to arrest a Senator. But we are going to give special training to our local police officers on how to arrest somebody who is not even a citizen of the United States of America. That is what Homeland Security wants and that is what they believe. Six weeks, in my view, is too much, for heaven's sake. But they want 6 weeks of training and they make them cross designated and very intense partners in this program. But if you take a police officer off the streets for 6 weeks, that is a drain on the State and local police departments, and we ought to be able to compensate them some for it, in my view.

Let me tell you what happened in my State. It has been rather remarkable. In the first 18 months of operation, the Alabama MOU has resulted in the seizure of over $689,000 in cash in connection with criminal immigration offenses. Pretty good action there. As of last year, the training of those troopers had already resulted in 54 indictments, including those for illegal entry, false claims to citizenship, fraudulent documents, and visa fraud. It resulted in 33 convictions, including Social Security fraud, prior deported aggravated felons, and visa fraud. These are in Federal Court, not State court. You cannot try people in State court for immigration offenses. They are picked up by the Federal prosecutors and they have to meet some seriousness standard before they would actually be prosecuted in Federal Court.

In addition to those I mentioned, there are six Federal charges pending disposition, including aliens with firearms. There are 13 Federal charges pending indictment. So this is a matter that has the potential to help us identify those who are here illegally and those who may pose a threat to our country. It could well be that the next person planning an attack somewhere in the United States may be one of those picked up because, as we know, of the 18 hijackers, several of them were picked up—some more than once—by State and local officers. But they had no way to access or did not access the actual history of these individuals to find out whether they were here legally and might otherwise be subject to arrest. If that had occurred and our system had worked effectively, it is conceivable that the case could have been broken before 9/11 occurred.

The 9/11 Commission did point out that we need to do a far better job in this area. The 9/11 Commission recommended we implement State and Federal training and law enforcement cooperation and enhance that ability. That was one of their firm recommendations. We have not done that to any significant degree at this point.

The first State to be accepted with an MOU was Florida. They also have a history of an effective program under 287(g). The ICE program provides local law enforcement with comprehensive training and, once certified, the officers remain basically under ICE's supervision under all matters relating to immigration. To address concerns voiced by immigrant interest groups, Federal, State, and local enforcement have engaged in significant outreach efforts with local immigrant communities and have not engaged in sweeps for undocumented aliens.

One of the greatest testaments to the success of a program is that in no instance has a complaint been filed against law enforcement officers as a result of the actions under this memorandum of understanding. It has gone extremely well without the kind of complaints that people have suggested might happen, and it has been an asset to the Federal Government and should be continued. It is already part of our law. We have provisions that allow for it. We have money set aside—$51 million in one area and $5 million in another area—but we don't have provisions to help the States defray the cost of their training.

Now, I will remind my colleagues of some of the objective reports since 9/11 that are important to us. One is the Hart-Rudman report. The report is entitled "America Still Unprepared—America Still in Danger." They found that one problem America still confronts is that "700,000 local and State police officers continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists." The first recommendation of the report was to "tap the eyes and ears of local and State law enforcement officers in preventing attacks."

On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the

United States. They suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers if they can be brought out of the information void.

The final report of the National Commission on Terrorist Attacks upon the United States, the 9/11 Commission, released in the summer of 2004, also recognized the important role of State and local law enforcement officers in immigration law enforcement. Again, let me remind you, we have only a couple of thousand actively engaged Federal investigators inside our country to actually enforce immigration law. So how do we expect to intercept some of the individuals who may be plotting this very moment to attack? They may be here with false documents, or they may have gotten into the country legally and overstayed. How are we going to find them if we don't welcome the participation of State and local law enforcement officers? In the 9/11 Commission report, the section titled "Immigration Law and Enforcement," the Commission found this:

> [T]oday, more than 9 million people are in the United States outside the legal immigration system.

Some say it is 12 million, but they say more than 9. Nobody can dispute that. They continue:

> There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so they can cooperate more effectively with those Federal authorities. . . .

To achieve that necessary collaboration, we must first clarify the authority delegated to each level of law enforcement and make it clear that State and local officers have authority to and are welcome to participate actively in the enforcement of immigration law.

My amendment will do that. It is something that is overdue, and we should do it. I remain a bit baffled by the objections that continue to be raised on this. I had occasion last year to participate with my chief counsel, who is here with me—Cindy Hayden—to prepare a law review article for the Stanford Law Review on the question of the authority of State and local law enforcement officers. It is somewhat complex, but it is not disputed that State and local law enforcement have the authority to detain people who have come into our country illegally across our borders. They cannot prosecute them. They can detain them only for a reasonable period of time. They have to turn them over to Federal agencies. But they are able, with regard to criminal immigration offenses, to conduct such detentions as a complement to and as a part of their historic ability to assist in the enforcement of existing Federal law—and, indeed, citizens can make citizen arrests for violations in some instances. This has been a part of the law.

What is somewhat confused is that we have perhaps 40 percent of the people enter into our country legally, but overstay. Maybe that large a percentage of our illegal population are visa overstays. The Court of Appeals in California—our Nation's clearly most liberal, the Ninth Circuit—concluded that local officers do not have the authority to detain those visa overstayers. If you break across the border, that is clearly a criminal offense and detention can be had for that, they say, but not for the others. Two other circuits—the Tenth and Fifth—seem to indicate otherwise.

The Department of Justice did a memorandum at one point that said there was not authority for the detention of people in our country who have not committed criminal violations of immigration law. Then that opinion was withdrawn. So the matter is confusing. There was an article in the Washington Times newspaper about it yesterday. The article quoted one of the people as saying there are gray areas here. There was an article in the Huntsville, AL, newspaper about a meeting with the police and the lawyers and the city council about what they could do to participate in the enforcement of laws with regard to those in our country illegally. The lawyers told them there is some confusion there.

Well, it is not hard for us to clear up that confusion. The House of Representatives tried to do it in their first bill last year, so they made it a felony to overstay and enter the country illegally. That resulted in an uproar and people saying we are going to make felons of them and that was awful, so there was a big retreat from that. We have to figure out the best way to proceed with it.

My view is two things need to occur. We need better training of our State and local law enforcement that goes into their existing power so they know what they are able to do and they don't overreach; second, we need to pass legislation. But this is an appropriations bill and we cannot legislate on an appropriations bill. We are not able to offer an amendment that would change or would clarify what the powers of the local law enforcement are.

We should make it quite clear that they have the power to detain anyone in our country illegally. They can detain a Governor. They can detain a mayor. They can detain a Senator. Why can't they detain somebody who is not a citizen and is in the country illegally?

What do the American people think about this? Americans strongly value our heritage as a nation of immigrants. Americans openly welcome legal immigrants and new citizens. They value the character, the ability, the decency, and the strong work ethic of so many of those who have come to our country. However, it is also clear that Americans do not feel the same way about those who violate our laws. The fact is, a large majority feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A Roper poll titled "Americans Talk About Illegal Immigration" found that 88 percent of Americans agree and 68 percent strongly agree that Congress should require State and local government agencies to notify INS, now ICE, and their local law enforcement when they determine that a person is here illegally or who has presented fraudulent documentation.

Additionally, 85 percent of Americans agree and 62 percent strongly agree that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

So this amendment I have offered is far less reaching. Those numbers speak volumes about the instincts and the understanding of the American people about the enforcement of laws in America.

It is important to note that these responses were collected in response to questions about requiring State and local law enforcement action. The amendment I have offered does not require that, although it is mightily frustrating to see cities and certain jurisdictions open, call themselves sanctuary bodies, and assert to the whole world that not only will they not help in any way to enforce the law but will, in fact, not cooperate with the enforcement of Federal laws in their jurisdiction. To me that is inexcusable. It is an affront to our history as a lawful society, and I am troubled by it.

Again, the first step is we should do a better job of training local and State law enforcement officers, and, second, we should clarify their jurisdiction. If we do not do that, I don't think we are very serious about bringing under control illegal immigration in America.

I did offer a second-degree amendment earlier, and I withdrew it. I ask unanimous consent that I be allowed to modify Senator DOLE's amendment to include the language I proposed.

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Mr. President, I say to the Senator, there are a number of amendments we expect to be called up shortly. For the information of all Senators, we are working through the order we have in front of us right now. Staff is working through a number of amendments we think will be agreed to. At that point, we can work through the final amendments, and we will talk with the Senator about offering his amendment.

Mr. SESSIONS. I thank the Chair and thank Senator MURRAY.

I do feel strongly about this issue. We have talked about it for quite a number of years. It is time for us to get this matter settled and fixed. It is overdue. I look forward to working with the Senator.

I thank the Chair. I see other Senators have arrived.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THUNE are printed in today's RECORD under "Morning Business.")

Mr. THUNE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have consulted with the Democratic manager of this bill, I have spoken to Senator COCHRAN, Senator McCONNELL. We are going to plow on to finish this bill tonight.

Now, we have worked long and hard the last couple of weeks, late nights, and we may have to have one tonight. We really need to finish this legislation for all of the reasons we have all talked about before, not the least of which is we have so much to do next week that we have to finish this tonight. We also have some other things we are going to try to do, but everyone should be aware of that. Do not plan on going home for dinner tonight.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are making progress. We have been working through a number of amendments over the past several hours. I thank the majority leader, the minority leader, as well as the managers of the bill in helping us move forward.

AMENDMENT NO. 2496, WITHDRAWN

AMENDMENT NO. 2488, AS MODIFIED

I would just reiterate what Senator REID said earlier. I am happy that we have finally resolved the issue regarding the amendment of the Senator from Louisiana. I believe we are at the point now where we can move forward on that.

I ask unanimous consent that the Cochran second-degree amendment No. 2496 be withdrawn; that the Vitter amendment No. 2488, as modified, be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

Mr. REID. And following the vote on that, that the Senator from Louisiana be recognized for 10 minutes to speak on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2488), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, let me thank both the majority leader and the Democratic manager of the bill, Senator MURRAY, for their work, for their amicable resolution of this issue. I think it is a very good bipartisan, productive, amicable result. I appreciate all of you working together in that regard.

I also extend my thanks to Senator COCHRAN, the Republican manager of the bill, who was also very helpful in that regard in coming to a productive, amicable resolution. I appreciate all of that work.

I just wanted to underscore the importance of what we have done because I think this is a very important issue for the people of Louisiana, for the people of the entire United States.

Last year, on this very same bill, I joined with you, Mr. President, and we were successful in passing an amendment on the Senate floor, and then in the conference committee we were successful in passing a version of that out of the conference committee into law. That was an important step forward at the time to ensure we would not have Federal agents, we would not have the heavy hand, if you will, of the Federal Government coming down to rip out of people's grasp—U.S. citizens—pharmaceuticals they had bought properly in Canada as they were coming back into our country. I think the policy of doing that in the past was outrageous, particularly considering the sky-high prices American consumers face in the United States and the very different lower prices they face in Canada. So that step forward a year ago was very important.

I think what we just agreed to a few minutes ago, what will be on this bill, is an even more significant step forward because compared to what came out of conference and what was signed into law last year, this takes two additional steps.

First of all, we are no longer saying it is limited to prescription drugs on the person of an American citizen. What that means is that we are also including protection of Internet and mail order sales. That is enormously important for you, Mr. President, representing the State of Florida, and for me, representing the State of Louisiana. It is one thing for folks in Minnesota to travel to Canada and to come back; it is obviously a very different thing for folks in Florida or Louisiana to physically travel to Canada and come back. So compared to what we got passed into law last year, this is far broader and far more significant because it also covers mail order and Internet sales.

The second big difference is, again, what we passed last year was limited to a 90-day supply, and what we are passing on the Senate floor right now has no such limitation. Again, I think that is another significant step forward, a significant expansion of the law on the road to full-blown reimportation.

Again, I thank everyone who was involved in this very productive resolution. We got a resounding vote a year ago—68 to 32. We got, technically, even a better vote today, in the sense that it was voice voted, unanimous consent, so technically unanimous. We got a much broader provision today, which I think is a very important step forward on the road to my ultimate goal, which is full-blown reimportation with all the requisite safety provisions and authorizing language that would be involved.

Of course, we cannot do that authorizing legislation on this bill because it is an appropriations bill, but we can, we should, we must, on another vehicle soon, very soon, absolutely this year. I look forward to continuing to work with you, Mr. President, with other leaders on this issue, Senator SNOWE, Senator DORGAN, Senator THUNE, Senator DEMINT, and many others who completely support the ultimate objective of full-blown drug reimportation to allow American consumers unbridled access to safe, cheaper prescription drugs, including by mail order and the Internet.

Again, I believe the step we are taking here tonight, compared to what we were able to pass into law through the Vitter-Nelson amendment last year, is an important additional step in removing the limitation that it has to be on your person, so saying we can do it by mail order and the Internet, and by removing the limitation of a 90-day supply.

With that, I again thank all of the participants for this very positive, amicable, bipartisan resolution of the issue on this bill. I look forward to continuing to walk down this path toward the ultimate goal I share with you and so many others on the Senate floor.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—5849

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to consideration of Calendar No. 127, S. 849, the Openness Promotes Effectiveness in our National Government Act of 2007; that the bill be considered under the following limitations: that there be a time limit of 2 hours of general debate on the bill, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee or their designees; that the only amendment in order be a Leahy-Cornyn technical amendment, which is at the desk; that upon the use or yielding back of time, the amendment be agreed to, the bill as amended be read three times, and the Senate vote on passage of the bill, with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, it is my understanding that there are ongoing discussions with both sides of the aisle as well as the administration to come up with bipartisan, consensual language on this issue and that we are unable to clear the agreement at this time. Therefore, on behalf of several Republican senators, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I understand Senator COCHRAN has expressed the sentiments of some on his side of the aisle. I would like to say for the record that we have made this proposal for several months now. I think those who are trying to move this issue have shown extraordinary patience in trying to reach an accommodation, and this is no reflection on the Senator from Mississippi, who was not involved in this debate, that I know of. It only is a plea to those who are considering the merits of this legislation to try to do so in a timely fashion.

Mr. President, I would like to reiterate what the majority leader said earlier for those following the debate. If there are Members of the Senate of either political party who have pending amendments on the Homeland Security appropriations bill, we encourage you to come to the Senate floor as soon as possible and be prepared to call up your amendment. We are going to stay in session tonight until all amendments are disposed of. We will vote on final passage this evening, whatever time that may be. We hope it will not be a late-night session, but when there are many amendments pending and no Members on the floor, it is a frustrating situation for everyone.

So I hope that those who have amendments they care about will come forward as soon as possible, come to the floor and work to try to resolve those amendments, withdraw these amendments, or bring them to a vote. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENT NO. 2462

Mrs. MURRAY. Mr. President, the pending amendment, I believe, is the Dole amendment No. 2462; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I believe the amendment has been agreed to on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2462) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449 WITHDRAWN

Mrs. MURRAY. Mr. President, the next pending amendment is the Dole amendment No. 2449. I believe that is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I now ask unanimous consent that the following amendments be called up by the individual Senators, with the following time agreements, with no intervening action: amendment No. 2481, by Senator DEMINT; amendment No. 2516, by Senator SALAZAR; amendment No. 2498, by Senator SANDERS; that the Senators be allowed to speak for up to 10 minutes, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that we now have three Senators who will be calling up amendments.

I again say to any Senator who has an amendment they want to offer tonight, we are moving quickly to final passage. In a few minutes, we will have a number of amendments that have been agreed to on both sides. We will be calling those up.

Between now and then, the Senators I referred to will be speaking to their amendments and calling them up.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2481 TO AMENDMENT NO. 2383

Mr. DEMINT. Mr. President, I call up amendment No. 2481.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2481 to amendment No. 2383.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit the use of funds to remove offenses from the list of criminal offenses disqualifying individuals from receiving TWIC cards)
>
> On page 69, after line 24, insert the following:
>
> SEC. 536. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

Mr. DEMINT. Mr. President, I had an opportunity this morning to speak briefly about this amendment, and in the interest of time I will be brief again.

This amendment is about the security of our ports. Two times within the last year this body passed a bill that would prohibit access to convicted felons of secure areas of our ports. We passed it once in the SAFE Port Act, and that amendment was diluted when it came back. Also, we will find in the 9/11 Commission bill that will come back—we had passed it and put it in as part of that bill—it has been once again diluted.

This needs to be a serious consideration. We can spend billions and billions of dollars on screening and all kinds of equipment, but if one person in our ports turns away from something being shipped in and does not do the proper inspection and lets something in, we could be in a lot of trouble as a country.

So this amendment simply does not allow the Secretary to use funds to eliminate any of the felonies listed in the amendment. Please keep in mind, this list of felonies is one that has been adopted by the Homeland Security agency. It is very similar to the lists we use in our airports, which have protected us for a number of years.

It is very important we recognize that people who have been susceptible to criminal activity can be susceptible again. This is not that we do not want to give people a second chance, but second chances should not be at the expense of the security of this country.

So this amendment would disallow the use of funds to water down and eliminate any of the felonies listed in the Department of Homeland Security's list of those who are denied access to what we call the TWIC cards, which are the transportation worker identification cards.

So with that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment No. 2481.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2516 TO AMENDMENT NO. 2383

Mr. SALAZAR. Mr. President, I call up amendment No. 2516 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. MENENDEZ, proposes an amendment numbered 2516 to amendment No. 2383.

The amendment is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—Notwithstanding any provision in this Act, the President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SECTION 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator MARTINEZ and Senator GRAHAM be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I note at the outset this amendment is sponsored by Senator MENENDEZ, myself, Senator GRAHAM, and Senator MARTINEZ.

What it does, in a very simple statement, is say any funds we appropriate under this legislation with respect to our border security should be used to ensure the operational control that needs to be achieved for all our international land and maritime borders of the United States.

This is an important amendment because the earlier amendment, which I cosponsored with Senator GRAHAM, focused on the appropriation of moneys to go to the southern border, the border between Mexico and the United States. The fact is, those of us who are here working on homeland security should care and do care about making sure we have secure borders to this country, including our land and our maritime borders.

So what this amendment does is it directs that these expenditures of moneys can be spent in securing our land borders to the north and to the south as well as our maritime borders of the United States of America. It is an amendment which is important, and there is an important statement to be made here. Much of the attention we have been giving to the southern border, in terms of the broken borders we are trying to fix in this immigration debate, has taken away the needed amount of attention we should be focused on with respect to the other borders.

The fact is, we have a very broken system of immigration. We have a very broken system of our borders today in the United States of America. But it is not just the border with Mexico that is broken. It is also the border between the United States and Canada, and it is also our maritime borders that need additional security. So it is my hope that with this amendment we will be able to put attention on our maritime borders as well as our northern border.

I wish to give a couple of examples about why it is that this amendment is needed. If you look at the number of examples we have with terrorists and other people who would wish to do us harm, they come in from across the borders, many of them come into this country legally and then they overstay their visas.

One example of what we know from the north, and that is in December of 1999, the Jordanian police foiled a plot to bomb hotels and other sites frequented by American tourists. It was a U.S. Customs agent on the U.S.-Canadian border who arrested the person who was smuggling explosives intended for an attack on Los Angeles International Airport. So when we talk about homeland security and we talk about securing our border to the south, it is equally important we are securing our border to the north, and it is equally important we are securing our maritime borders as well.

Another example: Recently, a human smuggling ring running undocumented work immigrants into the United States from Canada was dismantled. This was a human smuggling ring that was bringing undocumented workers through Canada. That ring was responsible for bringing dozens of Indian and Pakistani immigrants into the country.

So I think these are examples that demonstrate if we are going to secure our borders, it is not just the border between Mexico and the United States that needs to be secured; it is all the borders of the United States of America.

I urge my colleagues to join with Senator MENENDEZ, Senator MARTINEZ, Senator GRAHAM, and me in the adoption of this amendment.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. DURBIN). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Vermont is now recognized for up to 10 minutes.

Mr. SANDERS. Thank you, Mr. President.

What is the pending business?

The PRESIDING OFFICER. The pending business is Salazar amendment No. 2516.

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2498 TO AMENDMENT NO. 2383

Mr. SANDERS. Mr. President, I call up the Sanders-Feingold amendment No. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. FEINGOLD, proposes an amendment numbered 2498 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prohibit funds made available in this Act from being used to implement a rule or regulation related to certain petitions for aliens to perform temporary labor in the United States)

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Mr. SANDERS. Mr. President, let me begin by commending Chairman BYRD and Ranking Member COCHRAN for their outstanding leadership on this excellent piece of legislation. The fiscal year 2008 Homeland Security appropriations bill will make this country safer, and I thank Chairman BYRD and Senator COCHRAN for their hard work in crafting this bill.

The amendment I am offering now is, in fact, a very simple amendment. As you know, there is strong concern all over this country about the increase in poverty and the decline of the middle class. It seems to me—at a time when we are hemorrhaging millions of good-paying jobs; at a time when Americans are losing, by the millions, their health insurance, when moms cannot afford affordable childcare, people are losing their pensions—we have to do everything we can to make sure the policies we implement do not hurt low- and moderate-income families and make a bad situation even worse.

On the contrary, this Congress has to do everything we can to make sure we lift up wages—we lift up working conditions—and not push them down. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that, if implemented, could have a significant negative impact in terms of lowering wages and working conditions for American workers.

Specifically, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and replace it with a labor attestation process. State workforce agencies and the Department of Labor as a whole would no longer be involved in certifying that employers applying for H–2B visas are not displacing American workers or adversely affecting the wages or working conditions of U.S. workers.

The proposed regulations, for the most part, would only require employers to attest—to attest—to the Department of Homeland Security that they are following the law. All they have to do is say: I am following the law. Trust us. In other words, the Federal Government would take employers at their word that they are complying with the law, with little, if any, oversight.

Among other things, the proposed regulations fail to ensure H–2B visa work is temporary in nature. H–2B work is supposed to be temporary. The proposed regulations fail to ensure that no qualified American worker is available for H–2B positions. In other words, the employer is supposed to go out and make sure there are not American workers available for that position. The proposed regulations fail to require that H–2B employers do not adversely affect U.S. wages and working conditions, all of which are required by current law. In other words, the law says an employer cannot pay low wages which have the impact of lowering wages for all workers in that area.

Now, let me very briefly read to my colleagues what the AFL–CIO has written about these regulations:

> The proposed regulations would significantly weaken the ability of the Department of Labor and the Department of Homeland Security to meet the statutory requirements of the H–2B program as established by Congress and would establish a new regulatory system that would be arbitrary and capricious. Current administrative procedures have so far failed to adequately protect H–2B workers, domestic workers, and the domestic labor market. The proposed regulations, rather than addressing and remedying these fundamental flaws in current procedures, would only further undermine the administration's ability to ensure the H–2B program operates in full compliance with the law and in a rational manner. The proposed regulations are not only unacceptable to the AFL–CIO and to worker and immigrant advocates as a matter of public policy—if enacted, they would also constitute an unjustified and unauthorized derogation from the administration's responsibilities under the law.

In addition, according to a recent report by the Southern Poverty Law Center entitled "Close to Slavery," H–2B workers are routinely cheated out of wages; forced to mortgage their futures to obtain low wage, temporary jobs; held virtually captive by employers or labor brokers who seize their documents; forced to live in squalid conditions; and denied medical benefits for on-the-job injuries.

The amendment I am offering today would prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations.

Given the serious abuses of the H–2B program by many employers documented by the Southern Poverty Law Center, and the strong opposition of working people from all over this country, I hope my colleagues will join me in supporting this amendment. We have a bad situation now. Let us not make it worse.

Simply put, we must make sure that labor protections for American workers and for foreign workers who are temporarily working in our country—we must make sure these regulations are strengthened, not weakened. Over the long term, I will be introducing legislation to accomplish that goal. But in the interim, we must not take a major step backwards in terms of protecting both U.S. workers and guest workers from unscrupulous employers. That is what this amendment is all about, and I urge my colleagues to vote "yes" on this amendment.

With that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LIEBERMAN be allowed 10 minutes to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2383

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend Senator MURRAY from Washington State. I call up amendment No. 2407.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mrs. COLLINS, proposes an amendment numbered 2407 to amendment No. 2383.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the Interoperable Emergency Communications Grant Program)

On page 35, line 20, strike "$3,030,500,000" and insert "$3,130,500,000".

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

Mr. LIEBERMAN. Mr. President, this amendment is introduced by the Senator from Maine, Ms. COLLINS, the ranking member of the Homeland Security Committee, and myself. At this time I wish to ask unanimous consent that Senator MCCASKILL of Missouri be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, as the Presiding Officer knows, in a short while this evening, the Senate will consider the conference report, which has brought together the so-called 9/11 legislation passed by both the House and the Senate. I am very pleased, as I will say when that matter comes up, that the conferees have reached an agreement, because I believe this bill will greatly enhance the security of the American people, protecting them from natural disasters and also, God forbid, from a terrorist attack. This conference report will enact remaining unenacted or inadequately enacted recommendations of the 9/11 Commission.

Specifically in regard to this amendment, the conference report will create, if favorably adopted, a new interoperability emergency communications grant program to help Federal, State, and local responders achieve comprehensive interoperability.

My colleagues know the need from which this amendment arises, and, in fact, some of the tragic experiences from which it arises. On September 11 at the World Trade Center and the Towers, we know as a matter of fact that lives were lost because the heroic emergency response personnel—the firefighters, the police officers, the emergency medical personnel—simply could not communicate with one another because their systems did not allow them to do that. During Hurricane Katrina, there was a breakdown because of the catastrophic impact of that natural disaster in the very operability of communications.

We have heard from experts on how best respond to these disasters and of the crying need for investment in making our communications systems interoperable. Our State and local emergency response officials, elected officials, tell us this is a crying need. The fact is it is a need that is very hard, particularly for local governments, to satisfy. Anybody who has ever dealt with a municipal budget looks at the budget of the firefighters, the police departments—these are personnel-intensive budgets. There is not enough left over for what might be called capital investments, equipment investments. So this need for interoperable communications, which will save lives, without question, will simply not be met fast enough if we leave it to the local governments.

Now, in the 9/11 Commission bill which we will consider later, this interoperability emergency communications grant program is not only created but authorizes the expenditure of $1.6 billion for this purpose over the next 4 years. This Homeland Security appropriations bill before us makes a substantial increase over the President's budget in funding for homeland security, $2¼ billion. It is absolutely the right thing to do. It is absolutely the necessary thing to do to protect the American people from disaster and/or a terrorist attack. However, the bill before us does not include any money for interoperability of communications at the local level.

Perhaps because this conference report we are going to consider tonight was not adopted when the Homeland Security Appropriations Subcommittee reached its judgments, I will say for the record that the Senate itself earlier this year, in the Senate budget resolution, supported $400 million in dedicated funding for this program, with passage of that budget resolution, in anticipation, I believe, of this new program.

What this amendment, offered by the Senator from Maine and myself and the Senator from Missouri, does is to provide $100 million to fund a first payment to fund this new interoperability emergency communications grant program. It is a kind of downpayment at a meaningful level; not as much as is necessary, but a beginning to this program. The authorization in the conference report is important. It takes a critical step forward. But it must be funded, or it will not mean anything to our first responders and those of the rest of us in America who depend on them for our protection.

I wish to note as an indication of the urgent need for this kind of funding that the following first responder groups have written and expressed their support for this amendment: the International Association of Firefighters, the International Association of Fire Chiefs, the International Association of Chiefs of Police, the Association of Public Safety Communications Officials International, the Congressional Fire Service Institute, and the National Volunteer Fire Council. All of these folks representing millions of first responders around America are asking for this funding.

I will report to my colleagues that the House has included $50 million as a first payment to fund this interoperability communications fund in its Homeland Security appropriations bill. I hope my colleagues will help us do our part, now that we are about to authorize the fund later tonight by adopting this amendment.

I ask when the vote is taken on this amendment that it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. LIEBERMAN. I thank the Chair and I yield the floor.

Mrs. MURRAY. Mr. President, I want our colleagues to know we are trying to work as diligently as possible to move forward at this time. The Senator from New Jersey wants 10 minutes to speak, and after that I think we can start moving on some of the amendments. So I ask unanimous consent that the Senator from New Jersey to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I appreciate my distinguished colleague from Washington State providing the time.

I rise in strong support of the Salazar-Menendez amendment. I expect from all of the voices I have heard in our debate about immigration as part of this Homeland Security bill that we will have resounding support for this amendment, because I know those who want to protect the United States at its border crossings are going to want to protect all of its border crossings.

I have heard a lot about our challenges along our southern border, but I have heard nothing about our challenges along our northern border. In that respect, I think it is important to call the attention of the Senate to the fact that over the last several years, according to official reports, the Congressional Research Service tells us there have been nearly 69,000 individuals who have crossed over the northern border and, of course, that number is small in comparison because we don't have the Border Patrol agents on the northern border to be dealing with the interdictions that would be called for.

So while there are 13,488 Border Patrol agents in the entire force, there are only 965 agents along the northern border. That northern border has over 5,525 miles of border between the United States and the North, significantly more than the 1,993 miles along the southern border. Yet over 69,000 people have crossed, to our knowledge, because if you divide out the number of Border Patrol agents at any given time on the northern border, they are looking at patrolling hundreds and hundreds of miles for a fraction of what is the Border Patrol on any given shift. Therefore, what that number tells us is that while thousands cross on the northern border, we don't even know the magnitude of it, because we are not paying attention. We are not paying attention on the northern border.

I will remind my colleagues that it was Ahmed Ressam in 1999, December of 1999, the millennium bomber, who came in through the northern border of the United States. We don't seem to be concerned about the northern border. What Senator SALAZAR's and my amendment simply does is to make sure that we are, in fact, looking at all of our international borders and allocating the resources appropriately.

Now, unless this debate is about something more than protecting the United States, we should have a resounding vote. Because if you are concerned about one terrorist coming through a border, you should be concerned about a border that is far more porous, far greater in length; the one that actually has a history of having someone who sought to commit an act of violence within the United States crossing that northern border—one that is totally undermanned in the context of protecting that border and, obviously, it means we have far greater numbers than the 69,000; at the same time, one in which we have actually seen the number of Border Patrol agents decrease. We have a mandate in the 2004 Intelligence Reform and Terrorist Prevention Act that mandated that the Canadian border receive increases in Border Patrol agents equal to 20 percent of the Border Patrol agents that exist. And, ultimately, we have seen a reduction during fiscal year 2005–2006 in the total number of Border Patrol agents by nearly 9 percent.

So we have a history of people crossing the border, a history of the millennium bomber. Yet we have a decrease in Border Patrol agents who are on the northern border. You are either for protecting the country or you are not. By the way, if I were a terrorist, and I wanted to get into the United States, and the bottom line is that I know they are going to put everybody down at the southern border, guess what. I would be coming through the northern border because with over 5,500 miles and with only 965 total Border Patrol agents for three shifts around the clock for that whole stretch, that makes it a much greater percentage for me to be able to come over the northern border than to face the challenges of the southern border.

I know our colleagues here who care so much, as we do, about the national security and the defense of this country are going to give this amendment an overwhelming vote. I expect it to be accepted by a voice vote. If the answer is no, we are not concerned about the northern border, then I have to question the motives of some in this debate because we are either concerned about the security of the country or we have a certain prejudice over a certain part of what we consider a threat to the United States. Porous borders are a collective threat. But when we focus all of our time and attention at one end, let's leave a wide gaping hole on the other part, the one that has over 2½ times more territory to cover and has probably 10 percent of all the Border Patrol agents in the country.

I am sure this will be accepted by voice or we will have an overwhelming vote because the absence of having an overwhelming vote to make sure we protect our country indicates to me that the concern of some is not about protecting our country, the concern of some is that, in fact, they have a concern about who comes to this country—not because they seek to provide an act of terrorism, but because of who they are. So I think this will be a defining moment in which we can collectively work to protect our country, make sure we have the appropriate resources and allocations of them to the northern border as well as the southern border, make sure that we fill up all of our security gaps and, therefore, strengthen the security of the country. In the absence of that, many of us will have to question what this debate has really been about.

With that, I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments in the order listed; that no amendments be in order to any of the amendments in this agreement prior to the vote; that there be 2 minutes of debate equally divided in the usual form prior to each vote: Lieberman amendment No. 2407, Sanders amendment No. 2498, Salazar amendment No. 2516, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, I ask the managers of the bill if there is going to be another set of amendments on which we are going to vote tonight.

Mrs. MURRAY. Mr. President, I understand that the Senator from Louisiana and the Senator from Oklahoma both would like to call up an amendment, but in the intervening time between now and 8:30, we welcome talking with the Senators to set up some time for those who want to call up their amendments to do so.

Ms. LANDRIEU. Reserving the right to object, are there only two other amendments that are to come up?

Mrs. MURRAY. No, there are a number of amendments beyond the four I just mentioned.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, might I take 30 seconds to explain why? I have no objection to the text of the Salazar amendment and have talked with Senator SALAZAR about it. My understanding is that it has the same rule XVI germaneness objection to it that is being posited against an amendment of mine, which I think also is not objectionable. I want to make sure all amendments are treated the same that have the same objection to them.

Mrs. MURRAY. Mr. President, if the Senator will withhold his objection, I inform him that when the Salazar amendment is pending before the Senate, he will be able to offer a rule XVI point of order if he so wishes.

Mr. KYL. Mr. President, I understand there was a unanimous consent request to consider the amendment. I was in the cloakroom at the time and had to come out. Perhaps I misunderstood.

Mrs. MURRAY. The amendment will be called up for a vote, and a rule XVI point of order could be raised at that point on the amendment. We are simply setting up these amendments to consider at that time.

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I registered my objection, and I continue to do so, but I am happy to try to work something out.

Mr. COCHRAN. Mr. President, isn't it true that we don't have to have unanimous consent to proceed to a vote? This is all that is being asked. We are not asking to adopt these amendments, but we are simply setting up an order and a time for the voting to begin. I just didn't want anybody to misunderstand what is being asked.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I revise my unanimous consent request: that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments—we will remove the Salazar amendment—and that no other amendments will be in order: Lieberman amendment No. 2407, Sanders amendment No. 2498, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to be added to the unanimous consent request. I am very unclear as to whether there will be an objection to me offering an amendment. I would like it added to the list. The Senator from Mississippi said we don't need unanimous consent to file my amendment. I want my amendment to be filed and will take a vote up or down.

Mrs. MURRAY. I add to the unanimous consent I already put in place that following this order being put in place, between now and 8:30 p.m. that Senator COBURN and Senator LANDRIEU be allowed to call up their amendments and speak for 10 minutes each.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Is it the intention of the Senator from Washington—while

I understand this is simply for the purposes of an order, are we expecting, regardless of the order, a vote to be called on the Salazar amendment?

Mrs. MURRAY. May I respond to the Senator? Their amendment is one of the pending amendments. The yeas and nays have been ordered on it. So before this bill is finally adopted, their amendment will be in order at some point.

We are trying to move our way through, Mr. President, to the end of this evening. The majority leader has said we will finish this bill tonight. There are a number of amendments that are pending. We hope to dispose of all of them before it gets too late this evening.

I again ask unanimous consent as I said before.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 2442 TO AMENDMENT NO. 2383

Mr. COBURN. Mr. President, I thank the chairman and appreciate her consideration in giving me an opportunity to call up an amendment even though we are not going to debate it. We will put it in the pending file. I understand that. I thank her for her courtesy.

I ask that the pending amendment be set aside and that amendment No. 2442 be brought up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DEMINT, proposes an amendment numbered 2422 to amendment No. 2383.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funding for no-bid earmarks)

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Mr. COBURN. Mr. President, this is a fairly simple amendment. I plan on offering this on every appropriations bill. What it says to the American people is we know we are going to do certain things to send projects home. What this says is if you do that, then there ought to be a competitive bid on the project rather than a sweetheart deal to wherever it is going.

It is a very simple amendment. It says if we are going to send something home through an earmark, then the process of expending that money ought to be on a competitive bid basis so we get good value for the American taxpayer—no cost-plus, just competitively bid.

With that, I reserve my debate for a later time and yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2525 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Mr. President, I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, in the underlying bill, which makes a tremendous amount of progress, in my opinion, with protecting the homeland—increasing funding for port security, transportation, et cetera, and I have said publicly and privately my great thanks, on behalf of the people of Louisiana whom I represent, to the leaders managing this bill—in the underlying bill, there is a provision that some of us have worked very hard on to help expedite the rebuilding of schools in the gulf coast area.

As you know, 2 years this August is the anniversary of Katrina and Rita. Literally hundreds of schools were destroyed. As I said a thousand times on this floor and will continue to say, the Federal Government was simply overwhelmed by the catastrophic nature of this event, the scope of which had never been seen. So I offer this amendment, and send one to the desk that I am speaking of now to help fix one very small problem with actually one school.

The underlying bill sets up a process—and I am very grateful to the committee, Republicans and Democrats, who supported a new process—and actually FEMA was very helpful in supporting a new process—to help us rebuild the schools faster, better; not at greater expense to the taxpayer but a better way to deal with this catastrophic disaster.

However, if this amendment I am offering right now does not pass, there will be one school that is left out of this fix, and that is why I offer it, on behalf of a very small parish in south Louisiana, a school I happened to visit, a school that thought they had one agreement with FEMA but, evidently, there was a great misunderstanding.

This school has 500 children who go here, and they have had a very difficult time over the last 2 years, so I offer this amendment for them. It is extremely small, when compared to all the amendments my colleagues are offering, but it would help them to get their small school district back up and running. That is the essence of what the amendment does. As I say, it will affect basically one school in New Iberia Parish.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2525 to amendment No. 2383.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require regional evacuation and sheltering plans)

On page 69, after line 24, add the following:

SEC. 536. EVACUATION AND SHELTERING.

(a) REGIONAL EVACUATION AND SHELTERING PLANS.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, States, local governments, and appropriate nongovernmental organizations, shall develop and submit to Congress, regional evacuation and sheltering plans that—

(A) are nationally coordinated;

(B) incorporate all appropriate modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus;

(C) clearly define the roles and responsibilities of Federal, State, and local governments in the evacuation plan; and

(D) identify regional and national shelters capable of housing evacuees and victims of an emergency or major disaster in any part of the United States.

(2) IMPLEMENTATION.—After developing the plans described in paragraph (1), the Administrator of the Federal Emergency Management Agency and the head of any Federal agency with responsibilities under those plans shall take necessary measures to be able to implement those plans, including conducting exercises under such plans as appropriate.

(b) NATIONAL SHELTERING DATABASE.—The Administrator of the Federal Emergency Management Agency, in coordination with States, local governments, and appropriate nongovernmental entities, shall develop a national database inventorying available shelters, that can be shared with States and local governments.

(c) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in consultation with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, shall conduct an analysis comparing the costs, benefits, and health and safety concerns of evacuating individuals with special needs during an emergency or major disaster, as compared to the costs, benefits, and safety concerns of sheltering such people in the area they are located when that emergency or major disaster occurs.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) areas with populations of not less than 20,000 individual needing medical assistance or lacking the ability to self evacuate;

(B) areas that do not have an all hazards resistance shelter; and

(C) the health and safety of individuals with special needs.

(3) TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall, as appropriate, provide technical assistance to States and local governments in developing and exercising evacuation and sheltering plans, which identify and use regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

(d) DEFINITIONS.—In this section, the terms "emergency" and "major disaster" have the meanings given those terms in section 102 of ther Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2407

Ms. COLLINS. Mr. President, shortly the Senate will vote on an amendment Senator LIEBERMAN and I have offered to provide $100 million in badly needed funding for a new emergency communications grant program. This program is about to be authorized in the Homeland Security bill we have recently completed the conference negotiations on, and which I anticipate will be cleared either tonight or tomorrow morning.

When we look at the needs of our first responders, interoperability of communications equipment is at the top of their list. We saw on 9/11 that firefighters, police officers, and emergency medical personnel lost their lives because of an inability to communicate due to incompatible equipment. We saw it again in the aftermath of Hurricane Katrina, where police could not communicate with firefighters, who could not communicate with emergency medical personnel.

Unfortunately, achieving interoperability is an expensive, lengthy, and difficult process, and it is one our State and local governments need assistance in meeting. The proposal Senator LIEBERMAN and I have put forth is a pretty modest proposal. The Homeland Security conference report authorizes a $400 million program. The budget resolution did as well for this year. What we are asking for is a modest downpayment of $100 million. It is offset by a modest reduction in other accounts.

Let me say that this amendment does have the strong support of our first responder community. It has been endorsed by the International Association of Fire Chiefs, the Congressional Fire Services Institute, the International Association of Firefighters, the International Association of Chiefs of Police, and the Association of Public Safety Communications Officials International.

Mr. President, I ask unanimous consent that endorsement letters from those organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS®,
Washington, DC, July 26, 2007.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.
Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I am writing to express our support for your amendment to the 2008 Homeland Security Appropriations Act for Fiscal Year 2008 providing $100 million for grants to improve emergency communications.

The Department of Homeland Security's 2006 National Interoperability Baseline Survey found that first responder agencies have made some progress towards achieving interoperability. However, the failure of emergency personnel to communicate with each other along the Gulf Coast in the wake of Hurricane Katrina provides a stark example of just how much work remains to ensure that first responders have adequate communications capabilities in emergencies.

The new grant program dedicated to improving first responder communications, established in the 9/11 Commission Act, will help states achieve this critical goal. By permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, this new program will enable states and regions to overcome their own unique communications challenges, and ensure a solid foundation upon which to build an interoperable communications network.

The ability of first responders to communicate with each other, as well as with state and federal authorities, is integral to any effective, coordinated emergency response. The Lieberman-Collins amendment will provide a down payment on our commitment to help America's first responders communicate during an emergency.

Thank you for your leadership on this vital issue and your continued strong support of our nation's fire fighters.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

[From the APCO International]

APCO SUPPORTS LIEBERMAN-COLLINS COMMUNICATIONS INTEROPERABILITY AMENDMENT

The Association of Public-Safety Communications Officials (APCO) International supports Senators Lieberman and Collins's amendment to appropriate $100 million for a new Interoperable Communications Grant Program.

Since 2002, our nation has had to overcome the devastation caused by Hurricanes Katrina and Rita on the Gulf Coast, which showed the operational vulnerability of emergency communications systems. The issue was not only interoperability but also operability. Due to the lack of operable emergency communications systems, command and control of the disasters was almost non-existent.

Five years after September 11, 2001 APCO International finds that, while there have been significant accomplishments to report on issues affecting public safety communications, there is also a disturbing lack of progress. Multiple nationwide surveys indicate there are significant shortfalls in communications operability and interoperability in many regions and locales with many contributing factors. The lessons learned from

9/11 and Hurricanes Katrina and Rita for emergency communications are simple. Be prepared. Preparedness, planning and training are the key elements to achieving operability and interoperability during day-today activities and disasters.

Preparedness involves planning and implementing current and effective technology solutions. Preparedness involves coordination and mutual aid agreements with surrounding jurisdictions, state and federal government agencies. Preparedness involves making sure your personnel and equipment are able to function during any emergency and meet the unexpected challenges that may arise at any time. Preparedness is making sure the daily operations of the emergency communications center are adaptable to any unexpected situation. Preparation also includes adequate funding for planning and operations.

We strongly believe this amendment will provide the funding needed to vastly enhance our Nation's operability and interoperable emergency communications systems and we hope that your Senator can support this amendment.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, March 2, 2007.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for several major provisions included in S. 4, the Improving America's Security Act of 2007. I appreciate the hard work and dedication your committee has put into this legislation, and I urge the Senate to move expeditiously towards its passage.

The IAFC is proud to endorse the information sharing programs outlined in Title I of the bill. These programs, which include guidelines to help integrate the fire service into fusion centers and a fellowship program designed to improve the exchange of intelligence data between government entities, constitute a significant step forward in our nation's homeland security efforts. By ensuring that fire departments and other emergency response providers participate directly in fusion centers, Title I will open new doors for nontraditional information gathering, enhanced capabilities assessments, and better coordination between the fire service and law enforcement in planning for and responding to major disasters. Simply put, these changes will make our information sharing programs more effective and our country safer.

Additionally, the IAFC strongly supports the operable and interoperable communications programs defined in Title III. The IAFC is working with partners in public safety on numerous fronts to strengthen the voice and data communications capabilities of first responders throughout the United States. Accomplishing this goal requires adequate spectrum for responders to communicate, as well as funding for purchase and installation of the equipment necessary to utilize the available spectrum. At present, substantial action remains to be taken by the federal government on both fronts, and Title III of S. 4 will make a positive contribution by authorizing over $3 billion for the Emergency Communications Operable and Interoperable Grants program.

Furthermore, the IAFC supports the critical infrastructure provisions set forth in Title X of the Improving America's Security Act. The IAFC looks forward to working towards Title X's critical infrastructure goals through the partnership model currently reflected in the National Infrastructure Protection Plan (NIPP). In particular, we believe that ensuring adequate protection for human elements—as well as physical and cyber elements—will be an essential part of the critical infrastructure protection efforts carried out by the fire service under this title.

Finally, the IAFC strongly believes that however grant reform measures (such as those described in Title II) are resolved in this legislation, the final product should preserve the all-hazards nature of the FIRE and SAFER Act grant programs. These programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staff, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made, great or small. In its present form, section 2002(c) of the Improving America's Security Act fully protects the FIRE and SAFER Act grant programs, and any changes to the grant reform section should preserve section 2002(c) as it is currently written.

As the primary fire service leadership organization in the United States, the IAFC would like to thank you and your dedicated staff for your work thus far on S. 4. The IAFC stands ready to provide you with information and support as the Improving America's Security Act of 2007 moves forward in the legislative process.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President.

JUNE 7, 2007.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of our organizations, we urge you to consider the following issues as conference negotiations on H.R. 1, the Implementing the 9/11 Commission Recommendations Act, and S. 4, the Improving America's Security Act get underway. Individually and collectively, we appreciate the support you have shown for the fire and emergency services through your work on this critical homeland security legislation.

Over the past sereral years, the question of how homeland security grant funding should be distributed has been an extremely contentious issue. While we do not have a position on how this matter should be resolved, we do ask that you make sure that the FIRE and SAFER Act grant programs are not affected by reforms included in the conference report. The FIRE and SAFER Act grant programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staffing, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made, great or small. Section 2002 of each bill fully protects these programs, and any compromise grant reform section should preserve these safeguards.

A second issue of critical importance to the fire service is the ability to communicate effectively. As you know, first life responders throughout the United States are currently facing major challenges in the area of wireless communications. Fortunately, both H.R. 1 and S. 4 create new grant programs designed to help address this problem. In crafting the final version of the communications grant program, we ask you to retain the $3.3 billion authorization total included in S. 4, ensure that funding is available for both operable and interoperable communications projects, and build in flexibility allowing funding to be used for systems in a wide range of operating frequencies. Furthermore, we urge you to ensure that these grants utilize the Department of Homeland Security's SAFECOM grant guidance and fund all of the areas defined in the SAFECOM "Interoperability Continuum," including governance.

In addition to seeking progress on the issues above, the first responder community also wishes to see a well-prepared private sector that will voluntarily take its share of responsibility for emergency preparedness and business continuity. The voluntary private sector preparedness program outlined in S. 4, which relies on standards such as the NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, would enable our nation to better protect lives and property. This initiative complements other first responder disaster and emergency preparedness plans and is critical for a robust homeland security policy. Accordingly, we believe that the Senate-passed language should be retained in the conference report.

Finally, we strongly urge you not to include provisions in the conference report that would establish new federal mandates for re-routing of hazardous materials around urban areas. While we understand that local re-routing may be necessary on a case-by-case basis, federal mandatory re-routing regulations would create additional dangers by shifting hazardous materials to rural areas that may not be as well-staffed or equipped to deal with an incident. In addition, re-routing hazardous materials would keep them in transit for a longer amount of time, which would increase the risk and the potential for an incident to occur. Larger, urban fire departments are generally in a better position to handle these incidents, because they have more specialized equipment and other resources.

Again, thank you for your attention to these pressing homeland security issues. Should you have questions or desire additional information as you move through the conference process, please do not hesitate to contact Kevin King.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President, IAFC.
THOMAS FEE,
President, IAAI.
JAMES M. SHANNON,
President, NFPA.
CHIEF PHILIP C. STITTLEBURG,
Chairman, National Volunteer Fire Council.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS®,
Washington, DC, February 13, 2007.

Hon. JOSEPH LIEBERMAN,
Hon. SUSAN COLLINSm,
Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to implement the recommendations of the 9/11 Commission. We are especially grateful that you included in your proposal provisions to reform our nation's Homeland Security Grant Program and enhance first responder communications.

The establishment of the new grant program dedicated to improving communications operability and interoperability is vital to protecting the health and safety of our nation's fire fighters. Permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, will enable states and regions to overcome their own unique communications challenges.

Provisions ensuring that states provide local governments and first responders homeland security funding in an expedited manner, and permitting a portion of funds to be used for the payment of overtime and backfill costs will allow communities to take full advantage of this invaluable federal assistance.

The Improving America's Security Act also demonstrates your strong commitment to America's fire service. By guaranteeing that members of the fire service are involved in local planning to determine effective funding priorities, and by maintaining FIRE and SAFER grants as separate and distinct programs, you properly ensure that America's fire service will continue to receive funding to fulfill its vital role in local emergency preparedness.

Thank you for your leadership on these vital issues. We appreciate your willingness to work closely with the IAFF in developing the Improving America's Security Act, and look forward to continuing our work together on behalf of our nation's emergency response personnel.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Ms. COLLINS. Mr. President, again, I hope our colleagues will take a hard look at this amendment and will decide it warrants their support to address one of the major problems that has hampered emergency response, decreased the effectiveness of those who are putting their lives on the line, and truly can be a matter of life and death.

Let me end my comments by applauding, nevertheless, the Homeland Security Appropriations Subcommittee for their hard work. Senator BYRD, Senator MURRAY, and Senator COCHRAN have done a terrific job on a very difficult issue, but this is an attempt to make their good work even better.

I thank the Chair.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are now 2 minutes equally divided prior to a vote on the Lieberman amendment. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to inform the Senate that I believe both sides are in agreement that the Lieberman amendment is accepted. I ask unanimous consent to vitiate the yeas and nays on the Lieberman amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, may I first thank Senator MURRAY, Senator COCHRAN, and our colleagues for their support. This is an important amendment. It is a bipartisan amendment. The Homeland Security appropriations bill could not have funded the Emergency Grant Program set up by the 9/11 bill, which we have not passed yet, so I appreciate very much their support. This amendment is supported by almost all of the first responder groups—firefighters, police officers, volunteer firefighters, et cetera—because they desperately need funding to help them make their communication systems interoperable.

Thanks to our colleagues on both sides. Senator COLLINS and Senator MCCASKILL and I join in those thank yous.

I urge the adoption of the amendment.

The PRESIDING OFFICER (Mr. DURBIN). If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2407) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2498

Mrs. MURRAY. What is the pending amendment?

The PRESIDING OFFICER. The pending business before the Senate under the unanimous consent agreement is the Sanders amendment, on which there are 2 minutes equally divided.

Who yields time? The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, what the H-2B program provides is that guest workers may come into this country on a temporary basis if no qualified U.S. worker is available for that position and that the wages paid to H-2B employees do not adversely impact U.S. wages and working conditions. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and move toward a process which has virtually no enforcement mechanisms and which simply takes the employer's word as to whether they are obeying these regulations. In other words: Trust us, we are doing the right thing.

This is absurd. This amendment would simply prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations. This amendment is supported by Senator FEINGOLD as well.

The PRESIDING OFFICER. Who yields time in opposition?

One minute is allowed under the unanimous consent agreement.

Is the time yielded back? In the opinion of the Chair, the time is yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Specter
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Warner

NOT VOTING—6

Brownback
Coleman
Dodd
Johnson
McCain
Obama

The amendment (No. 2498) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now to the DeMint amendment No. 2481. That is the pending item.

I believe the Senators on this side are ready to accept this amendment, and if the Senator wants a voice vote, we are more than happy to do it.

Mr. DEMINT. Mr. President, I would like the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered. Who yields time? Two minutes is allowed.

Mrs. MURRAY. Mr. President, I could not hear the Senator.

Mr. DEMINT. I have asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, over the last year this body has taken a strong bipartisan stand to make our ports more secure. After the Department of Homeland Security established regulations to bar felons from the secure areas of our ports, the Senate passed an amendment by 94 votes to codify that regulation into law.

These regulations are very similar to the ones we use at our airports. Unfortunately, our strong stand on the Senate floor was diluted in conference with the House.

My amendment would prohibit the Secretary of the Department of Homeland Security from using any funds appropriated in this bill from being used to delete or modify any of the lists of felonies in the regulation.

I would encourage all of my colleagues to be consistent and vote again yes for this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, we didn't hear what the Senator said. Does the Senator want to say it again?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Am I correct in that I have another minute to do the same thing again?

The PRESIDING OFFICER. The Senator can summarize.

Mr. DEMINT. I can summarize. Thank you, Mr. President. I thank the Senator for demanding order.

This is a very important amendment. There is no need to spend billions of dollars keeping our ports secure if we are going to allow serious felons to work there. We all know that. We voted already, 94 to 2, for this exact same provision, only in an appropriations bill. In order not to attract rule XVI, this is just to prohibit the use of funds in eliminating or deleting or changing any of the list of felonies for 1 year.

I encourage my colleagues to vote yes.

Mrs. MURRAY. Mr. President, I expect that most of the Members on our side will be voting for this. We had been willing to accept it without a vote. But having said that, I hope once we accept it on this bill, it means that we will not have to have a vote later this evening on a motion to recommit on the 9/11 Commission because once we vote on this and it is part of this package, it will mean, hopefully, we will not have to deal with it on the next bill that we will be considering tonight, the 9/11 Commission. So with that I will be voting aye. I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Specter

NOT VOTING—6

Brownback
Coleman
Dodd
Johnson
McCain
Obama

The amendment (No. 2481) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2442

Mrs. MURRAY. Mr. President, I believe we now have agreement on the Coburn amendment No. 2442 that is pending. I believe we have agreed to accept that amendment.

The PRESIDING OFFICER (Mr. WEBB). Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2442) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, for the information of all Senators, as the majority leader said, we are going to go to final passage tonight no matter what it takes. We are working our way through the amendments.

I am going to proceed to two amendments that I believe are agreed upon by Senator SALAZAR and Senator KYL that I believe will be adopted by voice vote.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. I have not made a unanimous consent request, I would say.

We are working with the Senator from Louisiana, Ms. LANDRIEU, on an amendment she intends to offer. Meanwhile, we are working to put together a final package of agreed-upon amendments that will take us about 20 minutes to put together. Hopefully, at that time we will have a vote on final passage. So I would like all Senators to know we are going to work our way through several amendments over the next 20 minutes or half hour and, hopefully, be at a point where we can move to final passage on this bill.

Mr. President, with that, we now have an agreement on both the Salazar and Kyl amendments. I send both——

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. Can we have order in the Chamber.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. Mr. President, just to notify the Senator, I have not asked for unanimous consent. I say to the Senator, we will get to her amendment.

AMENDMENTS NOS. 2516, AS MODIFIED; AND 2518, AS MODIFIED

Mr. President, we now have an agreement on both the Salazar and Kyl amendments. I send both amendments to the desk, as modified, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, amendment No. 2516, is modified.

The amendment, as modified, is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras;

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles. and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

The PRESIDING OFFICER. The clerk will report the Kyl amendment, as modified.

The legislative clerk read as follows:

The Senator from Washington, [Mrs. MURRAY], for Mr. KYL, for himself and Mr. MARTINEZ, proposes an amendment numbered 2518, as modified, to amendment No. 2383.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003 of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with System requirements, including the applicable Memorandum of Understanding.

Mrs. MURRAY. Mr. President, I believe both sides have agreed to this amendment, and we do not have further debate. I believe we are ready to vote.

The PRESIDING OFFICER. Is there further debate on the Kyl amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2518), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I believe we now move to Senator SALAZAR's amendment.

The PRESIDING OFFICER. The question is on agreeing to the Salazar amendment, as modified.

The amendment (No. 2516), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment No. 2419 be withdrawn.

The PRESIDING OFFICER. The amendment is not pending.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now working with the Senator from Louisiana who has an amendment that is pending, on how we are going to dispose of that. We will work that out over the next several minutes. We have a number of other amendments we have been working with Senators on that I believe will be agreed upon on all sides. Again, our staffs are working diligently. I expect it will take them the next 15 or 20 minutes. At that time, we hope to have all the amendments before the Senate and move to final passage on this bill.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2527 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, proposes an amendment numbered 2527 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Emergency Management Agency to authorize an in-lieu contribution to the Peebles School)

On page 69, after line 24, add the following:

SEC. 536. IN-LIEU CONTRIBUTION.

The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2527) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we are going to move to a number of amendments that have been agreed to in a few short minutes. I ask the patience of all the Senators here, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2525 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw amendment No. 2525.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2469 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2469 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COCHRAN and Mr. LOTT, proposes an amendment numbered 2469 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide that certain hazard mitigation projects shall not be subject to any precertification requirements)

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 472) shall not be subject to any precertification requirements.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2469) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2499, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2499, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2499, as modified to amendment No. 2383.

The amendment is as follows:

On page 6, line 16, after "entry:", insert "of which $15,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on all sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2499), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2475, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2475, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. STEVENS, proposes an amendment No. 2475, as modified, to amendment No. 2383.

The amendment is as follows:

On page 7, line 7, insert after "operations;" the following: "of which $40,000,000 shall be utilized to develop and implement a Model Ports of Entry program and provide resources necessary for 200 additional CBP officers at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;"

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2475), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2513 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2513 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LIEBERMAN, proposes an amendment numbered 2513 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require a national strategy and report on closed circuit television systems)

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2513) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2502 TO AMENDMENT NO. 2383

(Purpose: To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes)

Mrs. MURRAY. Mr. President, I call up amendment No. 2502 and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PRYOR, proposes an amendment numbered 2502 to amendment No. 2383.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2502) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2514 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2514 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2514 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prevent procurement of any additional major assets until completion of an Alternatives Analysis, and to prevent the use of funds contained in this act for procurement of a third National Security Cutter until completion of an Alternatives Analysis)

On page 22, beginning in line 17, strike "*Provided*," and insert "*Provided*, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*,".

Mrs. MURRAY. I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2514) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2391 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2391 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to develop a strategy and funding plan to implement the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007)

On page 69, after line 24, add the following:

SEC. 536. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES.

As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the different technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2391) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2466 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2466 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. HUTCHISON, proposes an amendment numbered 2466 to amendment No. 2383.

The amendment is as follows:

AMENDMENT NO. 2466

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

Mrs. MURRAY. Mr. President, I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2466) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2484 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2484 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. GREGG, proposes an amendment numbered 2484 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for greater accountability in grant and contract administration)

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

Mrs. MURRAY. I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing on the amendment.

The amendment (No. 2484) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2486 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2486 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. COLLINS, proposes an amendment numbered 2486 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require an appropriate amount of funding for the Office of Bombing Prevention)

On page 30, line 17, before the period insert the following: "*Provided*, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network".

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2486) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2497 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2497 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 2497 to amendment No. 2383.

The amendment is as follows:

(Purpose: To establish a wild horse and burro adoption program at the Department of Homeland Security)

On page 69, after line 24, insert the following:

SEC. ____. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2497) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2404, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2404, with a modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. MARTINEZ, proposes an amendment numbered 2404, as modified, to amendment No. 2383.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ______. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2404), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2478 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2478 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. AKAKA, proposes an amendment numbered 2478 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for a report on the Performance Accountability and Standards System of the Transportation Security Administration)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION.

Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and non-managers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2478) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of H.R. 2638, the Senate turn to the consideration of the conference report on H.R. 1, the 9/11 bill; that there be 90 minutes of debate to be equally divided under the control of the two leaders or their designees, and 30 additional minutes for Senator COBURN; that at the conclusion of the time for debate on the conference report Senator DEMINT be recognized to offer a motion to recommit the conference report to report back with his dock worker provisions; that there be 20 minutes equally divided for debate on his motion; that no other amendments or motions be in order; that at the conclusion or yielding back of time, the Senate vote on his motion to recommit; that if the motion is defeated, the Senate then vote on passage of the conference report, with the proceeding all occurring without intervening action or debate.

Of course, everybody knows this has been cleared with my counterpart, Senator MCCONNELL.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I stipulate that Senator COLLINS will control up to 30 minutes of our time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon passage of H.R. 2638, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate and the subcommittee be appointed as conferees, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are working our way through things, so we will go into a short quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2516, AS FURTHER MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 2516, the amendment be further modified with the version I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2516), as further modified, is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under Division B of this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

AMENDMENT NO. 2518, AS FURTHER MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent that notwithstanding adoption of Kyl amendment No. 2518, the amendment be further modified with the version I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2518), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003, of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with system requirements, including the applicable Memorandum of Understanding.

(5) These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. Madam President, I advise Senators that we have about 10 more minutes. We are working through the final package of agreed-upon amendments which we hope to have to the floor in the next 10 minutes. We will work our way through those amendments and on to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I have a list, a managers' package that I believe has been agreed to on both sides. I ask unanimous consent that I be allowed to send them to the desk en bloc, with the modifications, and have them agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. I would like to object. There is objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, with the objection heard, we have about 20 amendments. We will work our way through them one at a time.

We are getting a copy of the amendments to the desk. As soon as that is done, we will have to proceed through the amendments one by one until they are agreed to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I know of no other amendments to come before the Senate on this bill. I move to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the committee substitute.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that we go back to second reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2438, 2432, 2451, 2495, 2500, AS MODIFIED, 2507, 2477, 2519, 2439, 2406, 2417, AS MODIFIED, 2504, 2421, AS MODIFIED, 2422, 2526, 2445, AS MODIFIED, 2465, AS MODIFIED, 2508, 2509, 2463, 2490, 2521, 2467, AS MODIFIED, 2474, AS MODIFIED, 2522, AS MODIFIED, 2524 TO AMENDMENT 2383, EN BLOC

Mrs. MURRAY. I ask unanimous consent that the managers' package, as was presented, be sent to the desk, en bloc, with the modifications as requested and be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to are as follows:

AMENDMENT NO. 2438

(Purpose: To require the Comptroller General to conduct a study on shared border management)

At the appropriate place, insert the following:

SEC. ___. SHARED BORDER MANAGEMENT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

AMENDMENT NO. 2432

(Purpose: To increase the authorized level for the border relief grant program from $50,000,000 to $100,000,000)

At the end of the amendment, add the following:

SEC. ___. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

AMENDMENT NO. 2451

(Purpose: To conduct a study to determine whether fencing on the southern border can be constructed for less than an average of $3,200,000 per mile)

At the appropriate place, insert the following:

SEC. _. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology";

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for "border security fencing, technology, and infrastructure" and the $1,000,000,000 appropriated under this Act under the heading "Border Security Fencing, Infrastructure, and Technology".

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

AMENDMENT NO. 2495

(Purpose: To restore the credibility of the Federal Government by taking action to enforce immigration laws, to request the President to submit a request to Congress for supplemental appropriations on immigration, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as "emergency spending" in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

AMENDMENT NO. 2500, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of food and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of United States Customs and Border Protection shall submit a report to Congress that describes the training of United States Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

AMENDMENT NO. 2507

(Purpose: To require a study on the implementation of the voluntary provision of emergency services program)

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the "program").

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms "air carrier" and "foreign air carrier" have the meaning given such terms in section 40102 of title 49, United States Code.

AMENDMENT NO. 2477

(Purpose: To require the Government Accountability Office to report on the Department's risk-based grant programs)

On page 40, line 15, after "Security" insert "and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups,".

AMENDMENT NO. 2519

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non-frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

AMENDMENT NO. 2439

(Purpose: To resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs)

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

AMENDMENT NO. 2406

(Purpose: To prohibit the use of funds for planning, testing, piloting, or developing a national identification card)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

AMENDMENT NO. 2417, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

"(L) To fund fire prevention programs, including planning and preparation for wildland fires.

AMENDMENT NO. 2504

(Purpose: To express the sense of Congress regarding to need to appropriate sufficient funds to increase the number of border patrol officers and agents protecting the northern border pursuant to prior authorizations)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of United States Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56);

(2) section 331 of the Trade Act of 2002 (Public Law 107-210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

AMENDMENT NO. 2421, AS MODIFIED

On page 69, after line 24, add the following:

TITLE ___—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—Subject to the availability of appropriations, during each of fiscal years 2009 through 2013, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—As necessary, the Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106-319, accompanying Public Law 106-58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108-86, accompanying Public Law 108-90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER SUPPLY CHAIN SECURITY.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall provide Congress with a plan to improve supply chain security along the southern border, including where appropriate, plans to implement voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain that have been successfully implemented on the northern border.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop any facilities needed to provide appropriate training to Federal law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation to the extent that such training is not being conducted at existing Federal facilities.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, 1 port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out sections 603, 604, 605, 606, and 607 for FY2009–FY2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

AMENDMENT NO. 2422

(Purpose: To conduct a study to improve radio communications for law enforcement officers operating along the international borders of the United States)

At the appropriate place, insert the following:

SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

AMENDMENT NO. 2526

(Purpose: To provide that certain funds shall be made available to the United States Citizenship and Immigration Services for the fraud risk assessment relating to the H–1B program is submitted to Congress)

At the appropriate place, insert:

Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

AMENDMENT NO. 2445 AS MODIFIED

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report and make the report available on its website on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

AMENDMENT NO. 2465, AS MODIFIED

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading "INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY" is hereby reduced by $5,000,000.

AMENDMENT NO. 2508

(Purpose: To provide funds to modernize the National Fire Incident Reporting System and to encourage the presence of State and local fire department representatives at the National Operations Center)

On page 35, line 15, strike "costs." and insert the following: "costs: *Provided further*, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National

Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.".

On page 5, line 3, strike "expenses." and insert the following: "expenses: *Provided*, That the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.".

AMENDMENT NO. 2509

(Purpose: To mitigate the health risks posed by hazardous chemicals in trailers provided by Federal Emergency Management Agency, and for other purposes)

On page 5, line 20, before the period, insert the following: ": *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations".

On page 35, line 15, before the period, insert the following: ": *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency".

On page 40, line 24, before the period, insert the following: ": *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: *Provided further*, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: *Provided further*, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: *Provided further*, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: *Provided further*, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: *Provided further*, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

AMENDMENT NO. 2463

(Purpose: To apply basic contracting laws to the Transportation Security Administration)

At the appropriate place, insert the following:

SEC. ___. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 2490

(Purpose: To provide for a report on regional boundaries for Urban Area Security Initiative regions)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON URBAN AREA SECURITY INITIATIVE.

Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

AMENDMENT NO. 2521

(Purpose: To provide for special rules relating to assistance concerning the Greensburg, Kansas tornado)

At the appropriate place, insert the following:

SEC. ___. (a) In this section:

(1) The term "covered funds" means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term "professional municipal services" means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

AMENDMENT NO. 2467, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event, and any appeal is completed; the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and the Senate Committee on Appropriations and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster;

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2474

On page 17, line 6, before the period, insert the following: ": *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, .Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): Contingent on the availability of sufficient revenue in collections of security fees in this account for this purpose. *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service".

AMENDMENT NO. 2522, AS MODIFIED

At the appropriate place, insert the following:

SEC. 536. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

AMENDMENT NO. 2524

(Purpose: To provide funding for security associated with the national party conventions)

At the end of the bill, insert the following:

SEC. ____. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. I believe those are all the amendments to come before the Senate.

AMENDMENT NO. 2521

Mr. KENNEDY. Mr. President, on May 4, Greensburg, KS, was devastated by a tornado. Our thoughts and prayers are very much with the many families affected by this disaster, and we fully support their rebuilding efforts.

I strongly support the amendment offered by Senator ROBERTS and Senator BROWNBACK to the Homeland Security appropriations bill that would allow Greensburg to hire the essential workers it needs to help rebuild the town.

The protections in current law governing national emergency grants under the Workforce Investment Act serve an important purpose. They ensure that the program is targeted to help workers who need it most, and is not used to displace public sector workers with workers that do not receive the same wage and merit system protections.

Greensburg, however, faces unique circumstances. In the wake of the disaster, this small city has an obvious need for professionals—such as zoning experts, planning professionals, and building inspectors—with expertise that is not readily available in the area. In these unique circumstances, the waivers provided for in this bill are a reasonable response. It is obviously not, however, a precedent for future recipients of these emergency grants.

I hope very much that these waivers will do as much as possible to help the people of Greensburg restore their city and rebuild their lives, and I wish them well in the years ahead.

AMENDMENT NO. 2474

Mrs. CLINTON. Mr. President, my amendment is an amendment I wish I did not have to offer. It is necessary, unfortunately, because of the administration's continued plan to outsource or privatize critical components of our homeland security.

I am proud to have Senators KENNEDY, SCHUMER, LAUTENBERG, AKAKA, MENENDEZ, KERRY, MIKULSKI, CARDIN and the chairman and ranking member of the Senate Homeland Security and Government Affairs Committee respectively, Senator LIEBERMAN and Senator COLLINS, as cosponsors of this amendment.

This amendment also has the endorsement of the American Federation of Government Employees. I will ask to have printed in the RECORD their letter of support.

Mr. President, the most recent key judgments of the National Intelligence Estimate were crystal clear: our homeland is under a "heightened threat environment" and that al-Qaida is undiminished in its goal in attacking us here at home.

At the very same time, despite a lot of tough rhetoric, the Bush administration wants to cut the only Federal agency responsible for protecting nearly 9,000 nonmilitary Federal buildings nationwide.

The Federal Protective Service, or FPS, protects more than 1.1 million Federal employees located in more than 2,100 communities across our country.

While protecting Federal buildings, the FPS also monitors the qualifications and performance of 15,000 privately contracted security guards.

In 1995, after the Oklahoma City bombing, the General Services Administration and Congress concluded that FPS required 1,480 field personnel to do its duty.

After 9/11, as we face even greater threat, as we have rightfully heightened our security and vigilance here at home, the Bush administration has slashed FPS personnel to fewer than 1,200. If it has its way, the administration will cut that number to 950 in 2008.

Just today, we learned that the FPS has recently issued an internal document, entitled "Increased Risk of Terrorist Attack This Summer" detailing high-risk threats to Federal buildings and employees.

The inspector general of the Department of Homeland Security, Richard L. Skinner, investigated the FPS. Among the disturbing findings: Only a dozen FPS employees are tasked with checking the credentials and performances of the 5,700 guards in the DC area—"an inadequate number" according to the audit; 30 percent of contract security guards in the sample had at least one expired certification, security contractors failing to perform security services according to terms and conditions of their contracts.

The report concluded that many of the deficiencies cited occurred because FPS personnel were not effectively monitoring the contract guard program.

On May 1, 2007, Jim Taylor, the deputy inspector general for the Department of Homeland Security testified before the House Committee on Homeland Security and stated that further reductions in the FPS "could lead to uneven effects across the nation, perhaps place some facilities at risk."

Last month, contract security guards did not show up for work at the Department of Education and two Food and

Drug Administration offices. The contract guards' employer had not paid 400 employees in a month, citing financial difficulties. But FPS did pay the company for its services. It turns out that the company's president served 5 years in jail for bank fraud and money laundering. According to company's general manager, the president of the company used company money to pay for luxury condos here in the District of Columbia and in Myrtle Beach, SC.

This latest episode only underscores the importance of not cutting the Federal Protective Services staff, but increasing it. It not only saves us from wasting Federal resources—it could save lives.

My amendment would stop the Department of Homeland Security from continuing to downsize the Federal Protective Service. The amendment would require the Secretary of Homeland Security to assure that the workforce of the Federal Protective Service includes no fewer than 1,200 commanders, police officers, and special agents engaged on a daily basis in protecting Federal buildings.

This amendment does not require an offset or any additional spending. FPS operations are solely funded through security fees and reimbursements paid for by Federal agencies. The amendment would require the Office of Management and Budget and the Department of Homeland Security to adjust Federal building security fees as necessary to ensure full funding of not fewer than 1,200 in-service commanders, police officers, inspectors, and special agents at the Federal Protective Service.

Mr. President, security on the cheap is no security at all. Our Nation faces serious threats—this Congress should demand a response by the Bush administration commensurate with the danger—and the President's own rhetoric. I ask my colleagues to join me to ensure that the Federal Protective Services has the personnel needed to do its job and that we do not send the message that our Federal buildings are exposed.

Mr. President, last week's key judgments of the National Intelligence Estimate made clear that al-Qaida has "protected .or regenerated key elements of its Homeland attack capability" and is now as strong as it was in 2001.

I commend the work of Senator BYRD and the members of the Appropriations Committee for putting together a Homeland Security appropriations bill that supports tough and smart measures to make our country more secure. This is a must-pass piece of legislation that we cannot afford to delay and I urge my colleagues on the other side of the aisle not to obstruct this critical legislation so we can implement these measures to make our country more secure.

I ask unanimous consent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, July 24, 2007.

DEAR SENATOR: On behalf of the American Federation of Government Employees, AFL-CIO, I urge you to support Senator Clinton's amendment to the FY '08 Homeland Security Appropriations bill to insure that our nation's federal buildings are adequately protected. For the past several months the Department of Homeland Security's U.S. Immigration and Customs Enforcement has been implementing a proposal to eliminate over 350 commanders, police officers, and special agents from the Federal Protective Service (FPS). Experienced law enforcement officers have been actively encouraged to leave the agency. leaving vulnerable countless federal buildings that once receive around-the-clock FPS protection.

The Bush Administration is attempting to unilaterally alter the mission of this critical homeland security agency despite the demonstrated need for high security at federal buildings and complexes. It would be hard to forget that day in April 1995, when domestic terrorists Timothy McVeigh and Terry Nichols drove up to the Alfred P. Murrah building in Oklahoma City and unleashed the first major terrorist attack in the U.S. In the post-9/11 world in which we live, to eliminate the law enforcement and antiterrorism activities of the Federal Protective Service is unthinkable.

The Senate Appropriations Committee included strong language opposing the FPS plan and the House calls it an unfunded mandate and requires the agency to negotiate security agreements with every impacted state and local law enforcement agency, yet the Department continues to press forward with its misguided, dangerous initiative.

For this reason it has become necessary to require the Department to maintain a specified level of manpower in order to insure our continuing safety. In order to assure that the FPS is restored to its full complement of personnel, Senator CLINTON will offer an amendment to the Homeland Security Appropriations bill that requires the Department to maintain a minimum of 1200 total in-service personnel (Commanders, Inspectors, Police Officers and Special Agents). This is based on a field staffing level for FPS of 1480 which was GSA's target until 2003.

The Federal Protective Service is an often overlooked, yet critical component of our overall homeland security safety net. The GAO has been asked by the Chairman and Ranking Member of the Senate Homeland Security and Governmental Affairs Committee to conduct a review of FPS funding and other issues. We strongly believe that in view of that pending study, fundamental reform of the FPS mission, such as the Administration is proposing, is inappropriate and should be stopped.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

AMENDMENT NO. 2487

Mr. President, I would have called up amendment No. 2487.

This amendment is also cosponsored by Senator DORGAN.

Mr. President, in a little over a week, the Transportation Security Administration plans to lift its ban on disposable butane lighters, a decision that is both ill-advised and ill-considered. Lifting the ban on these lighters defies common sense and ignores the TSA's own recommendations.

In March 2005, a TSA spokesman said, "The threat posed by lighters on board is valid." TSA has warned that al-Qaida and those seeking to do us harm intend to use everyday household items to conceal explosives and detonate them on board airliners.

In fact, the TSA actually wanted to go further than banning lighters alone. The TSA wanted to ban matches, too. But the Bush administration demanded that the TSA conduct cost-benefit analysis before banning matches, another decision that calls into question the commitment within the administration to matching security rhetoric with smart security policies. Even the CEO of the Zippo Company, a company that manufactures disposable butane lighters, expressed support for the lighter ban stating, "We're never going to get lighters back into the cabin in carry-on baggage. We never really argued with the TSA on that because we don't want to compromise safety in any way."

And we all remember, in December 2001, when Richard Reid, the so-called "Shoe Bomber," attempted to murder 197 people onboard an American Airlines flight when he attempted to set off explosives hidden in his shoe using a box of matches. According to the FBI, Reid likely would have been successful if he had used a butane lighter.

The TSA claims that lifting the ban will free up time for security officers to focus on finding more high threat items. However, the TSA is not lifting the ban on all lighters. Passengers will still not be allowed to carry torch lighters or cigar lighters onboard an aircraft.

The result? Instead of banning all lighters, security officers will now have to differentiate between disposable butane lighters and other lighters in every single piece of luggage that they have to inspect. Even on the TSA's own website the difference between what is acceptable and what is not is hard to discern.

And this justification has been tested before, when the TSA lifted the ban on small scissors and knives. In April, the Government Accountability Office released a report on that decision. The GAO found that it is unclear whether lifting that ban "had any impact on Transportation Security Officers' ability to detect explosives—a key goal for the change."

The decision to lift the ban on disposable butane lighters makes inspecting luggage more difficult, makes the rules more complicated, and makes the skies more dangerous.

So, let's briefly summarize the TSA's decision. You can bring a disposable butane lighter but not a cigar lighter or a torch lighter. You can bring a fueled lighter onboard but you cannot check it in your luggage. You can bring explosive liquid in the form of a fueled butane lighter but cannot bring a large tube of toothpaste in the form of toothpaste. And you don't need the lighter anyway because you cannot smoke onboard. It seems that common sense has left the gate at the Transportation Security Administration.

Mr. President, my amendment would have continued to prohibit butane lighters onboard an aircraft until the TSA provides Congress a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard an aircraft, as well as any supporting analysis justifying their conclusions.

Further, my amendment would have required the GAO to conduct an assessment of the report submitted by TSA to Congress. Until these reports were conducted, the ban on butane lighters would remain in place.

My amendment has the support of the 55,000-member Association of Flight Attendants. I will ask that a letter from the Association of Flight Attendants be printed in the Record.

Flight attendants are on the front lines in the event of a terrorist attack involving aircraft. They are our first responders onboard and understand what could constitute a dangerous tool in the hands of a determined terrorist. After September 11, 2001, keeping weapons—and any device that could be used as a weapon—off passenger airplanes is not "security theatre." It is security, plain and simple.

My amendment also has the endorsement of the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers, including Federal Air Marshals. I will ask that their letter of support be printed in the Record.

In their letter, they say that "allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals who protect them."

I ask that my colleagues join me in support of this amendment. Let's restore common sense and do all we can to limit the kinds of potential weapons terrorists may employ onboard aircraft.

Mr. President, I ask unanimous consent that the letters to which I referred by printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Association of Flight
Attendants—CWA, AFL-CIO,
Washington, DC, July 25, 2007.

Dear Senator Clinton: On behalf of the 55,000 members from 20 Airlines represented by the Association of Flight Attendants—CWA, I am writing to express our support for your efforts to reinstitute the ban on lighters onboard passenger aircraft. We look forward to working with you to reinstitute this common sense security measure.

As the first responders onboard passenger aircraft, we were extremely frustrated with the decision by the Transportation Security Administration (TSA) in December of 2005 to lift the ban on scissors, screwdrivers and other tools that could be used as potential weapons onboard the aircraft. Such a move by the TSA was shortsighted and not in the best interest of the overall security of passenger aircraft and our aviation system. Furthermore, they failed to take into consideration the concerns of flight attendants, those that are jeopardized the most by reintroducing these dangerous items into our workplace.

This recent TSA decision to lift the ban on lighters is no different. It is yet another shortsighted move on their part to supposedly free up screener time to check for other, more dangerous, items. If the shoe bomber, Richard Reid, had a lighter during his efforts to bring down an American Airlines flight he most likely would have succeeded. The ban on lighters was a common sense move to prevent another tragedy and must be reinstated.

Flight attendants are in a unique position, as the first responders onboard all passenger aircraft, to know what could constitute a dangerous tool in the hands of a determined terrorist. We remain adamant that TSA must reinstitute its ban on small blades and tools and this recent decision to allow lighters onboard the aircraft should be reinstated.

Again, we look forward to working with you to reinstate this common sense safety procedure.

Respectfully,

Patricia A. Friend,
International President.

Federal Law Enforcement
Officers Association,
Lewisberry, PA, July 26, 2007.

Hon. Hillary Clinton,
U.S. Senate,
Washington, DC.

Dear Senator Clinton: As the President of the Federal Law Enforcement Officers Association (FLEOA), representing over 25,000 Federal law enforcement officers, I wish to offer our support for continuing the ban on butane lighters on commercial aircraft.

A decision to change the "Prohibited Item List" and allow butane lighters on commercial aircraft could have potentially life threatening consequences. If in the well known "shoe bomber case" Richard Reid had used a butane lighter the results might have been catastrophic.

Both the flying public and TSA screeners have become accustomed to the ban on butane lighters and a change now would only create confusion among them. Furthermore, allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals (FAMs) who protect them.

We fully support your efforts to keep butane lighters on the "Prohibited Item List" however we continue to have concerns about certain items that have been removed in the past. The safety of Federal law enforcement officers who fly armed to prevent terrorist attacks should never be compromised. The safety of the flight crew and the flying public is of paramount importance to all of us.

If I can be of any assistance, please feel free to contact me at 917-738-2300.

Sincerely,

Art Gordon,
National President.

FUNDING FOR MASS TRANSIT AND COMMUTER RAIL SYSTEMS

Mr. CASEY. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Appropriations Committee, Senator Byrd, concerning the amendment I have filed to the pending bill on the floor regarding the use of Transit Security Grant Program funding for mass transit and commuter rail systems across the Nation. My fellow home State Senator, Mr. Specter, is a cosponsor of this amendment. As the chairman is aware, the Southeastern Pennsylvania Transit Authority, SEPTA, is the fifth largest public transportation system in the Nation. SEPTA's mulimodal transit system provides a network of fixed-route service, including bus, subway, subway-surface, regional rail, light rail, trackless trolley and paratransit service. The SEPTA service area includes the heavily populated southeastern Pennsylvania counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia. This area encompasses approximately 2,200 square miles. SEPTA serves over one-half million customers daily and provides over 303 million passenger trips annually. The safety and security of its passengers, infrastructure and equipment is a priority for SEPTA and it is a priority for me.

The current SEPTA communications system does not permit communication inside the system's 20-mile commuter tunnel network and underground concourses. This puts significant limits on SEPTA's ability to deal with emergencies that occur in its underground facilities. To address this matter, SEPTA is working to develop a system that will allow the Authority to effectively participate in all emergency response and recovery actions which may occur in the system's tunnel network. This project will enable SEPTA to take measures to enhance safety and security.

Based upon my conversations with SEPTA officials, I understand that it has been unable to fully utilize Federal homeland security funds in past years for this initiative. SEPTA officials report that Federal restrictions require expenditure of homeland security funds within a 3-year time period. SEPTA officials further report that implementing a system-wide underground communications network, including appropriate use of capital investment planning and effective procurement practices, is not possible within this existing time frame. SEPTA has therefore been unable to make the progress it desired on this project.

Given the potential consequences of current restrictions, it was my hope that an amendment expanding the timeframe for expenditure of fiscal year 2008 Transit Security Grant Program funds from the existing 36 months to 48 months be adopted to enable transit systems across the nation, including SEPTA, to use their available funds in a more flexible manner.

It is my understanding that the chairman of the Appropriations Committee, as well as the chairman of the authorizing committee, the Banking, Housing, and Urban Affairs Committee, has several concerns regarding this amendment. I fully appreciate the valid points they raise and look forward to working with them to come to an appropriate solution. I would note that the distinguished Member from West Virginia has been very supportive of assistance in providing appropriate Federal funding for important homeland security initiatives in my home State and I wish to convey my gratitude.

Mr. BYRD. I thank the distinguished Member from Pennsylvania for his remarks on the amendment he has filed. The safety and security of our Nation's mass transit systems is a critical priority for me. We only need be reminded of the terror attacks in Madrid on a commuter rail system in 2004 and in London on the underground system in 2005 to appreciate the magnitude and urgency of the threat to our transit and rail networks.

I look forward to working with my colleague to help ensure that SEPTA, and all mass transit and commuter rail systems, have the necessary resources to ensure their safety and security, including facilitation of communications between first responders in the event of an attack. To the extent that the SEPTA system faces a unique challenge with regard to flexibility and duration of use of their existing Federal funds, I look forward to working with you and the Federal Emergency Management Agency to find an appropriate solution that meets the legitimate safety needs of the passengers and employees of the system.

THE NORTHERN BORDER

Mr. LEVIN. Mr. President, the PATRIOT Act required that DHS triple the number for border patrol agents at the northern border, the Trade Act of 2002 required 285 additional customs inspectors for the northern border and the Intelligence Reform and Terrorism Prevention Act of 2004 included a provision that authorized an increase of 2,000 U.S. border protection agents each year from FY2006 through FY2010 and further required that 20 percent of the increase in agent manpower each fiscal year be assigned to the northern border. However, nearly a third of those agents have not been deployed to the northern border. According to the Congressional Research Service, the gap between the authorized level of Customs and Border Protection officers at the northern border and the actual number of officers deployed there will be roughly 1,517 in FY2008.

I am pleased that the Senate just passed the Graham-Pryor amendment that will provide $3 billion for border security and 23,000 full time agents to our borders. I ask my friend from West Virginia, the chairman of the Appropriations Committee, is it the intent of the amendment to provide those assets to both the northern and southern borders, and, to further implement the authorizations I mentioned, to deploy more agents to the northern border?

Mr. BYRD. I appreciate my friend from Michigan's concern about the northern border and tell him that yes, the amendment is meant to increase staffing at both of our borders and it is not the intent of the amendment to favor one border over the other. The Appropriations Committee has been clear in its support for the Border Patrol and its mission of preventing entry into the Untied States of illegal aliens, terrorists, weapons of mass destruction and other illicit goods or individuals. Further, in recognition of the importance of security at our northern border, the Appropriations Committee has directed the Secretary of Homeland Security to assign to the Northern Border 20 percent of the net increase in agents in fiscal year 2008.

Mr. TESTER. I thank Senator BYRD for this important clarification. I thank Senator LEVIN for being such a leader on this issue. I think it is important that people understand that this is not an issue that the northern states just decided to raise in the interest of getting our fair share. It is a matter of national security. The 9/11 Commission's report cites a lack of balance in manpower between the northern and southern borders. They note that the would-be terrorists in the millennium plot were detained on the northern border.

This is not about being parochial. This is about our national security. This is about making sure that we have the resources to stop a terrorist from bringing materials for a dirty bomb in from Canada. It's about stopping the flow of illegal immigrants and illegal drugs like meth and marijuana that come in from the north each year.

So I thank Chairman BYRD for clarifying that the additional Border Patrol personnel and funding contained in the Graham-Pryor amendment is not just going to go to the southern border, but will go to both of our borders. This amendment is vital to our homeland security, and I think that if the northern border gets 20 percent of the resources outlined in the amendment, we will have really done something significant to enhance the security of our 4,300 mile border with Canada. And so I thank the authors of the amendment, one of whom is here with us.

Senator GRAHAM, can you clarify that the intent of your amendment was to make additional Border Patrol agents and funding available for both the northern and southern border?

Mr. GRAHAM. My friend from Montana is correct. The intent of the amendment was to improve our security and increase assets at both the northern and southern borders.

AMENDMENT NO. 2481

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the DeMint amendment no. 2481 to the Fiscal Year 2008 Homeland Security Appropriations Act.

I voted against the DeMint amendment because it prohibited the Secretary from modifying the existing list of crimes disqualifying someone from receiving a Transportation Worker Identification Credential when circumstances warrant a regulatory change. Sound public policy requires flexibility on such matters and Congress can rely on the Secretary, a Cabinet official, to exercise sound discretion. If the Secretary fails to do so, Congress can always intervene and change the law.

Mr. BIDEN. Mr. President, today I voted in favor of tabling the Alexander-Collins amendment on the REAL ID Act, Senate Amendment 2405, because I wanted to prevent reducing by almost 1 percent critical Federal spending on port and rail security, first responders' resources, and other homeland security protections. Rail infrastructure is the most widely attacked terrorist target in the world, and we must increase, not decrease, funding for our railroads. Similarly, port security is a top priority in our antiterrorism campaign, and I opposed this effort to divert funding from protecting our ports. I appreciate the work of my colleagues on the Senate Appropriations Committee to craft a balanced spending bill.

Mr. KERRY. Mr. President, I support the fiscal year 2008 Department of Homeland Security, DHS, appropriations bill. The underlying legislation provides $37.5 billion—$2.3 billion more than the President requested—to help DHS defend against what the recently declassified National Intelligence Estimate, NIE, concluded will be "a persistent and evolving terrorist threat over the next three years."

The President, however, has threatened to veto this bill and hold up essential security funding because its funding level is slightly above his budget request. After years of underfunding homeland security, cutting taxes for the wealthy at the expense of the middle class, and failing to veto one pork-laden spending bill passed by the GOP Congress, it is hard to take the President's sudden conversion to fiscal responsibility seriously. He has long since proven his appetite for spending beyond our means and has lost the support of his fiscally conservative base.

In crafting this and other spending bills, the Democratically-controlled Congress is meeting our needs while adhering to pay-as-you-go rules which will help stem the record deficits of the last 6 years. This critical legislation funds important programs to protect the border, improve aviation security, fund and train first responders, and provide disaster relief to the States, and it does it without busting the budget.

I am especially pleased that the bill provides $1 billion above the President's budget request for State and local grant programs such as the Urban Area Security Initiative and Port Security Grant Program. This will ensure that Massachusetts and other strategically important States receive an increase in counterterrorism funding in 2008. I remained concerned, however, that DHS still does not award grants solely according to risk. Given the sobering conclusions of the NIE, we cannot afford to misallocate homeland security grants. I thank Chairman BYRD and Senator COCHRAN for accepting an amendment that I offered which requires the Government Accountability Office to review the methodology the department uses to rank States and cities according to risk. Congress needs to know this information so that it can make informed decisions regarding the Department's grant policies.

I also want to thank Chairman BYRD and Senator COCHRAN for accepting my amendment to create a pilot program to test automated document authentication technology at ports of entry. The technology DHS uses to authenticate foreign travel documents is unfortunately no better now than on 9/11. It simply checks personal information against databases which we know are not always accurate. In keeping with the recommendations of the 9/11 Commission, this pilot program will hopefully compel DHS to deploy technology that can detect security features and distinguish between real and fraudulent travel documents. DHS is spending millions to implement the US–VISIT and Western Hemisphere Initiative but has yet to test technology that can authenticate the documentation that visitors will be required to provide under those programs. It is imperative that DHS conduct this pilot program as soon as possible and improve its ability to detect fraudulent travel documents.

The Senate also adopted a bipartisan amendment to add $3 billion in emergency spending to help DHS hire more Border Patrol agents, detention beds, and monitoring equipment along the border which we all agree it needs. This amendment, while important, is not a substitute for finishing work on comprehensive immigration reform legislation, and I hope that Congress will revisit this important issue. Keeping 12 million undocumented workers in the shadows is neither good for our economy or our security.

Mr. President, H.R. 2368 provides for the first time adequate funding for agencies and programs within DHS. It would be irresponsible and reckless for the President to veto this bill, and I hope he reconsiders his position.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us.

Although all Americans are united in our commitment to secure our homeland, the administration's budget has too often not reflected that commitment. In particular, we have not kept faith with our first responders by giving them the tools they need, and we have not done enough to secure our borders. I am glad that this bill will make much needed improvements on these and other issues.

The bill appropriates $37.6 billion for homeland security programs for fiscal year 2008, which is an increase of $2.2 billion over the President's budget. Perhaps most significantly, the legislation provides vital funding to our first responders to protect our country from a terrorist attack and ensure that we are able to respond adequately should such an attack occur. Specifically, it provides $525 million for the State Homeland Security Grant Program, $820 million for the Urban Area Security Initiative, $700 million for the assistance to firefighters grants and $300 million for emergency management performance grants.

To secure our borders, a total of $10.2 billion is provided for Customs and Border Protection. I am pleased that, in addition to the funding in the underlying bill, the Senate also adopted an amendment to add an additional $3 billion for border security which will enable the Department of Homeland Security to hire, train and deploy 23,000 additional full-time boarder patrol agents and provide other essential security measures at our borders. The legislation also provides $4.432 billion for immigration and customs enforcement, including $146 million for 4,000 new detention beds.

Finally, I want to note that the bill increases funding for the Transportation Security Administration by $164.6 million above last year's level, which is $764 million more than requested by the President. It provides $529.4 million for the procurement and installation of explosive detection systems at airports.

The funding levels in this bill reflect our commitment to protecting the American people, and I am hopeful they will be maintained in conference and that we can quickly get this legislation to the President for his signature.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Homeland Security appropriations bill now on the floor. As a member of the Senate Appropriations Committee's Subcommittee on Homeland Security, I am proud of the bill we crafted. This bill will provide our country with more of the resources it needs to protect our communities and secure our residents.

Homeland security is particularly important to my home State. New Jersey lost 700 people on 9/11 families torn apart and lives ended without ever seeing loved ones again.

And New Jersey is ripe with targets for terrorists, from our ports to our chemical plants. In fact, the FBI has stated that the most dangerous 2 miles in America for terrorism lie within the stretch of land from Port Newark to Newark Liberty International Airport.

The level of funding for the Department of Homeland Security directly affects the safety of residents in my State.

That is why I'm glad that this legislation would invest $37.6 billion into making our homeland safer and more secure.

This figure is $2.2 billion more than what President Bush asked for. And because of that, the President is threatening to veto the bill. This is astonishing and it is wrong—$2.2 billion is less money than we spend in 1 week in Iraq.

The Senate must stand up, pass this legislation, and begin to turn a corner to provide more money to effectively defend our homeland.

In addition to more money for border security, this bill provides critical funding for first responders, including $560 million for firefighter equipment grants, $525 million for the State Homeland Security Grant Program—which is $275 million above the President's request—and $375 million for law enforcement and terrorism prevention grants.

This bill also doubles port and rail security grants in the Bush proposal to $400 million.

The Port of New Jersey and New York is largest port on the east coast—and the second-busiest container port in the country. Our ports in south Jersey are part of the Delaware River port system, which is the busiest crude oil tanker port in the country. Through these ports, many goods and materials transit to store shelves, gas pumps and factory assembly lines in the towns and cities in the interior of our country. In short, our ports are essential to our economy.

And in 2006, Amtrak had record ridership of 25 million. Ridership is already up in 2007 by 5 percent. On an average weekday, nearly a million New Jerseyans rely on our transit systems to get to work, including trains, buses, and light rail lines.

This funding for port and rail security is vital for our State.

In 2006, the President—with great fanfare—signed a port security which authorized $400 million for port security grants this year. But then he failed to fund it.

The Senate is prepared to follow through on the promise of this vital funding.

I am also proud that we are working to protect our homeland—and our economy—from terrorists who set their sights on hazardous cargoes at sea.

Senators INOUYE, STEVENS and I introduced legislation earlier this year to better protect maritime vessels carrying hazardous chemicals and petrochemicals. I am pleased that the committee has agreed with my request to include funding for maritime hazardous cargo protection—including liquefied natural gas—in this Homeland Security bill.

I am further pleased that the committee acknowledged in the Report for this bill the need to expand the laboratory space at the Transportation Security Lab, TSL, in Pomona, NJ, in order to accommodate the Department's explosives detection equipment certification program. This program certifies all explosives detection equipment used by the Transportation Security Administration, and provides certifications to equipment vendors. It is clear that this facility must be expanded to safely accommodate this important program.

Finally, I am glad the Senate is once again going on record to support my provision to protect the rights of states to pass chemical security laws that are stronger than Federal regulations.

DHS recently put rules into effect for the Federal regulation of chemical plant security. But in doing so, the agency wants to preempt states from enacting stronger chemical security laws. This is the wrong approach.

The language in the Homeland Security funding bill before us wisely preserves the right of states to adopt chemical security measures stronger than Federal regulations. This language is supported by the chairs of the 9/11 Commission, the National Governors Association, and the National Conference of State Legislatures.

Simply put: preempting State laws would make the people of my State and other States less safe.

The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the federal regulations. This means that unless it is impossible to comply with both State law and Federal law, the State law is not preempted.

Between the increases in funding for first responders, port, rail and maritime security, and the protection of States rights to pass chemical security laws that are stronger than Federal regulations, this is the right bill at the right time.

I encourage my colleagues to support this legislation and I urge the President to sign it into law.

Mr. SPECTER. Mr. President, I wish to amplify my brief earlier statement regarding my vote against the DeMint amendment No. 2481 to the fiscal year 2008 Homeland Security Appropriations Act.

On February 28, 2007, during Senate consideration of the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, there were two side-by-side votes on amendments related to criminal offenses which disqualify an applicant from receiving a transportation worker identification credential.

The first vote was on an amendment offered by Senator INOUYE. This amendment, amendment No. 285, specified certain criminal offenses which would disqualify an applicant from receiving the transportation worker identification credential but gave the U.S. Secretary of Homeland Security the authority to add to or modify the listed offenses in a rulemaking. I voted in favor of this amendment because I believe the Secretary ought to have the authority to modify the existing list of crimes when circumstances warrant a regulatory change, and the amendment was adopted by a vote of 58 to 37.

The second vote was on an amendment offered by Senator DEMINT. This amendment, amendment No. 279, was identical to the previous amendment offered by Senator INOUYE aside from its omission of Secretarial authority to modify the list of existing offenses. Since these amendments were in direct contradiction with one another over the issue of granting the Secretary authority to modify the existing list, I voted against the DeMint amendment. Nevertheless, it was adopted by a vote of 94 to 2, with 56 Senators voting to contradict the position they had taken on the previous amendment.

Therefore, when the question came up on the DeMint amendment No. 2481 to the fiscal year 2008 Homeland Security Appropriations bill, which would have prohibited funds provided in the act from being expended by the Secretary to remove offenses from the list of criminal offenses disqualifying individuals from receiving a transportation worker identification credential, I voted against it, not only because I believe it is sound public policy to require flexibility on such matters but also because it was consistent with my position on the Inouye amendment to the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007. The DeMint amendment No. 2481 was adopted by a vote of 93 to 1 even though it was again in direct contradiction to the position taken by the Senate when it adopted the Inouye amendment to the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007.

Mr. MCCONNELL. Mr. President, today marks an important milestone for this Congress. It seems that after spending the first half of the year staging political show-votes and investigations, our friends on the other side have woken up to the fact they only had two things to show for it: an angrier base and a long to-do list. In the fog of battle they forgot that getting things done in the Senate takes cooperation.

We have cooperated on this bill. And it is a lot better for it. I am extremely pleased the majority ultimately accepted Senator GRAHAM's border security amendment. We got the message last month: border security first. And now, thanks to this effort, we will be delivering a $3 billion downpayment on a stronger border. I also appreciate Senator CORNYN's insistence that interior enforcement be a part of that funding. To us it's pretty simple: there is no homeland security without border security. We will continue to push this idea on the floor of the Senate in the coming weeks and months. Today is just the beginning.

A lesson we can learn from the last 6 months is that there is a cost to everything. And the cost of putting off legislating in favor of around-the-clock politics is that there isn't much to show for it in the end.

It has been my view all along that we should have been working on appropriations bills all summer. Here we are almost in August and we have only passed one. So we are looking at a potential train wreck in September. But it is possible that if we work together, like we did this time, we can still make good progress. And I hope we do.

A brief word about cloture. Look: anybody who has been in the Senate for more than a week will tell you—if they are being honest—that 40 or so cloture votes in 6 months isn't a sign of minority obstruction; it is a sign of a majority that doesn't like the rules. The cloture club shouldn't be the first option. It should be the last. Hopefully today's vote is also a sign that we are moving away from cloture as a first resort.

I hope the majority will follow through on a pledge that the senior Senator from Illinois made on the first day of the session. He said the American people put Democrats in the majority "to find solutions, not to play to a draw with nothing to show for it." Very well said.

My Republican colleagues hope we can operate this way. I think it will be the best way to operate in the fall if we actually intend to legislate.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 2383), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—89

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NAYS—4

Coburn
DeMint
Inhofe
Voinovich

NOT VOTING—7

Brownback
Coleman
Dodd
Johnson
Lott
McCain
Obama

The bill (H.R. 2638), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees:

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. GREGG, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, and Mr. ALEXANDER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all Senators who worked very hard to get the Homeland Security appropriations bill completed. I thank Senator COCHRAN and Senator BYRD, managers of the bill. It has been a long process. We got a lot accomplished. We have one appropriations bill that we will now send to conference. I especially thank the staffs who spent long hours.

I ask unanimous consent to have their names printed in the RECORD and to thank them publicly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Charles Kieffer
Chip Walgren
Scott Nance
Drenan E. Dudley
Tad Gallion
Christa Thompson
Adam Morrison

MINORITY STAFF

Rebecca Davies
Carol Cribbs
Mark Van de Water

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 25, 2007.)

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that we proceed as under the previous order to debate Senator DEMINT's motion to recommit the conference report and that following the vote on the DeMint motion, if his motion is defeated, the Senate vote on the conference report as under the previous order, with the debate time on the conference report reserved for after the votes; further that the time on the motion to recommit be reduced to 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object—I will not object, obviously—I want to thank all Senators on both sides for being willing to make their remarks after the vote. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I know we are all tired and we have agreed to cut this short. But this 9/11 Commission bill is very important and a part of it that we have talked about tonight and actually for the last year is port security. All of us agreed once again tonight that we should not allow convicted, serious felons to have access to secure areas of our ports. Unfortunately this amendment tonight was on an appropriations bill, and it restricted the use of funds for 1 year. We have passed another time as part of the Safe Ports Act—94 to 2—to do this same thing: to take the Department of Homeland Security regulations they passed after careful study and codify it into law. But the 9/11 conference bill has come back to us and, once again, gutted that provision.

The reason it has been gutted is this: Once we pass this conference report the way it is, and it allows the Secretary to waive, to change, or to leave certain felonies that are listed, then it opens the whole regulatory process to lawsuit and challenge on a continuous basis.

We have voted in the open tonight to stop that from happening, to stop convicted felons from working in secure areas of our ports. My motion tonight is very simple. It is to recommit this bill to committee to restore the amendment in the exact words that we have passed on the floor and to avoid the watering down and the gutting of a very important port security measure.

The Senate has voted 93 to 1 tonight. The House voted last week on the same measure 354 to 66.

What the 9/11 Commission bill does is allow the Secretary to eliminate or change listed felonies, allowing TWIC cards, these secure area cards, to possibly be given to those who have been convicted of smuggling, arson, kidnapping, rape, extortion, bribery, money laundering, hostage taking, unlawful use of a firearm, drug dealing, immigration violations, assault with intent to kill, robbery, fraudulent entry to a seaport or racketeering.

These are serious crimes. Although there is often talk of giving people a second chance, that second chance should not come at the expense of the security of our Nation.

Mr. President, I send this motion to the desk, which they have, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to recommit H.R. 1, an act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks upon the United States, to the conference on the disagreeing votes of the two Houses on such bill, with an instruction that the conferees on the part of the Senate insist on the matter contained in section 1455 of the Senate engrossed amendment, which prohibits the issuance of transportation security cards to convicted felons.

Mr. DEMINT. Mr. President, I ask my colleagues to recommit this bill. It is something that can be done quickly without delaying the final passage of this conference report, but it restores a very important provision we all voted on. I hope we can all support this motion to recommit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with respect to my friend from South Carolina, I rise to urge my colleagues to defeat this motion to recommit.

Like all legislation that makes it out of both Chambers and onto the President's desk, this bill contains compromise. Compromises are at the heart of the legislative process, reconciling differences between the House and the Senate. In fact, this process is at the very heart of this remarkable system our Founding Fathers designed for us. So it was with this legislation.

In some cases, the House yielded to the Senate; in others, the Senate yielded to the House. That is why we have a conference report that, on balance, will greatly strengthen our homeland security.

I would say to Senator DEMINT that I supported his language in the original Senate bill. It was slightly modified in conference. That happens. But we ended up with language that had the support of both Democratic and Republican conferees in both the House and the Senate.

In my opinion, the difference is not great. We simply give the Secretary of Homeland Security the authority, with his judgment as the protector of our homeland security, to decide when and if certain of these enumerated convictions ought not any longer to be a prohibition to working in our ports.

I respect Senator DEMINT's position, but what he has asked us to do is to recommit the bill and delay all of the improvements in security that come with the underlying bill. So my colleagues will have to answer the question about whether it is worth it, whether it is worth delaying provisions that will ensure better security against attacks on airplanes, better security with regard to maritime and air cargo, better security against terrorists entering this country via, for instance, the visa waiver program, better technology and support for our first responders, and a provision to provide immunity from liability for citizens who see what they take reasonably and in good faith to be action that appears to them to be associated with a terrorist attack. We protect them from liability from those they are complaining against.

If we do not pass this legislation tonight and enable the House to pass it next week, we are going to be delaying its movement to the President and its enactment into law.

So I respectfully oppose the motion and ask my colleagues to vote against recommittal.

I thank the Chair and yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

The majority leader is recognized.

Mr. REID. Mr. President, thank you. We have accomplished a lot today. We have had a few blowups but not for long. That is the way it is. For those of us who have been here a while, this reminded us all of how we used to legislate. This is fun for us legislators. It is great.

I am so happy we did not file cloture on this bill. We were able to work through it. I would say that we have earned tomorrow off. I am anxious the people who have the important trip to Greenland will be able to do that. We will not be in session tomorrow. The next vote will be on the children's health bill sometime Monday. We will do it Monday. The first vote will be at about 5:15 or 5:30 on Monday night. I think that should be about it. We will have this vote. We will finish this vote and one more, and then we will have some speeches, and that will be it for the day.

The PRESIDING OFFICER. The supporters of the motion have 2 minutes 12 seconds. The opponents of the motion have 1 minute 1 second.

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Mr. LIEBERMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 67, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—26

Alexander
Barrasso
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Hutchison
Inhofe
Isakson
Kyl
McConnell
Sessions
Shelby
Sununu
Thune
Vitter

NAYS—67

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Brownback
Coleman
Dodd
Johnson
Lott
McCain
Obama

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the

Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—85

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—8

Barrasso
Coburn
DeMint
Dole
Enzi
Graham
Inhofe
Kyl

NOT VOTING—7

Brownback
Coleman
Dodd
Johnson
Lott
McCain
Obama

The conference report was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 30, following a period of morning business, the Senate proceed to calendar No. 58, H.R. 976, and that once the bill is reported, Senator BAUCUS be recognized to offer an amendment, which would be the text of the children's health legislation, also known as SCHIP, reported by the Senate Finance Committee.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. In view of the objection, I now move to proceed to calendar No. 58, H.R. 976, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher Dodd, Patty Murray, Benjamin L. Cardin, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, finally, I hope that Monday, after the Republicans have a chance to study this legislation, we can move without a vote to this most important legislation. I had indications from the other side that that may be the case. If that is not the case, we will try to invoke cloture on this matter.

I appreciate everybody's hard work today. I now withdraw the motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. LIEBERMAN. Mr. President, before I describe some of the most important provisions in this legislation, I want to thank the 9/11 families who have played a critical role throughout this process. They first pushed for the establishment of the 9/11 Commission and then continued their fight, now through three major pieces of legislation, to see that its recommendations became law.

I want to thank the majority leader of the Senate for his leadership in helping to get this legislation through the Congress, and through a long but ultimately very productive conference.

I want to thank Senator COLLINS, Chairman THOMPSON, Senator COLLINS, Congressman KING, and all of my colleagues on the conference committee—and their staffs—on both sides of the aisle, from all of the relevant committees, and in both the House and the Senate for their willingness to work through some difficult but critical issues to make our country safer.

All of us have not been able to agree on everything in this legislation, but most of us have agreed on most of it and that is why we are able to get this comprehensive legislation to the Congress, and hopefully, very soon, to the President's desk.

While this Nation was born in conflict, it was founded and grew in compromise—the melding of different threads of policy and personality into a national fabric that covers and protects us all.

This legislation was also born of conflict—the attacks by Islamist extremist terrorists against us on 9/11, and our response to these terrorists grows stronger as we come together in legislation like this.

This comprehensive, bipartisan legislation will make our Nation stronger, our cities and towns more secure and our families safer. Let me cite a few of its most important points:

Security enhancement in the legislation:

First, this legislation will help close one of the most obvious, and dangerous vulnerabilities in our Nation's defenses—that is the millions of cargo containers that flow into our country every year without being scanned and which could be the vehicle for bringing dangerous nuclear material into our country.

It requires that within 5 years, 100 percent of maritime cargo be scanned before it is loaded on ships in foreign ports bound for the United States. But it wisely gives the Secretary of Homeland Security the authority to extend this deadline in 2-year increments if certain conditions important to our economy are not met. This has been a contentious issue—but I believe this legislation strikes the right balance between aggressively pushing for better security while ensuring that we maintain a sensible approach.

This legislation also enhances security in nonaviation sectors that have received far too little protection in our own country, even while terrorists have demonstrated a willingness to attack them abroad—most notably in London and in Madrid. It requires that rail and transit systems work with DHS to develop comprehensive risk assessments and security plans, and authorizes more than $4 billion over 4 years for rail, transit, and bus security grants.

Keeping in mind that the 9/11 hijackers and Richard Reed, the shoe bomber, boarded commercial aircraft and traveled here legally, this legislation will make it harder for terrorists to enter our country, by adding much needed security enhancements to the Visa Waiver Program. These include a new electronic travel authorization system so that travelers from visa waiver countries can be checked against terrorist watch lists and improved reporting of lost and stolen passports.

This legislation also increases resources and staffing for the Human Smuggling and Trafficking Center and requires DHS to create a terrorist travel program to develop strategies and ensure coordination among relevant agencies involved with combating terrorist travel.

This legislation will also better secure our aviation system overall. It authorizes important funding increases for critical aviation security programs, like checkpoint screening, baggage screening and cargo screening on passenger aircraft. And it requires screening of all cargo carried onto passenger airlines within three years—again, closing another glaring vulnerability in our defenses that terrorists could exploit.

One of the critical failures of 9/11 was, of course, the failure to share vital information—and improving information sharing was a key recommendation of the 9/11 Commission.

While we have previously taken important steps to improve the unity of effort across intelligence agencies by creating the Director of National Intelligence and the National Counter Terrorism Center, this legislation moves the ball even further by strengthening the Information Sharing Environment, ISE, which was also established in the Intelligence Reform and Terrorism Prevention Act of 2004. It does so by extending the term of the ISE program manager and authorizing him or her to issue government-wide standards for information sharing, as appropriate, and rewarding government employees for sharing information.

And it will improve the sharing of information between the Federal Government and its State and local counterparts by codifying the new Interagency Threat Assessment Coordination Group, creating standards for State and local fusion centers, and ensuring that they receive Federal support and personnel. These measures will help ensure that intelligence to fight terrorism and keep Americans safe is shared more effectively among all levels of government.

In addition to strengthening Federal, State and local governments, as part of the compromise that brought this bill to the floor, this legislation will also provide legal protections to individuals who report suspicious activities. People acting in good faith to avert what they believe may be terrorist activity should not be punished for their vigilance.

Every citizen must observe his or her surroundings and be alert to suspicious activity without the fear of being sued for their life savings. That is why this bill grants immunity from lawsuits to those who in good faith report behaviour that they reasonably suspect is related to possible terrorist activity. We want to encourage—not discourage—citizens, like the video store employee in New Jersey, who stepped forward and alerted authorities to evidence which helped unravel a planned attack on Fort Dix.

This legislation will also improve the very controversial process for distributing homeland security grants, and just as importantly, it authorizes $2.2 billion in fiscal year 2008, increasing to $3.6 billion by 2012—$13.78 billion over the next 5 years—so that we can reverse the downward trend in funding for these programs that help State and local first preventers and responders do their jobs.

It authorizes for the first time the State Homeland Security Grant Program and Urban Area Security Initiative, UASI, to provide funds to States and high-risk urban areas to prevent, prepare, respond and recover from acts of terrorism. And it does so in a way that, while providing the vast majority of resources on the basis of risk, ensures that we build up the capabilities of all the states, knowing that terrorist plots can develop in any part of the country.

This legislation wisely authorizes emergency management performance grants and provides additional resources for this program—to assist States in preparing for all-hazards to ensure that every State has the basic capability to prepare for and respond to both man-made and natural disasters.

Following the communications disasters of both 9/11 and Hurricane Katrina, this legislation also creates a dedicated emergency communications interoperability grant program to improve emergency communications systems at the local, State, and Federal levels. This is clearly one of the highest priorities for our Nation's first responders—because it is necessary to save their lives so that they can save the lives of others—and by dedicating a program to interoperable communications we will enhance our Nation's ability to achieve it.

The 9/11 Commission rightly noted that while we must protect our homeland, we must do so in a way that also protects the freedom and civil liberties it was founded upon.

This legislation does so by strengthening the Privacy and Civil Liberties Oversight Board by establishing it as an independent agency within the executive branch, ensuring partisan balance among members, requiring improved public disclosure, allowing the board to request that the Attorney General issue subpoenas to private parties and increasing its budget over the next 4 years by up to $10 million in 2011.

It also requires that agencies with intelligence and security roles designate their own internal privacy and civil liberties officers, and expands the authority of the DHS privacy officer.

Also, since 85 percent of our Nation's critical infrastructure is under the control of the private sector, this legislation establishes a voluntary certification program so that those private sector entities that want to can receive certification that they have met consensus preparedness standards. This provision responds to another concern of the 9/11 Commission—which was also reinforced during Katrina—that those companies that take preparedness seriously—that have plans and exercise them that provide life saving protection for their employees—will recover more quickly from a catastrophe and help get their local economy moving again.

This legislation responds directly to another 9/11 Commission recommendation—to improve Congress's ability to oversee the intelligence community—by requiring disclosure of the total amount spent by the intelligence community.

After the first 2 fiscal years the President may waive this requirement, but only after explaining to Congress why the disclosure would harm national security.

Like the 9/11 Commission, this bill also recognizes that we must do more to promote democracy abroad by requiring the Secretary of State expand strategies for democracy promotion in nondemocratic and democratic countries.

One of the great threats of our time is that nuclear material may be smuggled out of former Soviet states and fall into the hands of terrorists. This bill clears legislative obstacles that had constrained the cooperative threat reduction, CTR, program by repealing or modifying various conditions on CTR actions in former Soviet states and repealing a legislative prohibition on Department of Energy nonproliferation program assistance outside the former Soviet Union.

I want to thank my colleagues from both parties, from both houses, and their staffs who worked so hard and so late into so many nights to bring this to the floor. There is a lot in this legislation to make our country safer, and this result was only possible because of this hard work and dedication.

Mr. President, we began as a nation born in conflict as we fought for our freedom. Now we are a nation borne with confidence as we fight for our ideals against an adversary who promotes hate over hope and fear over a future that recognizes our shared humanity.

I urge my colleagues to adopt this conference report and the President to act swiftly to sign it to show the world that the spirit of this nation founded in freedom heeds the words of Abraham Lincoln that this "government of the people, by the people, for the people, shall not perish from the Earth."

Lincoln was right. Let us protect our Nation. Let us thwart our enemies.

Mr. President, again, I thank my colleagues for the very strong vote in favor of accepting the conference report. It means a lot to those of us who worked on it. I obviously also think it was the right thing to do. This is comprehensive, bipartisan legislation that will make America stronger, our cities and towns more secure, and our families safer.

I want to take a moment to thank some of the people without whom this successful result could not have occurred. I want to begin by thanking the 9/11 families—the families of those who were lost on 9/11, the victims of this brutal Islamist terrorist attack. They took their loss and grief and came to Congress to do everything it could to make sure that our Government acted in a way so as to protect every other American family from having to suffer the loss they suffered. They lobbied for the 9/11 Commission. It was created. When the commission reported out and the legislation it recommended was brought before the Congress in 2004, the 9/11 families hung in there. Without their support, it would not have been adopted and then signed by the President.

Now we return for the second phase of the 9/11 Commission report to adopt, as we just have, those previously unimplemented sections, inadequately implemented sections or, frankly, our own ideas about how to better protect the American people from the ongoing threat from al-Qaida and other Islamist extremist organizations and, at the same time, from natural disasters, some catastrophic like Hurricane Katrina. The 9/11 families deserve our gratitude.

I also thank Senator REID because he made this legislation a priority item for this session of Congress. I thank Senator COLLINS, my ranking member who, as always, was thoughtful, constructive, wonderful to work with, and set a tone where all the members of our committee worked very closely together to produce this legislation.

On the House side, in conference, we met with the chairman of the Homeland Security Committee, Congressman BENNIE THOMPSON of Mississippi, and his ranking member Congressman PETER KING of New York—good public servants. We had some differences, but we reasoned together and resolved a lot of them.

I would like to pay tribute to my staff, who have worked long nights and many weekends to produce excellent legislation.

I particularly want to thank my Homeland Security Committee Staff Director, Mike Alexander, for his superb leadership. I also want to thank the committee's Chief Counsel, Kevin Landy, for helping to shepherd the legislation through the process. Thanks also to Eric Anderson, Christian Beckner, Caroline Bolton, Janet Burrell, Scott Campbell, Troy Cribb, Aaron Firoved, Elyse Greenwald, Beth Grossman, Seamus Hughes, Holly Idelson, Kristine Lam, Jim McGee, Sheila Menz, Larry Novey, Deborah Parkinson, Leslie Phillips, Alistair Reader, Patricia Rojas, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Jason Yanussi, and Wes Young—all on my committee staff. And thanks to Purva Rawal and Vance Serchuk on my personal office staff.

I must also thank Senator COLLINS' staff director, Brandon Milhorn, as well as Andy Weis, Rob Strayer, and the Senator's entire staff for working with us to move this very important legislation.

And of course, thank you to our colleagues and thanks to the 9/11 Commission.

There were an enormous number of committees involved in this legislation, in some ways even more than in the first 9/11 legislation. So it took a lot of cooperation, which is the essence of getting anything done and, obviously, bipartisan cooperation to bring us to this point.

Again, I thank Chairman COLLINS, Chairman THOMPSON, Congressman KING, and all our colleagues on the conference committee and their staff on both sides of the aisle from all the relevant committees in both the House and Senate for their willingness to work through some difficult, but critical, issues to make our country safe.

I have a particular debt of gratitude to my own Homeland Security staff: staff director Michael Alexander; chief counsel Kevin Landy; and Senator COLLINS' staff, beginning with staff director Brandon Milhorn.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, after the terrible attacks of September 11, 2001, Congress moved to strengthen America. Congress created the Department of Homeland Security, and Senator LIEBERMAN and I led a bipartisan effort to implement the recommendations of the 9/11 Commission—reforming our intelligence community, creating a Director of National Intelligence, and establishing the National Counterterrorism Center. We have also passed legislation to strengthen security at America's seaports and chemical facilities and to reform FEMA.

These were great advances in protecting our country. But as the recently released National Intelligence Estimate noted, the United States faces a "persistent and evolving terrorist threat." Foremost among those threats is al-Qaida, which continues to plot attacks against us. We also face a growing threat of homegrown terrorism—violent radicals inspired by al-Qaida's perversion of the Islamic faith, but with no operational connection to foreign terrorist networks.

These real and evolving threats mean that we cannot stop improving our existing security arrangements, or ignore needs and opportunities to adopt new measures. Congress has, in fact, already enacted most of the 9/11 Commission recommendations, but our security must continually improve to meet the advances of our enemies.

The conference report that we consider today builds on our prior work, offering important enhancements to our homeland security.

Notably, the conference report will protect concerned citizens from civil liability when they make good-faith reports of suspicious activity that could threaten our transportation system. This provision, based on legislation that I coauthored with Senators LIEBERMAN and KYL, also wisely protects security officials who take reasonable steps to respond to reports of suspicious activity.

Vigilant citizens should not have to worry about being dragged into court, hiring defense attorneys, and incurring big legal bills, because they did their civic duty by reporting a possible threat. The bill's protective language reinforces the important message that New York transit passengers see every day: "If you see something, say something." And with TSA recently reporting possible "dry run" efforts to pass simulated bomb components through airport security, it is more urgent than ever that we remove any deterrents to citizens making their concerns known to authorities.

Another important aspect of the bill is its creation of a sensible formula for homeland security grant programs. We know two critical things about the prevention of, and response to, terrorist attacks: one, the attacks can be planned and executed anywhere and two, State and local agencies are likely to be the first and most urgently needed responders.

The compromise reached on minimum levels of grant funding will help ensure a strong baseline of capabilities across the Nation, helping to prevent the next terrorist attack before it occurs. Terror plots can emerge from any location. Planning, training, and logistics for these attacks often occur far from the location of the terrorists' final target and, in some cases, are preceded by other local criminal activities. And, as the most recent National Intelligence Estimate on this threat assessed:

> The ability to detect broader and more diverse terrorist plotting in this environment will challenge current US defensive efforts and the tools we use to detect and disrupt plots. It will also require greater understanding of how suspect activities at the local level relate to strategic threat information and how best to identify indicators of terrorist activity in the midst of legitimate interactions.

Much of the work to prevent homegrown terror plots—like the thwarted attempt to attack Fort Dix, NJ will occur at the State and local level. This legislation ensures adequate funding for prevention efforts in all our States.

Effective response, of course, requires that emergency workers and officials be able to talk with one another. The Senate Homeland Security Committee's investigation into the Hurricane Katrina catastrophe revealed many instances of tragic failures to deliver timely assistance to victims simply because communications systems were damaged or not interoperable. State and local governments recognize the problem. That is why DHS receives more requests for funding to upgrade and purchase emergency communications equipment and systems under the State Homeland Security Grant Program and Urban Area Security Initiative than for any other purpose.

We should, therefore, take special notice of this bill's provision for a dedicated grant program at the Department of Homeland Security to enhance emergency communications interoperability. With an authorization of $2 billion over 5 years, this critical program will fund development of a robust, national emergency communications network to assist emergency personnel whether they are responding to a terrorist attack, a tornado, a flood, an earthquake, or an ice storm.

The conference report also contains important provisions that will strengthen the intelligence functions at the Department of Homeland Security and will improve the sharing of information related to homeland security threats among Federal, State, local, and tribal officials.

Senator LIEBERMAN and I helped establish the Information Sharing Environment in the Intelligence Reform Act of 2004. This program is an essential element in promoting homeland security information sharing across the Federal Government and with our State and local partners. The conference report makes important improvements to the Information Sharing Environment—extending the tenure of the program manager, enhancing his authority to further develop and coordinate information-sharing efforts governmentwide, and providing additional guidance concerning the operation of the ISE.

The conference report will improve the operations of the intelligence components of the Department of Homeland Security. Through the creation of an Under Secretary for Intelligence and Analysis charged with strategic oversight of the intelligence components of the Department, the bill will improve the coordination of the Department's intelligence activities.

Whether homeland security information or national intelligence is collected by Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, or the Coast Guard, this information must be efficiently and effectively identified, processed, analyzed, and disseminated. The conference report charges the Under Secretary of Intelligence and Analysis with responsibilities for improving the sharing of information, training Department employees to recognize the intelligence value of the information they receive every day, and providing important budget guidance to the intelligence components of the Department.

The legislation will also improve the Department's ability to provide useful information to State and local officials and provide feedback on the value of the information they share with the Department.

It is important to recognize the tremendous effort and good work that has already gone into establishing fusion centers across the country. State governments, in particular, are devoting considerable resources to establishing fusion centers. I believe this demonstrates the value government entities and the private sector place on establishing mechanisms to integrate information and intelligence to protect against all kinds of threats.

The legislation establishes a DHS State, Local, and Regional Fusion Center Initiative whereby DHS will make available federal intelligence officers and analysts to assist the work of fusion centers. It also directs the Secretary of DHS to establish guidelines for fusion centers that seek Federal funding.

These guidelines are not meant to step on State toes, but to ensure that a fusion center has a clear mission statement and goals, incorporates performance measures, adheres to a privacy and civil liberties policy, ensures that all personnel receive training on privacy and civil liberties, has in place appropriate security measures, and provides usable intelligence products to its stakeholders.

Most fusion centers are established and operated by States. However, if federal funding is going to support these centers, we should ensure that they are operated in a responsible manner and in a way that ensures efficient information exchange with the Federal Government and with other fusion centers.

The bill also encourages deeper cooperation with State and local officials, by authorizing exchange programs that will send Federal intelligence analysts to state and local fusion centers, and by bringing the expertise of state and local officials to DHS and the National Counterterrorism Center.

Transportation security is another area that will be strengthened under the terms of this bill. Last year's SAFE Port Act made significant improvements to maritime security. This conference report bolsters the security of other transportation modes, including aviation, railroads, and mass transit. For example, the bill requires electronic screening of information on 100 percent of air cargo loaded on passenger planes through a known-shipper program. It also authorizes more than $1 billion annual funding for rail and mass transit grants.

The bill also enhances security in the Visa Waiver Program. It restricts expansion of the program until DHS can effectively track entries and exits from our country. And it encourages foreign governments' cooperation with U.S. counterterrorism efforts and information-sharing initiatives, including timely reporting of lost and stolen passports.

I finally note two other important sections of the conference report.

First, the legislation recognizes that security enhancements should not come at the expense of our rights to privacy or our civil liberties. The legislation enhances the authority of the Privacy and Civil Liberties Oversight Board and mandates important privacy and civil liberties training for officials working at fusion centers.

Second, the conference report will establish an international science and technology R&D program with our allies in the global war on terror, providing money for joint homeland security ventures and facilitating technology transfers.

All of the provisions I have mentioned are worthy additions within the letter or spirit of the 9/11 Commission's recommendations. I continue, however, to have considerable concerns about other portions of the conference report.

Above all, I am disappointed that the House amendment mandating scanning of 100 percent of maritime containers was adopted by the conference committee, overturning the risk-based, layered security system enacted just last year as part of the SAFE Port Act. Based on current technology, this proposal is not practical because of the huge volume—11 million containers per year—coming into our seaports. It will divert resources from the focus on high-risk cargo and will likely cause considerable backlogs at our ports, disrupting trade and posing problems for businesses relying on just-in-time inventories.

My reservations on that point prevented me from signing the conference report.

While the proposed report makes important improvements to our national preparedness, I fear that its language on private-sector preparedness could short-circuit the progress that DHS and the private sector have already made in the recent release of all 17 sector-specific plans under the National Infrastructure Protection Program. I also believe that, at this time, Congress has insufficient data to warrant mandating a new private-sector preparedness certification program.

Now that the conference report has reached the floor of the Senate, however, I must weigh my concerns with this legislation against the benefits that it undoubtedly offers. Because I believe the net benefits to our homeland security are substantial, I intend to support final passage of the conference report.

I close by offering my congratulations and appreciation to Senator LIEBERMAN for his efforts to advance this legislation.

I also thank my staff who worked so hard on this legislation: Brandon Milhorn, Andy Weis, Rob Strayer, Amy Hall, Jane Alonso, Asha Mathew, Kate Alford, Melvin Albritton, John Grant, Amanda Wood, Mark LeDuc, Steve Midas, Leah Nash, Patrick Hughes, Jen Tarr, Michael Moncibaiz, Clark Irwin, Emily Meeks, Thomas Bishop, Douglas Campbell, and Neil Cutter.

Mr. President, I congratulate Senator LIEBERMAN on his outstanding leadership on this bill. This was truly a bipartisan effort in a Congress that has seen precious few bipartisan bills taken to completion. I join him in thanking our staffs on both sides of the aisle. They worked extremely hard. This was a very difficult bill because it involved many different issues, complex issues, and also jurisdictions that overlapped various committees, and that always is difficult in the Senate to resolve.

I do want to touch again on three points. First, this bill builds upon legislation that Senator LIEBERMAN and I authored in 2004, the Intelligence Reform and Terrorist Prevention Act. This bill implemented the vast majority of the recommendations of the 9/11 Commission. It created, for example, the Director of National Intelligence. It established the National Counterterrorism Center. It set forth standards for information sharing. That legislation has made a real difference. In fact, last summer when the plot which was hatched in Great Britain against our airliners was thwarted, Secretary Chertoff told me he believed the reforms we put into place through the Intelligence Reform Act of 2004 helped connect the dots, and information was shared with our allies and helped lead to the detection and the thwarting of that plot. So that made a difference.

Nevertheless, there were some areas where we hadn't finished the job, and this bill will help take us further down the road.

I want to highlight a second point, and this is the provision that is in this bill that I think is absolutely critical and will help to increase the safety of our country.

A recently released National Intelligence Estimate noted that the United States continues to face a persistent and evolving terrorist threat, and foremost among these threats is, of course, al-Qaida which continues to plot attacks against us.

We also face a growing threat of homegrown terrorism, violent radicals inspired by al-Qaida but not necessarily linked directly to al-Qaida. These real and evolving threats mean we cannot stop improving our existing security arrangements or ignore needs and opportunities to adopt new measures.

Most notably, this conference report will protect concerned citizens from civil liability when they in good faith report suspicious activity to the authorities. This provision, which is based on legislation that I coauthored with Senators LIEBERMAN and KYL, also wisely protects security officials who take reasonable steps to respond to reports of suspicious activity.

Vigilant citizens should not have to worry that if in good faith they report suspicious activity that may indicate a terrorist threat, the result is going to be they are dragged into court, have to hire defense attorneys, incur big legal bills, just because they did what we would want them to do. The New York subway has signs saying: "See something, say something." And with TSA recently reporting possible dry run efforts to pass simulated bomb components through airport security, it is more urgent than ever that we remove any deterrence to citizens making their concerns known to authorities. I think these are very important provisions in this bill.

Finally, let me comment on one provision in this bill that is of great disappointment to me. I am very disappointed that the final version of this bill mandates scanning of 100 percent of maritime containers. That overturns the risk-based, layered security system enacted just last year as part of the SAFE Port Act. Based on current technology, this proposal is simply not practical because of the huge volume, some 11 million containers per year, coming into our seaports. It will divert resources from the focus on high-risk cargo, and it will likely cause considerable backlogs at our ports, disrupting trade, and posing problems for businesses that rely on just-in-time inventories.

My reservations about these provisions prevented me from signing the conference report. But on balance, this is a very good bill. It contains a lot of provisions that I think will improve our homeland security and, in the end, I am pleased to vote for it, and I am delighted with the strong vote for its passage tonight.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I thank Senator LIEBERMAN and Senator COLLINS for their hard work on this bill. I think we shouldn't be so quick to pat ourselves on the back as far as the 9/11 Commission. The No. 1 thing the 9/11 Commission said is, the money that is spent on protecting this country ought to be based on risk. Fifty percent of the money in this bill is not based on risk. It is based on political calculations, on each one of us getting so much money for our State. That is absolutely wrong.

There are a lot of good provisions in this bill, I don't disagree with that point. But when we take $14 billion over the next 5 years for grants and say $7 billion of it isn't going to go based on the highest risk in this country, it is going to solve the political problems that Members of both the House and Senate have in terms of bringing home the bacon rather than putting that money where it should be put. What if something happens between now and the next 4 years and we could have spent the money in the high-risk areas, but we chose not to because we ignored it and we spent the money elsewhere taking care of our own political needs rather than the needs of our country?

The second point that ought to be made, and Senator COLLINS made this point, is, it is absolutely impossible for us, over the next 3 years, to screen 100 percent of the cargo. Yet that is what we have mandated. In fact, we are going to take a very effective high-risk program right now, and we are going to stop it and we are going to go to 100 percent screening. In the meantime, we are going to screen 50 percent of it, and we are not going to look at the high-risk cargo. What we are doing with this bill on cargo is making our country less safe. It doesn't fit with any common sense, but yet that is what we have done because a majority of us want to answer the emotional call for 100 percent screening when, in fact, the scientists and people trained to protect us tell us that is not the way to go. We reversed, and we walked away from what we were told by the experts to do.

What do we know about grants? What we know is that of the $10 billion we have already given in grants, 30 percent of it was wasted, and we don't know about the other 70 percent because there are only eight people in the whole Department of Homeland Security who look at the $10 billion we have spent. And we are going to spend $14 billion.

We did get in some post-grant review, but there is no rigorous assessment and transparency of how the money is going to be spent. So it is going to go out there, and we are never going to know if it did the right thing.

On our track record for the $10 billion we have already spent, 30 percent of it we know failed, and 30 percent we know didn't go for legitimate homeland security items. And we don't have and didn't put the resources in this bill, if we are going to spend $14 billion over the next 5 years on grants, to make sure that money goes to do what it is supposed to do. So we are creating problems and taking money and not spending it in the way that is most appropriate, and that is what the Homeland Security said.

The other point the 9/11 Commission said is we ought to reorganize how we oversight intelligence. We didn't do any of that recommendation. We didn't do any of it. They also commented that we have to have the oversight and priorities, that you don't fight turf battles but what you do is fight the terrorists. This bill is loaded with turf battles where money is spent, ordered, and managed by one department, but the checks are cut somewhere else; not because that is the way to do it, but because we are protecting some politicians' turf in terms of controlling the money. I think that does not reflect well.

There is another interesting item we have created. We created a weapons of mass destruction czar and commission in this bill. That may be a good idea. I am not sure I disagree with that. But we also said to that czar—this is going to be a White House position—anything you tell the President, you cannot tell him in confidence. We gutted executive privilege to have an adviser to the President on weapons of mass destruction to have the confidence that what he says to the President in private, in confidence for the best part of this country, will become available to all of us.

First of all, no President is ever going to fill this position because they are not about to have an adviser behind them advising them who cannot give a clear, concrete recommendation without it being second-guessed by somebody on the outside knowing what they are saying. It goes against all common sense.

Finally, what we have done is we have taken our black box intelligence numbers, and we are going to tell the world what they are, which is crazy. We are going to tell the world how much money we spend on covert activities, and we are going to share that with them. We shouldn't be sharing that information. That information should not be out there, and yet we have decided to do it to our own disadvantage.

I know there has been great work put in on this bill both by Chairman LIEBERMAN and Ranking Member COLLINS, and I appreciate it.

One final point that I will mention. We had in our bill some oversight in the BBG, the Broadcasting Board of Governors. Here is what we know about Farsi Voice of America TV and Arabic TV. What we know is most of the time they are not presenting America's viewpoint. They are presenting our enemy's viewpoint, and we know this because my office has been translating and having translated their broadcasts. We put into the bill to have those translations become public as a part of BBG, and that got rejected.

So we are going to continue to have a foreign policy where we are paying money to have radio programs go into Iran that are counter to what our own policies are, and yet we are not going to have accountability in this bill, to hold BBG accountable. It is not there. It has been taken away.

Transparency is a great thing for this country, and when we spend money to create an American position in a foreign land, to not have transcripts and for them to not want us to have transcripts of what is going on, the first thing one has to ask is, Why not? Why shouldn't American taxpayers know where they are spending their money and know what the message is that they are sending? Unless the message is something different than what it should be. And that is the case with Radio Farsi and Radio Farda.

There are several other things I will not spend any more time on but that I think the American people ought to ask themselves. Last year, $434 billion on credit cards was charged to our grandkids. We have $14 billion worth of grants in this bill over the next 5 years; $7 billion that we don't know if it is going to be spent well. We certainly don't know if it is truly going to be spent on homeland security and at a priority of what is best and what is based on the highest risk.

So I am disappointed that we didn't get a lot of things in the bill that we should, and I know this is an effort at compromise, but it seems to me that certain things that are common sense, such as spending money to make sure our message is right, and knowing that it is right; making sure we are spending the money where the highest risk is, rather than where the greatest political need is, ought to have been principles that should have gotten into this bill.

I voted against this bill not because I don't think we should be protecting the homeland, not because I don't think we should be following these recommendations but because we have ignored the No. 1 recommendation of the 9/11 Commission, which is the money ought to go where the risk is. We ignored it. We ignored it. We played the political game that makes us all happy, but we didn't fix the problem. If we have another event where we should have put the money, then how will we answer that? How will we answer that?

They didn't say some of the money should go to the highest risk. They said all the money should go to the highest risk. What we have are three grant programs, one of which is very good at risk and two of which are not. So we ought to ask ourselves: Have we done the best we could have done?

The effort by Senator LIEBERMAN and Senator COLLINS was extraordinary. We had great debate in our committee on a lot of these issues. By the way, they supported me in these things. We didn't get them out of conference. The question we are going to be judged on is how effective we did this. My hope was and my feeling is we could have done better.

Mr. LIEBERMAN. Mr. President, I thank my friend from Oklahoma. The truth is the Senate is a better place because he is here, he is persistent, he is demanding, he spends a lot of time actually reading bills, and he brings his opinions to the table and to the floor. Although we may be in disagreement on some of the particulars, he cares enough about all this to not only work through the details but to stay here after midnight, after a busy week, to make these points. So I thank him for all that.

I thank him for the contributions he made along the way to the bill as a member of our committee. I am going to put some statements in the record to respond to some of the points in more detail that Senator COBURN made, but I do wish to say that Senator COLLINS and I worked very hard, both in the committee and then particularly in the conference committee, to take the State homeland security grants and make sure that they were allocated, a much greater percentage of them was allocated based on risk.

We heard the concerns. So the conference report allocates the overwhelming share of State funding based on the risk the State faces from terrorism. All States initially will be guaranteed a minimum of 0.375 percent. The number was up to .75 percent earlier on. This will be reduced to .35 percent over the course of the 5 years.

The reason for having any minimum is twofold: One is that, unfortunately, the enemy we face—Islamist extremist terrorism—has a higher probability of attacking, at least by our experience in this country, very visible targets, such as the World Trade Center and the Pentagon. But the truth is the whole country is, unfortunately, vulnerable to their attacks. As we have seen in other countries, they attack trains, they are prepared to blow up themselves with bombs in the middle of shopping areas, in crowds, et cetera. So there is some reason to have a minimum amount for every State in the country.

Secondly, homeland security generally—and we particularly get into this in one of the other grant programs that I will talk about in a minute—deals not only with protecting the States from terrorism but from all hazards, including natural disasters. The Department of Homeland Security is an all-hazard agency now, including within it, most particularly, FEMA, the Coast Guard, and other agencies that are involved when you think more in terms of protection from natural disasters. So I think we have made some progress there, and that is the reason why we have done what we have done.

There is a separate program, which perhaps is the one Senator COBURN was referring to, the urban area security initiative. That is allocated entirely based on risk. We also create, for the first time, two programs that are intended to be all-hazard programs and to support law enforcement and emergency response around the country. The first is an Emergency Management Grant Program and the second, which we talked about earlier, is the interoperability of communications.

So I think, on balance, when it comes to terrorism, we have allocated much more now than before based on risk. Yet we also, I think quite appropriately, provide something for areas all around the country to deal with all the other hazards, natural disasters, that can and have struck every section of the country.

There is also a substantial increase in funding that is authorized by this bill. Of course, ultimately, it has to be appropriated, but this is a new challenge, this terrible challenge of terrorism, against an unconventional brutal enemy, which, as someone other than myself has said, hates us more than they love their own lives. They hate us more than they love their own lives, so that they are prepared to kill themselves to express their hatred of us. Of course, these are not conventional armies fighting our conventional Army on a field of battle or at sea or in the air.

These are enemies who strike from the shadows and intend to strike at unprotected civilians—at innocents. So this requires a substantial commitment by our country to raise our defenses. I think it is part of the reason, along with the reform of our intelligence apparatus, that we have not, thank God, suffered another terrorist attack since 9/11. Part of it, of course, is good fortune, or, if you are so inclined, by the grace of God. But I do believe what we have invested is an important part of it.

I myself have said more than once that I thought after 9/11, entering this new era of both homeland security needs and the need to involve our military in seeking out for the purpose of capturing or killing these terrorists, then being engaged in wars in Afghanistan and Iraq, that we would have done better if we had considered a special tax and one in which we asked everybody to pay to meet the additional expenses brought on by this war that Islamist terrorists started against us, so we would not be facing the increasing long-term debt that Senator COBURN is quite right that our children are going to have to pay.

What I am saying is the money we have authorized to be spent here is important. We have the best defense—the best military in the world. Part of the reason we do is because we are spending money on it, an enormous amount of money. We will continue to have the best homeland security and homeland defense if we do the same.

One of the great contributions Senator COBURN makes is to be very persistent at making sure we don't waste taxpayer money, and he has made a contribution to this bill. There are many provisions in the bill that improve the oversight of the spending of homeland security funds, and in my statement I make clear our gratitude to Senator COBURN and his staff for all that they did to strengthen the auditing provisions of this bill.

I will say, finally, on the question of congressional oversight of intelligence and the declassification of the top line of the national intelligence budget, this is a direct recommendation of the 9/11 Commission. It doesn't make it sacrosanct, but it does give it some force. They argued that the specifics of the intelligence appropriations should remain classified, as they do in this proposal, but that the top line ought to be publicized to combat the secrecy and complexity the Commission had commented on earlier. That is what we intend to do.

But we are mindful of the concerns that Senator COBURN and others have had. We have spent some time discussing this with members of the administration, and this is compromise language. The bill contains this provision, which is that the President would be required to disclose the total appropriated amount for the national intelligence budget for this year and the coming year, after which the President may waive this requirement by sending to Congress a notification explaining the reasons for this waiver.

Listen, I think most people, including most people in the media, know what the top line budget for intelligence is. But we are now bringing it out and giving the President the opportunity to stop the disclosure if he determines it is in the national security interest in future years, for various reasons, to do that.

The conference report addresses the oftentimes contentious issue of homeland security grants. It may not make everyone happy, but it represents a good and fair compromise and will do much to improve the process by which these grants are distributed and used.

The conference report allocates a greater share—indeed the overwhelming share—of state funding based on the risk a state faces from terrorism, yet still ensures that each state will get money to meet its basic needs in preparing for acts of terrorism. All States will initially be guaranteed a minimum of 0.375 percent of funds; this will be reduced to 0.35 percent over the course of 5 years.

Urban Area Security Initiative, UASI, grants will be allocated entirely based on risk of terrorism. There will be a two-step process for selecting UASI cities. In the first stage, DHS will do a risk assessment of the 100 largest metropolitan areas in the country, and each of these areas will be permitted to submit information to the Department concerning the risks faced by that area—thus opening up a dialogue with cities and bringing light to a process that has largely taken place behind the scenes. After doing this initial assessment, the FEMA Administrator will then have the discretion—as he does now—to select those high-risk urban areas eligible to apply for UASI grants.

The conference report also reverses the recent disturbing downward trend in funding for these essential grant programs. It would authorize $1.8 billion for the State Homeland Security Grant Program, SHSGP, and UASI program in fiscal year 2008—our principal antiterrorism grants to first responders—and increase this over the next 5 years to $2.25 billion. Also, as a complement to this, the conference report would ensure that states have increased funds available for key all-hazards grant programs, including the emergency management performance grants and dedicated grants for communications interoperability. These programs help ensure that all States have basic preparedness capabilities for all disasters, whether natural or manmade.

The conference report would also for the first time specifically authorize State and urban area grants, and provide legislative guidelines for the programs, including permissible uses.

Finally, the conference report would provide a whole series of oversight measures to ensure that funds were being spent effectively and appropriately to achieve preparedness, and not wasted.

The 9/11 Commission report said:

> To combat the secrecy and complexity we have described, the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret. Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.

The Commission went on to say that:

> The specifics of the intelligence appropriation would remain classified, as they are today. Opponents of declassification argue that America's enemies could learn about intelligence capabilities by tracking the top-line appropriations figure. Yet the top-line figure by itself provides little insight into U.S. intelligence sources and methods.

A provision was passed to declassify the top-line of the National Intelligence Budget was passed by the Senate as part of the Intelligence Reform Act in 2004 but removed in conference.

In December 2005, the 9/11 Public Discourse Project, an independent organization led by the 9/11 Commission members, issued a grade of "F" on the implementation of this recommendation, writing that "Congress cannot do robust intelligence oversight when funding for intelligence programs is buried within the defense budget. Declassifying the overall intelligence budget would allow for a separate annual intelligence appropriations bill, so that the Congress can judge better how intelligence funds are being spent."

The final bill contains a compromise that we have worked closely with the White House to craft, one which finally addresses this important 9/11 Commission recommendation to disclose the top line of the National Intelligence Budget.

The compromise agreement will require the President to disclose the total appropriated for the National Intelligence Budget for 2 years—2007 and 2008—after which the President may waive this requirement by sending to Congress a notification explaining the reasons for this waiver.

The inclusion of this provision means that this important recommendation of the 9/11 Commission will now finally be implemented.

In this bill, we authorize significant additional funds for homeland security grants for State and local governments: for State Homeland Security Grants, for Urban Area Security Initiative, UASI, grants, for Emergency Management Performance Grants, EMPG, for interoperable emergency communications, for rail and transit security, in order to ensure that our first responders across the Nation are prepared for disasters, natural and man-made.

In authorizing these additional funds, we are cognizant that we need to spend these funds wisely, in a way that will make our first responders most prepared and our nation most secure. For this reason, the conference report includes extensive oversight and accountability provisions designed to ensure that all grant funds are used as effectively as possible and for their intended purposes.

At least every 2 years, DHS is required to conduct a programmatic and financial review of each State and urban area receiving grants administered by the Department to examine whether grant funds are being used properly.

The DHS inspector general is tasked with following up these agency reviews by conducting full, in-depth audits of a sample of States and urban areas each year, and then report to Congress on his findings, and to post the results of the audits on the Internet.

For the Public Safety Interoperable Communications grants that go through the Commerce Department and are administered jointly by the Commerce Department and DHS, there are separate provisions requiring that the Commerce Department inspector general conduct audits of those grants.

The conference report also builds on provisions in the Post—Katrina Emergency Management Reform Act that we passed last fall by requiring that DHS develop and use performance metrics to assess the progress of States and urban areas in becoming prepared, and that States and urban areas test their performance against these metrics through exercises.

All states are required to report quarterly on their expenditures and annually on their level of preparedness.

Finally, The FEMA Administrator is also required to provide to Congress annually an evaluation of the efficacy of the Department's homeland security grants have contributed to State and local governments in meeting their target levels of preparedness and have led to the overall reduction of risk.

From the beginning, we have been aware of Senator COBURN'S strongly held view that there be adequate oversight and auditing of homeland security grants, and his support for the provisions to this effect in the Senate bill—provisions that were not part of the House bill. Senator COLLINS' and I, and our staffs, have fought for the Senate auditing provisions in conference, in the face of a number of objections and concerns raised by House staff from various committees. And we have been successful in retaining in the conference report what we believe are very strong provisions to ensure accountability for homeland security grant funds.

Working with Senator COBURN, we were able to retain what I believe are very significant provisions to ensure the appropriate and effective use of homeland security dollars.

Mr. LEVIN. Mr. President, I am pleased that the Senate today will finally pass the Improving America's Security Act of 2007. Over 3 years ago, the 9/11 Commission gave us its recommendations, and we are finally taking a big step toward implementing them. Let me mention a few highlights.

This comprehensive legislation goes a long way toward helping our first responders. First, it establishes a $400 million annual grant program dedicated to funding interoperable communications equipment. We know that lives were lost on September 11, 2001, because first responders could not communicate. The same situation continues to play out across our country every day. For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State, and Federal levels. Second, to improve collaboration and help identify solutions to communications problems on our international borders, the legislation also includes language that I authored that establishes International Border Community Interoperable Communications Demonstration Projects on the northern and southern borders. These demonstration projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders and will improve the ability of U.S. personnel to work well, for example, with their Canadian counterparts.

Another key accomplishment is that the legislation provides a more equitable distribution of homeland security grant funding. For the past 5 years, the largest homeland security grant programs distributed funds using a formula that arbitrarily set aside a large portion of the funds to be divided equally among the States, regardless of size, need, or risk. This legislation allocates more of the funding based on risk. Specifically, the legislation would reduce the funds guaranteed to each State from 0.75 percent to 0.375 percent of grant funds in fiscal year 2008; the minimum would then decline over a period of 5 years to 0.35 percent in fiscal year 2012 and thereafter. All other funds would be distributed to States based on the risk of acts of terrorism and the anticipated effectiveness of the proposed use of the grants.

Also included in the bill is language I authored that will require the Department of Homeland Security, before publishing the final rule, to conduct a cost-benefit analysis of the Western Hemisphere Travel Initiative, WHTI, including the cost to the State Department and resources required to meet the increased volume of passports requests. The WHTI seeks to require individuals from the United States, Canada, and Mexico to present a passport or other document proving citizenship before entering the United States. While we need to make our borders as secure as they can be, we also need to make sure that we are achieving that goal in a way that will not cause economic harm to our States. A cost-benefit analysis will help ensure we identify and weigh the expenses and benefits of the WHTI.

The legislation also takes important steps to shore up rail, transit, bus, air and cargo security in the United States. It establishes a grant program for freight and passenger rail security upgrades and requires railroads shipping high-hazard materials to create threat mitigation plans. It establishes a grant fund for system-wide Amtrak security improvements and much needed infrastructure upgrades. It authorizes studies to find ways to improve passenger and baggage security screening on passenger rail service between the U.S. and Canada which should identify what is needed to prescreen rail passengers on the northern border. I hope these studies will also advance a long standing effort I have undertaken to implement a preclearance system at other land crossings so that, for example, we can inspect vehicles for hazardous materials before they cross bridges and tunnels between U.S. and Canada.

In addition to improving rail security, the bill establishes grant programs for improving intercity bus and bus terminal security and public transportation system security. It takes steps to improve the safety of transporting radioactive and hazardous materials on our railroads and highways. I am also pleased that this legislation requires the screening of all cargo carried on passenger airplanes within 3 years. It also requires all containers to be scanned for radiation at foreign ports before entering U.S. ports. The legislation also establishes an appeal process at the Department of Homeland Security for passengers that believe they have been wrongly included in "no-fly" or "selectee" watch lists.

While the conference report takes important steps toward implementing many 9/11 Commission recommendations, I am disappointed that it fails to address one critical recommendation and excludes several provisions that were in the Senate-passed bill.

The 9/11 Commission report stated: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important." I am troubled that the conference report does not contain critical provisions—included in the Senate-passed bill—that were intended to strengthen congressional oversight and promote independent and objective intelligence analysis.

There is a long, painful history of congressional efforts to obtain information from the intelligence community that have been slow-walked or simply not answered. The bill that passed the Senate required the intelligence community to provide Congress timely access to existing intelligence information unless the President asserted a constitutional privilege. Unfortunately, the conference report excludes that provision.

The Senate-passed bill also provided that no executive branch official could require the intelligence community to get permission to testify or to submit testimony, legislative recommendations, or comments to the Congress. That provision was also stripped from the conference report. We should insist that the intelligence community be able to provide Congress its assessment of intelligence matters uninfluenced by the policy goals of whatever administration is in power.

It is important for whistleblowers to know that they can come directly to Congress if they have evidence that someone has made a false statement to Congress. And Congress has a right to that information—even if it is classified. The Senate-passed bill made it clear that intelligence community employees and contractors can report classified information directly to appropriate Members of Congress and cleared staff if the employee reasonably believed that the information provides direct and specific evidence of a false or inaccurate statement to Congress. That provision was also removed in conference.

While I am disappointed that the conference report does not contain these provisions, on balance it is a good bill and I am pleased that we are passing it today—both for the families and friends of those we lost on September 11, 2001, and for the security of our Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise in support of the legislation reported by the conference, the Implementing Recommendations of the 9/11 Commission Act of 2007. I was proud to serve on this very important conference, and while I may not agree with every part of the act, I believe that on balance it is a very important piece of legislation that will serve to make our Nation more secure and help protect Americans of all walks of life. Over 5 years after the tragic events of 9/11 and almost 2 years since Hurricanes Katrina and Rita, we continue to hear from Governors, county executives, mayors, first responders, health professionals, and emergency preparedness officials that our country as a whole remains unprepared for another manmade or natural disaster. We have heard the argument, which I support, that Congress needs to do more to support regional and local efforts to protect Americans. Overall, I believe this conference report takes a critical step forward in making America more secure.

I am going to focus on the titles of this legislation dealing with transportation security, with which I was deeply involved throughout this process as chairman of the Banking, Housing and Urban Affairs Committee, which has jurisdiction over public transportation.

Title XIV of this bill creates a new grant program to improve the security of public transportation and its 14 million daily passengers. Safe and secure transit systems are essential to the well-being of our citizens and the health of our economy. The Banking Committee examined the state of transit security in our very first hearing of the 110th Congress, which was my first hearing as chairman. At that hearing, the committee heard from some very compelling witnesses, including the directors of the London and Madrid transit systems. It is not all that common that we invite witnesses who are not U.S. citizens to come and participate in congressional hearings. But given the tragedies in Madrid and London, we thought it would be worthwhile to have those who manage the transit operations in those two cities come and share with us information about their experiences. I think their testimony was very helpful in demonstrating the importance of this issue and galvanizing the attention of the Congress to address this issue in the legislation before us.

We learned in those hearings that transit attacks have unfortunately been a major component of terrorist activities over the last several decades. It is no secret that worldwide, terrorists have favored public transit as a target. In the decade leading up to 2000, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to a study done by the Brookings Institution. In 2005 they attacked, as I mentioned, London's rail and bus system, killing 52 riders and injuring almost 700 more in what has been called London's bloodiest peacetime attack. In 2004, they attacked Madrid's metro system, killing 192 people and leaving 1,500 people injured.

Transit is frequently targeted because it is tremendously important to any nation's economy. Securing our transit systems and our transportation networks generally is a difficult challenge under any circumstances. We must do all that we can to meet that challenge. Beyond the obvious implications of physically protecting our citizens, safe transit systems can help to maintain public confidence, encouraging transit use, reducing pollution, and preventing our cities from being mired in gridlock.

The first piece of legislation that the Banking Committee marked up after I became chairman addressed with transit security. That legislation, reported out of the committee as S. 763, was included in the Senate version of the 9/11 bill. I am extremely pleased that it is included in the conference report which the Senate is considering. Similar to the bill that was reported by the Banking Committee, the conference report provides $3.5 billion in grants directly to transit agencies for security equipment, evacuation drills, and worker training—on which several witnesses, particularly from Madrid and London, testified would be the most important investment we could make. Indeed, the conference report requires worker training for all transit systems that receive security grants. The importance of worker training can scarcely be overstated. Transit workers are the first line of defense against an attack and the first to respond in the event of an attack. Mr. O'Toole, the director of London's transit system, said it well: "You have to invest in your staff and rely on them. You have to invest in technology, but don't rely on it."

The conference report also authorizes funds for the research and development of security technologies and authorizes funding for the Information Sharing Analysis Center, ISAC, a valuable tool that provides transit agencies timely information on active threats against their systems. At the Banking Committee hearing we heard testimony from the American Public Transportation Association in strong support of the ISAC, and I am very pleased that the conference report authorizes this important center.

The conference report follows the Banking Committee's bill in allocating grants directly to transit systems on the basis of risk. The legislation makes clear that the Department of Homeland Security is responsible for making these critical decisions and allocating the grants among the Nation's 6,000 public transit agencies. The report does leave open the important decision of which agency, the Department of Homeland Security or the Department of Transportation, should actually distribute these grants and audit recipients' compliance with important provisions of transit law, including labor protections. The legislation requires the Secretaries of these 2 Departments to make this decision on the basis of which Department can distribute grants in the most effective and efficient manner. It is my opinion that at this moment, and at least for the next few years, the Department of Transportation is the agency that can best meet these criteria. DOT already has an efficient and effective grant distribution system in place that directly reaches our Nation's transit systems. The Federal Transit Administration is well aware of the various provisions of transit law that the recipients of security grants will be required to comply with and will therefore be able to monitor for compliance effectively. These transit security grants must go out to agencies quickly, as we face an urgent threat. It is my hope that the Secretaries will make a decision based on sound policy to best protect the American public and not with an eye toward jurisdiction or turf.

Over the years we have invested heavily in aviation security. In fact, we have invested about $7.50 per aviation passenger per trip. About 1.8 million people travel using the aviation system daily in this country. Fourteen million people use mass transit systems every workday. We have invested about $380 million in the security of mass transit systems. That is about one penny per passenger per trip.

I am not suggesting, nor do we require, that there be an equilibrium between the security investment in aviation and mass transit systems. I am simply suggesting that the Federal government can and should do more to secure our transit systems. To that end, the conference report provides an authorization of $3.5 billion for transit security. We believe with this additional authorization, and we hope an appropriate appropriation from the responsible committees, that we will be able to provide some additional security for this critically important component of our economy.

Again, I am grateful to the members of the conference committee for their support of this effort. I also want to thank my colleague and ranking member on the Banking Committee, Senator SHELBY, who has been a true champion for transit security for many years. This National Transit Systems Security Act of 2007 would never have reached this stage without Senator SHELBY's work. This was truly a bipartisan product, and I want to thank Senator SHELBY and our colleagues on the Banking Committee, including the former chairmen of the Housing and Transportation Subcommittee, Senators REED and ALLARD, who have also made very valuable contributions to this bill over the many years that we have been working to improve transit security.

I also want to make a few comments about other items that are included in this conference report. First, as chairman of the Banking Committee, I recognize the preparedness requirements that the Federal financial regulators have imposed on institutions under their jurisdiction and which those institutions have observed. I am pleased to have worked with my colleagues Senators LIEBERMAN and COLLINS on title IX to clarify that the private sector preparedness certification is voluntary and should not be construed as a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established under any other provision of Federal law, or by any sector-specific agency.

The Committee on Banking, Housing and Urban Affairs also exercises jurisdiction over the preparedness of American industry to supply our Government in times of defense and homeland security emergencies. Key to this effort is ensuring that our Nation's critical infrastructure operates uninterrupted and unhindered by natural or manmade disasters. Title X of this bill will enable the Department of Homeland Security to assess our vulnerabilities and hopefully work with other agencies to build up defenses for our critical infrastructure. In one specific provision, we built off of the Banking Committee's work 4 years ago when we reauthorized the Defense Production Act, DPA. In 2003, we emphasized the importance of the DPA's authorities in protecting our critical infrastructure. Today, under the conference agreement, we will require the Homeland Security Department, in coordination with the Departments of Commerce, Transportation, Defense, and Energy, to explain how it is implementing these 2003 DPA requirements. With the DPA's authorities expiring in September 2008, this report may prove helpful for our Committee's eventual markup of the reauthorization and modernization of the DPA.

Finally, I want to express my disappointment that the conference report includes an immunity provision that was added to the report despite not being contained in either the Senate bill or the House bill that was sent to conference. I note that this provision was not supported by the chairman of the Senate Judiciary Committee, which has jurisdiction over this matter, and I believe it should have been dealt with in a very different manner. While I share the belief that our citizens are the first line of defense against terrorism and that they need to be encouraged to report legitimate suspicious behavior, we need to be very careful whenever we grant blanket immunity and even more careful when we pass legislation granting this immunity retroactively.

To conclude, Mr. President, I am pleased to recommend this conference report to my colleagues, as I believe that it will serve us well in our efforts to make Americans more secure.●

Mr. CARDIN. Mr. President, I am very happy to rise today in support of a conference report that implements the remaining 9/11 Commission recommendations.

Finally, three years after the Commission released its bi-partisan report, we are sending President Bush legislation that implements the last of those recommendations—recommendations that will improve Maryland's as well as our Nation's security. This bill increases citizens' safety when they travel by air, road, or rail; improves first responders' communications capabilities; facilitates intelligence sharing at all levels of law enforcement; and protects citizens' privacy and liberty.

This conference report is the first legislation to formally authorize the State Homeland Security Grant Program and Urban Area Security Initiative, UASI, which provide funds to states and high-risk urban areas—like the DC Metropolitan area—to prevent, prepare for, respond to and recover from acts of terrorism. This legislation authorizes more money than previous years, but most importantly—and I want to stress this most importantly, this legislation ensures the vast majority of that funding is distributed based on risk.

In the past, too great a percentage of our first responder grants were distributed without regard to risk and vulnerability. As the 9/11 Commission final report stated:

> [f]ederal homeland security assistance should not remain a program for general revenue sharing.

By increasing the percentage of grant money distributed based on risk, this legislation moves us toward the full implementation of the Commission's prescription.

This legislation also requires the Department of Homeland Security, DHS, to consider certain factors when allocating funds based on risk including history of threats, risk associated with critical infrastructure, coastline, and the need to respond to neighboring areas; considerations critical to adequate risk assessment for many of Maryland's communities. All of us were both outraged and deeply concerned when DHS ranked the Washington, DC and New York City metropolitan areas in a low-risk category for terrorist attack or catastrophe, a decision that would have cost those regions millions in anti-terror funds and had devastating impacts on their ability to respond to attack had the rankings been allowed to stand. By setting criteria for risk assessment, this bill guards against future gross miscalculations.

The legislation includes several important provisions improving transportation security, but I am particularly glad to see the bill requires DHS to develop its capacity to screen all—100 percent—of maritime cargo in foreign ports before it is loaded on ships bound for the United States within 5 years. Further, the conference substitute requires that DHS be able to screen all cargo carried on passenger airplanes within the next 3 years. And, the legislation authorizes substantial funds—more than $4 billion over 4 years—for rail, transit, and bus security grants.

Not only does the legislation provide funding for improving communications systems, it also provides guidance. Maryland's first responders and administrators have explained to me that a truly interoperable communications system and a functioning incident command system require more than equipment. Practically, cooperation between and among local, state, national, and even international governments requires governance structures, protocols, agreements, and training. By providing money for staff, exercises, simulations, training, and any other activities necessary to achieve, maintain, or enhance emergency communications, this legislation addresses critical governance concerns.

But to keep us safe, different government agencies need more than the ability to communicate. They need to actually *be* communicating critical information and intelligence to the officials and officers who need it. The conference substitute encourages the free transfer of intelligence across agencies by authorizing government-wide standards for information sharing, and creating standards for state, local, and regional intelligence fusion centers and ensures they receive federal support and personnel.

The 9/11 attacks and Hurricanes Katrina and Rita demonstrated how inadequate information sharing and inadequate communications systems can compound disasters. Let us hope that with these changes we will never again have to witness firefighters rushing into buildings when they should have been running out or distraught citizens trapped by flood waters while national officials remain unaware of the disaster.

But this legislation does more than protect our physical safety; it contains provisions to safeguard our most cherished liberties. Recent revelations regarding FBI abuse of its PATRIOT Act authority to gather phone, bank, and credit information on thousands of citizens underscore the importance of this legislation's enhanced privacy and civil liberties protections. The bill strengthens the Privacy and Civil Liberties Oversight Board independence and expands its oversight authority. The bill requires agencies with access to citizens' private information to designate at least one senior official to serve as a source of advice and oversight on privacy and civil liberties matters. Finally, under this legislation, federal agencies must report annually on their development and use of data mining technologies so this body can ensure proper usage of any technologies that raise privacy or civil liberties concerns.

This Conference Substitute also encourages this country to look beyond its own borders to promote others' safety and liberty through diplomacy. The legislation requires the Secretary of State expand strategies for democracy promotion in non-democratic and democratic transition countries, and to expand the effectiveness of the State Department's annual human rights reports. It further supports democracy promotion through international institutions, such as the UN Democracy Fund, the Community of Democracies, and the International Center for Democratic Transition, specifically through encouraging the establishment of an office of multilateral democracy promotion. To allow "maximum effort" on non-proliferation by the U.S. Government, as the 9/11 Commission called for, the bill establishes a Presidential Coordinator for the Prevention of WMD Proliferation and Terrorism.

We know now how closely our own safety is linked to other nations' internal security. These efforts are critical to creating a more stable Middle East and a safer world.

The 9/11 families, several of whom are my constituents, asked us to pass this legislation, and I am proud that we have fulfilled this obligation to them and to the country.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I am pleased we are considering the conference report to H.R. 1, the Improving America's Security Act of 2007. This legislation is particularly timely given the daily reports that the terrorist threat against our Nation is increasing. We must be proactive in defending the homeland and take particular care to protect the transportation systems which have so often been targeted.

The conference report we are voting on today contains significant provisions to strengthen the security of the Nation's transportation system, including our surface, aviation and maritime networks. We also take action to improve the interoperability of public safety communications.

For surface transportation security, we have worked with the relevant House conferees to reach consensus on provisions that would authorize new security assessments, grant programs, and security measures for the nation's major surface modes, including passenger and freight railroads, trucks, intercity buses, and pipelines. This bill will finally authorize adequate funding and a much needed statutory framework for the Transportation Security Administration's, TSA, surface transportation and rail security efforts.

The conference report also takes critical steps to address the remaining recommendations of the 9/11 Commission on aviation security. The commission's report expressed continuing concern over the state of air cargo security, the screening of passengers and baggage, access controls at airports, and the security of general aviation.

Under this bill, all cargo going on passenger aircraft must be screened within 3 years. Requirements will be put in place to plan and fund improvements for the detection of explosives in checked baggage and at passenger screening checkpoints. The TSA will also be required to ensure a system is in place to coordinate passenger redress matters and develop a strategic plan to test and implement an advanced passenger prescreening system.

With respect to giving our Nation's first responders the necessary resources to communicate effectively during times of crisis, the bill will further bolster our previous efforts to improve interoperable, public safety communications by eliminating statutory ambiguities for eligibility and by directing specific funds in support of State Strategic Technology Reserves that can be tapped in times of crisis by State and local personnel, as proposed in S. 4.

This conference report is an important step toward securing our Nation. The Commerce Committee worked for years to craft many of these provisions, and they reflect the expertise and dedication of our members. I urge my colleagues to support this legislation.

Mr. AKAKA. Mr. President, we have completed action on the conference report on H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007, and I wish to commend Senators JOSEPH LIEBERMAN and SUSAN COLLINS for leading this effort in the Senate. I appreciate their hard work and dedication in forging a compromise on this important piece of legislation. As a conferee I was pleased to take part in reconciling the differences between the Senate and House versions of this bill. The work that has gone into this legislation has been matched by the tremendous commitment of all of those involved to ensure that our country remains secure in the face of natural and man-made threats. Now that the Senate votes on passage of the conference report, I would like to take this opportunity to highlight a few issues that are particularly important to me.

The provision to create a Chief Management Officer, CMO, is a necessary step in addressing the serious management and integration challenges at the Department of Homeland Security. I am disappointed that the conference report language does not encompass the entire provision passed by the Senate designating the CMO as the principal advisor to the Secretary on management issues. The CMO must have the authority of a Deputy Secretary to address department-wide management functions. My good friend Senator VOINOVICH, with whom I have worked closely on the Oversight of Government Management Subcommittee, as well as Comptroller General Walker, and I have long advocated for a CMO at the Deputy Secretary level.

I am pleased to see that strong privacy provisions included in the House and Senate bills were retained in this report. The Privacy Officer With Enhanced Rights Act, or the POWER Act, a provision championed by Congressman BENNIE THOMPSON and I, will strengthen the investigative authority of the chief privacy officer at the Department of Homeland Security. I am also pleased that the report increases the independence of the Privacy and Civil Liberties Oversight Board, so that there will be no undue influence exerted on them. Both of these provisions go a long way in ensuring that increased security efforts will not be at the cost of Americans' right to privacy.

The conference report also includes an important provision to increase reporting requirements for agencies using data mining. I was pleased to work with my good friends Senators RUSSELL FEINGOLD and JOHN SUNUNU, on this language. Federal agencies use data mining technology to review and analyze millions of public and private records for many reasons, including the detection of criminal and terrorist activities. This raises privacy concerns since an agency may analyze various databases containing personal information without any specific suspicion of wrongdoing.

In 2003, I asked the Government Accountability Office, GAO, to look into this issue, and in 2004, GAO reported that 122 Government data mining activities involved the use of personal information, 46 of which involved sharing personal information between agencies. GAO also found 36 data mining programs which used personal information from the private sector. However, these numbers did not include programs that are used for intelligence purposes. In 2005, GAO issued a follow-up report which found that agencies are not following all privacy and security policies. Given the increasing use of data mining and the threats such activities pose to Americans' privacy rights, I believe Congress must have a full accounting of agencies' data mining programs. That is why I am pleased the conference report retains the Senate language.

Finally, I want to express my disappointment that we were not able to address protections for airline screeners in this legislation. It is essential that transportation security officers are given adequate employee protections, especially the right to collectively bargain like their colleagues at the Department of Homeland Security. I hope we will be able to address this issue in the future.

While more still needs to be done, the conference report before us now provides much needed reform.

Mr. REED. Mr. President, I believe that securing our Nation's public transportation systems is one of the most pressing homeland security issues facing our Nation. Over 180 public transportation systems throughout the world have been primary targets of terrorist attacks. In 2001, as chairman of the Senate Banking, Housing, and Urban Development Subcommittee on Housing, Transportation, and Community Development, I held the first hearing on transit security in the wake of September 11. The hearing took place early in the 107th Congress so I am saddened that it has taken us this long to enact legislation to protect our transit systems. I am pleased, however, that tonight we are prepared to pass the conference report to implement the 9/11 Commission recommendations, including the transit security measures that I authored.

While our Nation acted quickly after 9/11 to secure airports and airplanes against terrorists, major vulnerabilities remain in surface transportation. Transit agencies around the country have identified in excess of $6 billion in transit security needs.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 33 million times each week day compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $7 per passenger is invested in aviation security, but less than 1 cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear. We need to be more vigilant to protect public transit from terrorists.

As a member of the Senate Committee on Banking, Housing, and Urban Affairs, I was proud to author with Senators DODD and SHELBY comprehensive legislation to protect our public transportation systems and the Americans that they serve. Title XIV of The Improving America's Security Act of 2007 authorizes $3.5 billion in grants to transit agencies for capital and operational costs. It also establishes an essential security training program for public transportation employees who are at the front lines of preventing terrorist acts. The act allows the Secretaries of Transportation and Homeland Security to determine which federal Department will distribute the grant funding. I urge the Secretaries and the administration to place responsibility for the grant program with the Department of Transportation and make this decision promptly. It is my opinion that this will result in the effective and efficient administration of the program for local transit agencies.

Taking action to protect our public transportation systems is long overdue. I am pleased to support the Improving America's Security Act.

Mr. STEVENS. Mr. President, I thank the Chairman and ranking member of the 9/11 bill conference committee for their efforts to bring the conference report before the Senate. This was no small task and they, along with other conferees and staff, are to be commended.

Despite these efforts, however, the final conference report includes objectionable maritime cargo scanning language that could be devastating to both the international and domestic flow of commerce.

The decision to mandate scanning for 100 percent of cargo containers is a risky proposition because it does not follow a risk-based approach:

The title of the final conference report clearly states that its purpose is to implement the recommendations of the 9/11 Commission. But the commission did not advocate for the scanning—or even screening—of 100 percent of the containers arriving at our shores.

The 9/11 Commission recommended instead that we mitigate our vulnerabilities to terrorism in a logical manner by applying our resources based on risk, and specifically cautioned us not to employ a blanket approach.

Our Nation's ports, including the Port of Anchorage, are vital to our economies—both regional and national. Ensuring their security must be a top priority. But a mandate to scan every cargo container entering the U.S. could shut down many of these ports, and the resulting delays for both imports and exports would be excessive and costly for consumers.

Moreover, it is likely that foreign nations will disregard any caveats we may provide, and according to a European union diplomat, The E.U. would consider imposing reciprocal requirements and filing a complaint against the United States in the World Trade Organization.

This fact renders the approach taken by this bill with respect to scanning cargo unworkable internationally.

Here at home, these cargo scanning provisions may be equally, if not more, devastating to rural economies. Communities in the lower 48 are served by multiple transportation modes distributing basic supplies like food and other consumer goods. In Alaska, however, over 90 percent of our supplies flow through the Port of Anchorage. Any disruption at this port would be a disaster for Alaskans, not to mention to the Port of Tacoma, which serves as a conduit for cargo transiting to and from Alaska.

Some contend that we are not doing enough for port security. I disagree. Not even 1 year ago, we passed the Safe Port Act. While many of us made these same arguments concerning 100 percent scanning during the debate of that bill, we ultimately settled on directing DHS to conduct a pilot program to determine whether 100 percent scanning of cargo containers is even feasible. The pilot began earlier this year and we are only now beginning to get a clearer picture of the complexities that scanning entails.

Mandating 100 percent scanning of cargo containers without the benefit of the results of the pilot tests is premature and counterproductive.

Homeland security should not be used as a rhetorical tool. Let us first learn from the lessons promised by the Safe Port Act's pilot tests before committing ourselves to an irrational, costly, and potentially ineffective approach to securing our Nation.

I thank the following staff of the Senate Commerce Committee for their hard work on this bill:

> Pamela Friedman, Mark Delich, Jarrod Thompson, Chris Bertram, Mike Blank, Kim Nahigian, Paul Nagle, Christine Kurth, Dan Neumann, Betsy McDonnell, and David Wonnenberg.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I commend Senators LIEBERMAN and COLLINS for their leadership and the members of the Conference Committee for their work on this important legislation.

More than 5 years after 9/11—despite tens of billions of dollars spent—America's ports, rails, airports, borders, nuclear powerplants and chemical plants are still not as safe as they could be.

It has been almost 3 years since the 9/11 Commission issued its final recommendations.

This legislation is a major step toward fully implementing the recommendations of the bipartisan 9/11 Commission. It changes course after years of inadequate action on critical homeland security needs.

The bill will make America more secure because it: Provides funding for first responders; makes it harder for potential terrorists to enter the United States; helps secure our rail, air, and mass transit systems; and improves intelligence and information sharing at all levels of law enforcement.

I am especially proud to highlight a few provisions in the bill that I have championed for some time.

The legislation specifies that States can use Federal grants to design, conduct, and evaluate mass evacuation plans and exercises.

MASS EVACUATION

As we learned from Hurricanes Katrina and Rita, there is no substitute for being prepared.

Last fall, Rockford, IL, was flooded after heavy storms. Public safety workers were able to vacate an entire neighborhood quickly and safely because they were prepared.

They had an evacuation plan. They knew where they would take people. They had a mobile command center set up there within hours.

Most cities and States have evacuation plans. But you need to have training drills and exercises to identify where the plan breaks down. Evacuation exercises allow you to work out solutions before lives are at risk in a real emergency. We may only have one chance to get it right.

CIVIL LIBERTIES

The 9/11 Commission recognized that one of the biggest challenges we face in fighting the war on terrorism is protecting civil liberties. The Commission said:

> While protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.

To help keep this balance right, the Commission wisely recommended the creation of a board to ensure that the Government does not violate privacy or civil liberties. Three years ago, when Congress passed the first 9/11 bill, it included a provision I worked on to create a Privacy and Civil Liberties Oversight Board. The bill that the Senate passed would have created a strong and independent board with subpoena power, a full-time Chairman, and a broad statutory mandate, among other things.

Unfortunately, House Republicans were able to water down the bill to reduce the independence and authority of the Privacy and Civil Liberties Board. As a result, the board has not been an effective check on this administration, which has shown reckless disregard for the constitutional rights of innocent Americans.

The conference report we consider tonight will fix those deficiencies.

Throughout American history, in times of war, we have sacrificed liberty in the name of security. As the 9/11 Commission said, "The choice between security and liberty is a false choice." We can be both safe and free. I hope the new and improved Privacy and Civil Liberties Oversight Board will help make that a reality.

RISK-BASED

Two years ago Congress earned an F from the 9/11 Commission for creating a Homeland Security Grant Program that is not sufficiently focused on risk.

This bill puts more emphasis on risk as a factor in distributing homeland security grants. Right now, homeland security grants are based on a variety of factors—but risk is one of many.

INFORMATION SHARING

The 9/11 Commission strongly recommended that we change the culture in Government, so that agencies talk to each other and share information so everyone can do their jobs.

In 2001, the FBI had information about the hijackers that was never shared with local officials.

The conference report responds to that challenge. This bill: Makes the Office of Information Sharing permanent, establishes an interagency coordination group on threat assessment, and makes it easier to share information between State and local government and across Federal agencies.

I am pleased that conferees made the program manager for the Information Sharing Environment (ISE) permanent and authorizes funds and staff to carry out the ISE mission.

The bill also calls for progress reports to Congress on the Information Sharing Environment.

"JOHN DOE" PROVISION

I will support the conference report, but I want to make clear that it contains one provision that has not been properly written or carefully considered. The so-called John Doe provision would give blanket immunity to citizens and Government officials who engage in racial profiling, as long a court finds they were acting in good faith.

The proponents of this legislation claim that it is necessary because citizens will not report suspicious behavior if they are afraid they will be sued for racial profiling.

With all due respect, this is a solution in search of a problem. There is no evidence that people are reluctant to file complaints about suspicious behavior and there is no epidemic of nuisance lawsuits against people who do so.

In fact, all the evidence points in the opposite direction—vigilant Americans are playing a crucial role in homeland security.

The reality is that this provision is targeted at one pending lawsuit. There is no indication that the courts are incapable of handling this or any other racial profiling lawsuit. There are immunity rules that the courts have developed over many years and there is no evidence that those rules are not working to protect innocent people from nuisance lawsuits.

I cannot judge the merits of this particular lawsuit, but I do know this: Congress should not be in the business of passing legislation to affect the outcome of individual cases that are pending in court. We should not substitute our judgment for that of a jury of American citizens, doing their civic duty, who will hear and weigh all of the relevant evidence.

Remember the last time Congress did this? It was the Terri Schiavo case. That should be a warning to Congress not to go down this road again.

Its proponents claim that the John Doe provision is necessary so that people would not be deterred from reporting suspicious behavior. But this legislation will have another chilling effect: It will deter victims of racial profiling from seeking justice in the courts.

This legislation would require a plaintiff to pay attorneys fees to a defendant if the defendant who allegedly engaged in racial profiling acted in good faith. Let's be clear: even if a defendant acted in bad faith, many victims of racial profiling will not file a lawsuit because they cannot take the risk that they will be forced to pay attorney's fees if they lose.

Despite what its proponents claim, the John Doe provision applies to more than just terrorism cases. In fact, it applies to any activity related to a threat to a passenger vehicle or its passengers. As a result, this provision will probably be invoked by every defendant in every future racial profiling case.

I am especially disappointed that this legislation was inserted into the 9/11 conference report without any consideration of the concerns I have outlined. This provision was not in the 9/11 bill that the Senate passed. In the Senate, it has received no hearings, no debate, and no votes.

The John Doe bill falls under the jurisdiction of the Judiciary Committee, of which I am a member. Senator LEAHY, the chairman of the Judiciary Committee, asked that it not to be included in the 9/11 conference report so that we could hold hearings on it, but unfortunately his request was not granted.

This reminds me of another controversial bill that was inserted into a conference report without any debate in the Senate. It's called the REAL ID Act, and it is now opposed by States across our country.

I will be tracking closely how this legislation is implemented. I suspect that, as with REAL ID, the John Doe law will be met with rising opposition across this country as more and more Americans learn about it.

CLOSE

The 9/11 Commission gave Congress a critically important job.

The Commission charged Congress with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support final passage of the conference report.

Mr. LIEBERMAN. Mr. President, I am prepared to yield back all remaining time, and Senator COBURN, in the spirit of not only the good spirit I identify with him but in the spirit of the hour, I gather, is prepared to yield back his remaining time as well.

Ms. COLLINS. Mr. President, I yield back the time on this side as well.

Mr. LIEBERMAN. Mr. President, again, I thank Senator COLLINS and Senator COBURN. It is a measure of their devotion that they are both still here at this hour.

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT COLONEL JEAN McGINNIS

Mr. REID. Mr. President, I rise today to congratulate LTC Jean McGinnis upon retiring from military service. For more than 25 years, our Nation has been fortunate to have such an intelligent, accomplished and decorated American in our armed services.

Lieutenant McGinnis exemplifies selfless devotion to one's country. Born in Deadwood, SD, Lieutenant McGinnis began her service early. The New Mexico Military Institute commissioned her as a 2nd lieutenant before she even completed her bachelor's degree at Texas A&M. She joined the Army Reserve as an active Guard Reserve Officer, and continued her education at Fort Eustis, VA, where she successfully passed the aviation maintenance officer course to become an Army test pilot in the UH-1 Huey helicopter.

In 1991, Captain McGinnis was stationed in Pennsylvania at the Willow Grove Naval Air Station as the aviation operations officer for the 2/288th Aviation Regiment. Five years later, she was assigned to the Office of the Chief, Army Reserve, Program Analysis and Evaluation Division and then as a budget analyst for the Army. In 1999, Major McGinnis moved to Arlington, VA, in order to serve as a congressional liaison after training at the Command and General Staff College.

Throughout her service, Lieutenant McGinnis has gained wide recognition from her commanding officers. She has earned the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, the Senior Army Aviator Badge, and the Air Assault Badge and the Army Staff Badge. These accomplishments speak volumes for her dedicated service to the country.

It is with great pride that I commend Lieutenant Jean McGinnis on this wonderful accomplishment. You have served our Nation with distinction, and I wish you the best on your well-deserved retirement.

LIEUTENANT COLONEL JEAN M. McGINNIS

Mr. INOUYE. Mr. President, today I honor, and pay tribute to LTC Jean M. McGinnis, who will retire from the U.S. Army on August 31, 2007, after 25 years of distinguished service. Lieutenant Colonel McGinnis is an outstanding American soldier who served in a succession of command and staff positions worldwide of increasing responsibility.

In her last assignment in the U.S. Army as the Deputy Chief of the Army, Senate Liaison Division, Lieutenant Colonel McGinnis demonstrated the managerial and leadership skills that have characterized her career. She demonstrated Army values daily, supported her subordinates and chief tirelessly, and traveled extensively escorting Senators, their staffs, and Senate committee professional staff members on inspections and factfinding trips in the United States and overseas.

Lieutenant Colonel McGinnis previously served as a Congressional Budget Liaison Officer in the Office of the Chief of Army Reserve and as an Operations Research Analyst in Programs, Analysis, and Evaluation in the Pentagon. From 1982 to 1994, she served as an Aviation Officer, in the positions of Platoon Leader, Detachment Commander, Company and Battalion Flight Operations Officer.

During her aviation career Lieutenant Colonel McGinnis had many assignments ranging from humanitarian assistance missions in Guatemala and Honduras to piloting the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the U.S. Army in Egypt as part of Operation Bright Star.

In 1997, Lieutenant Colonel McGinnis was assigned to the Office of the Chief of Army Reserve in Washington, DC, as an Operations Research Systems Analyst. During this assignment she reconciled Army Reserve resource requirements with Army program needs. She later served as a Budget Analyst in the Office of the Deputy Chief of Staff for Personnel, Resource Division. While in this challenging assignment, she served again as an Operations Research Budget Analyst of Reserve personnel and was directly involved with complex Army training and Reserve personnel policy issues.

She was then selected to represent the Army on Capitol Hill and served 4 years working for the Army Senate Liaison Division and the Office of the Chief of Army Reserve. Lieutenant

Colonel McGinnis' expertise and knowledge of the Active Army and Reserve policies and procedures has been of great value to Senators and their staffs. Lieutenant Colonel McGinnis' leadership, resourcefulness, and professionalism made lasting contributions to Army readiness and mission accomplishments. Her service to our Nation has been exceptional, and Lieutenant Colonel McGinnis is more than deserving of this recognition.

DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mr. CRAIG. Mr. President, I wish to take a moment to comment on the passage of the Dignified Treatment of Wounded Warriors Act. The President's blue ribbon Wounded Warrior Commission met with the President to provide him with recommendations as to how the Veterans' Administration, along with the Department of Defense, can best provide service to our dramatically injured veterans in a seamless fashion.

Our action, with passage of this legislation, is a step in the same direction. It fulfills the pledge we made a few months ago when the Veterans' Affairs Committee, along with the Armed Services Committee, held joint hearings to receive testimony on needed changes to transition programs and health care benefits.

At that time, many of us stated our intention to make a good-faith effort to work on issues under our respective committees' jurisdictions and then to merge our work back together again at the earliest possible time.

This bill not only contains the legislation that went through the Armed Services Committee earlier in the form of S. 1606, but it also includes title II of the bill, legislation sponsored by Senator DANNY AKAKA and me to address issues surrounding the treatment provided to those veterans with traumatic brain injuries.

Of course, I am proud of the comprehensive nature of the legislation Senator AKAKA and I have put forward in this legislation and pleased to see its passage.

Under the provisions in this bill, injured veterans will benefit from new investments in research into mild, moderate, and serious traumatic brain injury. They and their families will be assured that care is provided in age-appropriate settings. We will explore whether assisted living services are the most appropriate and least restrictive settings to provide care for those with traumatic brain injury.

Most important to me is that our servicemembers, veterans, and their families will have peace of mind knowing the Secretary can provide traumatic brain injury care in a private, non-VA facility anytime the Secretary determines that doing so would be optimal to the recovery and the rehabilitation of that patient. In other words, with passage of this legislation, we are assuring that whenever it is in the best interest of the patient's recovery, then VA can purchase private care to treat traumatic brain injury.

These are a few of the very important provisions in title II of the legislation. Of course, there are many other notable pieces of the bill in title I, which, as I previously stated, was produced by my colleagues in the Armed Services Committee. I compliment them again for their work on this important bill.

We said we would do this as expeditiously as possible. The earliest time possible was, of course, the National Defense Authorization Act, which was on the floor a few weeks ago. There, we added the substance of the bill as an amendment to that act.

Unfortunately, the NDAA was pulled from the floor—a little premature, in my judgment, but it was. But I do wish to compliment both leaders for agreeing in a bipartisan way to bring this important part of that bill before us quickly so our troops and our injured veterans and their families can receive the care and benefits they deserve as quickly as it can be delivered.

I said on the floor a few weeks ago, during consideration of the National Defense Authorization Act, the legislation was very important because it demonstrated that Congress can break down the walls of jurisdiction and territory and do the right thing at the right time for our troops.

I and other Senators have been very critical of the bureaucratic roadblocks DOD and VA can put up against one another, when we all want to make sure they are working together in a seamless fashion. We now see those walls breaking apart. So I believe we are going to demand that these two agencies break down further those barriers of territory and jurisdiction. When we demonstrate we can do it, we then must ask them to do it. In this legislation, you saw two committees come together to make it possible. I am proud we have done so. It is the kind of work we ought to do.

I also think it is fitting we passed this bill yesterday because the President's Commission on Care for America's Returning Wounded Warriors is set to issue its final report. That happened. We have now had an opportunity to review it. I thank all of the Members of that Commission for their service and for all of the work they did in a short timeframe. Former Senator Bob Dole and Secretary Donna Shalala were great leaders on this issue for us and for our veterans and for our troops.

The passage of this bill is only the beginning of changes that we will make and must make for the health care and the benefit services offered to our veterans and offered through VA and DOD. I look forward to hearings on the panel's recommendations soon and to finalize the reading of the report. I now have it in hand. I am hopeful that with the passage of this legislation, which will soon be on its way to the President for signature, we in the Congress can focus on the recommendations of the Dole-Shalala panel.

With that, I again thank the chairman of the Veterans' Affairs Committee, Senator AKAKA, for his work and support in the production of title II of this bill. I also want to thank and compliment Senator McCAIN and Senator LEVIN and Senator WARNER for their work on title I, the Wounded Warrior legislation. I truly appreciate the coming together of these diverse but connected jurisdictions to show we can break down our walls and to once again demonstrate and encourage both the Department of Defense and VA to work in a progressive, seamless fashion for the benefit of our fighting men and women and for the benefit of those same men and women when they become veterans and the responsibility for them shifts to a different jurisdiction. It is important legislation and work of which we can be proud.

LIVESTOCK INDEMNITY PROGRAM PAYMENTS

Mr. THUNE. Mr. President, I rise today to highlight an important piece of legislation that was passed by the Senate last night. This legislation would fix a potentially devastating mistake in the agriculture disaster assistance legislation Congress passed last May.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Last May, Congress responded to the needs of America's producers by enacting more than $3 billion in emergency disaster assistance for farmers and ranchers who experienced losses in 2005, 2006, and early 2007.

This assistance includes payments for livestock losses under the Livestock Indemnity Program and compensation for grazing losses under the Livestock Compensation Program.

Last month, it was brought to my attention that as many as 90% of livestock producers will be ineligible for assistance due to an unintended technicality in the emergency supplemental bill. The USDA's Office of General Counsel is interpreting Section 9012 of the emergency supplemental bill in a very narrow manner. This section requires participation in the Non-Insured Crop Disaster Assistance Program—NAP—or Federal crop insurance pilot program during the year livestock disaster assistance is requested.

If disaster benefits are limited to only those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

While crop insurance is typically required for crop disaster assistance, similar requirements are highly unusual for livestock disaster assistance. In fact, NAP coverage has never been a prerequisite for livestock disaster assistance in previous emergency spending bills.

Only a small percentage of livestock producers have traditionally participated in the NAP program, because indemnity payments range from $1 to $2 per acre. Since NAP payments are so low, few grazing producers have participated. It is simply bad policy to exclude producers from disaster assistance who chose not to participate in an ineffective program.

Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. My legislation would strike Section 9012 of the 2007 emergency supplemental spending bill, and would ensure that livestock producers impacted by natural disasters receive assistance they deserve in a timely manner.

The USDA is currently preparing policy, procedure and software to implement disaster programs authorized under this legislation. USDA has promised to conduct signup and deliver financial assistance to our agriculture producers this fall. By the time these disaster dollars reach individual producers, many will have waited for over two years since first experiencing weather-related losses. Without this legislative fix, unacceptable disaster program implementation delays will occur.

I thank the cosponsors of this legislation who have made another strong stand for America's farm and ranch families. I also thank my colleagues in the Senate for recognizing the urgency of this situation and passing this bill by unanimous consent last night.

Cosponsors of the bill are: Senators NELSON of Nebraska, BAUCUS, TESTER, JOHNSON, CONRAD, HARKIN, LANDRIEU, BARRASSO, ENZI, HAGEL, DORGAN, and INHOFE.

I urge the House of Representatives to quickly pass my bill to ensure that livestock producers are able to qualify for the disaster assistance that was signed into law earlier this year.

NOMINATION OF LESLIE SOUTHWICK

Mr. DURBIN. Mr. President, I made remarks yesterday on the Senate floor about the nomination of Judge Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit.

Some of my Republican colleagues then came to the floor and made their own remarks about Judge Southwick. I would like to respond to some of their points and set the record straight.

First, I take issue with the way they described the procedural history of a case involving a White employee in Mississippi who was fired for calling an African-American colleague the "N" word. In this sharply divided 5- to 4-case, Judge Southwick joined the majority, and he voted to reinstate the White employee with full backpay and no punishment whatsoever.

Senator CORNYN came to the Senate floor and said that the Southwick majority "was ultimately upheld by the Mississippi Supreme Court in compliance with appropriate legal standards."

That statement does not accurately describe what actually happened.

Yes, the Mississippi Supreme Court said that termination was too Draconian a punishment, but it also said that the decision to reinstate the White employee with full backpay and with no punishment whatsoever—the decision that Judge Southwick signed onto—was erroneous.

Let me read the last three words of the Mississippi Supreme Court's opinion in this case so the record is clear. The three words are: "reversed and remanded."

The Mississippi Supreme Court concluded: "[W]e remand this matter back to the Employee Appeals Board for the imposition of a lesser penalty, or to make detailed findings on the record why no penalty should be imposed."

This conclusion is the same one reached by Judge Diaz, who dissented from Judge Southwick and the five-person majority at the appeals court level. Judge Diaz wrote: "I write separately to object to the EAB's failure to impose sanctions upon Bonnie Richmond for using a racial slur in describing another DHS employee. . . . This is not to say that the EAB should have followed the DHS's recommendations to terminate Richmond, but there is a strong presumption that some penalty should have been imposed."

That conclusion, which the Mississippi Supreme Court embraced, undermines Senator CORNYN's assertion that the Southwick majority "was ultimately upheld by the Mississippi Supreme Court."

The bottom line is that Judge Southwick voted to reinstate the White employee with complete impunity—with no punishment whatsoever. The Mississippi Supreme Court said: No, punishment should be considered.

Let me address another aspect of this case that was mentioned by a Republican colleague. In trying to minimize the significance of the case and defend Judge Southwick's position, this Senator stated that the White employee's use of the "N" word was "a one-time comment."

I would dispute that characterization. It is true that the Southwick majority referred to "this one use of a racial epithet." However, according to a letter from the State agency reprinted in the State supreme court opinion, there were at least two instances in which the White employee used the "N" word: once in front of the victim and once at a meeting where the victim was not present.

In addition, as set forth in the State supreme court opinion, the White employee testified that she didn't think her Black colleague would be offended by use of the "N" word because: "You know, I thought that we had used that terminology previously and Varrie [the black employee] didn't seem to have a problem with it, nor anyone else."

So it seems that the use of the "N" word was not an isolated comment in this workplace.

Senator CORNYN tried to defend Judge Southwick's vote in this case, and he said the following: "A judge has no choice but to vote. He voted for the result, for the outcome of the case, but I think it's unfair to attribute the writing of the opinion to Judge Southwick."

I disagree. As I noted yesterday, Judge Southwick had other options in this case. He could have written a concurrence. He could have written a dissent. He could have joined one of two different dissents that were written by other members of his court in this case. He did none of these things.

The "N" word case is not the only case in which Judge Southwick has demonstrated racial insensitivity. A coalition of four leading civil rights groups—the NAACP, the NAACP Legal Defense and Educational Fund, the National Urban League, and the Rainbow/PUSH Coalition—wrote a letter to the Senate Judiciary Committee and stated:

> We are also troubled by Judge Southwick's record in cases involving race discrimination in jury selection. . . . Generally, Southwick has upheld the rejection of claims by defendants that the prosecution was motivated by race discrimination in striking African Americans from juries. However, Southwick appears to have less difficulty finding race discrimination when the prosecution makes "reverse Batson" claims that defendants have struck white jurors for racial reasons.

The letter discusses several examples of this trend in Judge Southwick's track record.

Let me also say a little more about the case in which Judge Southwick voted to take away an 8-year-old girl from her lesbian mother.

What is troubling about this case is not only the result that Judge Southwick reached but also the fact that he was the only judge in the majority to sign onto a troubling concurring opinion that said sexual orientation is a choice and that losing a child in a custody battle is a consequence of that choice.

Judge Southwick is opposed by the Human Rights Campaign—a prominent gay rights organization—which has said the following about this nominee:

> No parent should face the loss of a child simply because of who they are. If he believes that losing a child is an acceptable

"consequence" of being gay, Judge Southwick cannot be given the responsibility to protect the basic rights of gay and lesbian Americans.

As I said yesterday, this nomination isn't just about the "N" word case and the gay custody case. Judge Southwick has a long track record of favoring employers and corporations over employees and consumers. There are two studies that bear this out: One was conducted by the Business and Industrial Political Education Committee, as reported by the Biloxi, Mississippi Sun Herald on March 24, 2004. The other study was undertaken by an organization called the Alliance for Justice and is available on their website.

I would make one final point. One of my Republican colleagues criticized me for opposing Judge Southwick for a seat on the Fifth Circuit while having voted for him last year to be a Federal district court judge.

It is true that Judge Southwick was voted out of the Senate Judiciary Committee last year by voice vote as part of a package of 10 judicial nominees. But we did not know about the "N" word case at that time. It is an unpublished decision and was not brought to our attention until this year.

In any event, the reality is that our circuit courts are more crucial to the protection of our rights and liberties than our district courts. Because the U.S. Supreme Court takes so few cases, the circuit courts of appeal are the final word in 99 percent of Federal cases that are appealed. That is why most of the judicial nomination battles of the past few years have involved circuit court nominees, not district court nominees.

I know the Senators from Mississippi, and others, feel strongly that Judge Southwick should be confirmed. I respect their beliefs, and I have listened to their arguments. But I hope they will recognize the controversy surrounding this nomination and encourage the White House to put forward a different nominee—someone who can gain bipartisan support in the Senate Judiciary Committee.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the second set of budget scorekeeping reports for the 2008 budget resolution. The reports, which cover fiscal years 2007 and 2008, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 24, 2007, and includes legislation that was enacted and or cleared for the President's signature since I filed my first report last month. The new legislation includes: Public Law 110-42, an act to extend the authorities of the Andean Trade Preference Act until February 29, 2008; Public Law 110-48, a bill to provide for the extension of transitional medical assistance, TMA, and the abstinence education program through the end of fiscal year 2007, and for other purposes; and H.J. Res. 44; pending Presidential action, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes. The estimates of budget authority, outlays, and revenues used in the reports are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

For 2007, the estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. For 2008, the estimates show that current level spending is below the budget resolution by $928.1 billion for budget authority and $586.7 billion for outlays while current level revenues exceed the budget resolution level by $34.6 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC 20510

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110-42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110-48).

The effects of those actions are detailed on Table 2.

Sincerely,
ROBERT A. SUNSHINE,
For Peter R. Orszag, Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under (-) Resolution
ON-BUDGET			
Budget Authority	2,255.6	2,255.6	0.0
Outlays	2,268.6	2,268.6	0.0
Revenues	1,900.3	1,904.5	4.2
OFF-BUDGET			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

SOURCE: Congressional Budget Office.

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110-28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues			
Permanents and other spending legislation	n.a.	n.a.	1,904,706
Appropriation legislation	1,347,423	1,297,059	n.a.
	1,480,453	1,543,072	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706
Enacted this session:			
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) 1/	−794	9	−166
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−24
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	12	3	0
Total, enacted this session	−782	12	−190
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level 1, 2/	2,255,557	2,268,636	1,904,516
Total Budget Resolution	2,376,360	2,299,752	1,900,340
Adjustment to the budget resolution for emergency requirements 3/	−120,803	−31,116	0
Adjusted Budget Resolution	2,255,557	2,268,636	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,176
Current Level Under Adjusted Budget Resolution	0	0	n.a.

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	120,803	31,116	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.
Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110–42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110–48).

In addition, the Congress has cleared for the President's signature a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44).

The effects of those actions are detailed on Table 2.

Sincerely,

PETER R. ORSZAG,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under(−) Resolution
ON-BUDGET			
Budget Authority	2,350.3	1,422.2	−928.1
Outlays	2,353.9	1,767.2	−586.7
Revenues	2,015.8	2,050.4	34.6
OFF-BUDGET			
Social Security Outlays [3]	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

SOURCE: Congressional Budget Office.

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $0.6 billion in budget authority and $48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed $145.2 billion in budget authority and $65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,351,590	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous session	834,480	1,195,817	2,050,796
Enacted this session:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−41

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	96	99	0
Total, enacted this session	97	141	−376
Passed, pending signature:			
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44, Pending Signature)	0	0	−2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	587,601	571,260	0
Total Current Level I,[2]	1,422,178	1,767,218	2,050,418
Total Budget Resolution	2,496,053	2,468,314	2,015,841
Adjustment to the budget resolution for emergency requirements[3]	−605	−48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E)[4]	−145,162	65,754	n.a.
Adjusted Budget Resolution	2,350,286	2,353,921	2,015,841
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,577
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget Authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	605	48,639	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(t), assumed $605 million in budget authority and $48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Section 207(c)(2)(E) of S. Con Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

TREASURY CONFERENCE

Mr. SMITH. Mr. President, I rise today to commend Treasury Secretary Paulson and his staff at the Treasury Department for convening the Treasury Conference on Business Taxation and Global Taxation. The purpose of this conference is to examine ways our current business tax system affects economic growth, job creation, and competitiveness. This is a very important issue that requires our immediate attention.

Today American companies compete in a global market. In the 1960s, trade in goods to and from the United States represented just over 6 percent of GDP. Today, it represents over 20 percent of GDP, a threefold increase. The U.S. role in the global economy also is quite different. Forty years ago, the United States was dominant, accounting for over half of all multinational investment in the world. Yet, today the United States economy represents 20 percent of global GDP.

However, our Tax Code has not kept up with the globalization of the U.S. economy. The rules are outdated and penalize U.S. economic interests by hindering American businesses' ability to effectively compete in our global economy.

The most significant demonstration of our Tax Code's inadequacies is the corporate tax rate. As Treasury stated in its conference materials, since 1980, the United States has gone from a high corporate tax-rate country to a low-rate country and back again to a high-rate country today. According to research done by the Tax Foundation, the United States has the second highest corporate tax rate in the OECD. The only country with a higher corporate tax rate is Japan. The U.S. corporate tax rate is higher than the rate in all European Union countries.

Furthermore, the United States is one of only two OECD countries that has not reduced rates since 1994—and one of only six OECD countries that have not reduced rates since 2000. According to KPMG, the average corporate tax rate in the European Union has fallen from 38 percent in 1996 to 24 percent in 2007. The United States has an average corporate tax rate of about 39 percent, including State level corporate taxes. The U.S. rate has not dropped recently. In fact, the last time Congress acted on the corporate tax rate, we actually raised it.

According to a recent Treasury study, a country with a tax rate 1 percentage point lower than another country's attracts 3 percent more capital. Therefore, this international trend of lower corporate tax rates is not surprising, and it is critical that the United States follow suit.

A high corporate tax rate is not good for American businesses—or our economy. A high rate deters corporate investment in the United States. It also incentivizes companies to shift their profits to lower tax jurisdictions. To attract businesses and profits to America, we need to lower our corporate tax rate.

This fall I plan to introduce legislation that will lower our corporate tax rate. I look forward to working with the administration and Congress in enacting this important reform. And I once again applaud the Treasury Department for examining our broken corporate tax code.

HONORING OUR ARMED FORCES

SERGEANT JOHN R. MASSEY

Mrs. LINCOLN. Mr. President, Arkansas lost another great young patriot last week when Sergeant John R. Massey of Judsonia, AR, died from combat wounds after an improvised explosive device detonated near his vehicle in Baghdad. Sergeant Massey was a member of the Arkansas National Guard's C Battery, 2nd Battalion, 142nd Fires Brigade based in Ozark, AR.

Sergeant Massey was remembered by friends and family as a good father who enjoyed playing with his kids, spending time with his family, and riding his Harley-Davidson motorcycle. Major General William D. Wofford also shared stories about Sergeant Massey's dedication to serve. According to the Arkansas Democrat Gazette, Wofford had been told by Sergeant Massey's father that he had always wanted to be in the military and that "this is the way John would have wanted to go out—as a soldier." A fellow soldier noted, "All you needed to tell him was when and where, and it would be done." In fact, Wofford recalled once asking Massey if he would like to give up his spot manning a .50 caliber machine gun in the turrets of his armored patrol vehicle. According to Wofford, Sergeant Massey said, "You can order me out of the turret . . . That's the only way I'm leaving." When it was all said and done, Major General Wofford said that "Sergeant. Massey stayed in the turret until the very end."

Sergeant Massey was posthumously awarded the Bronze Star and Purple Heart, as well as the Arkansas Distinguished Service Medal. He is survived by his wife Amanda "Mandy" Massey; two daughters, Monica and Emily; son

Joseph; mother Deborah Massey; and father Ray Massey; as well as other relatives and friends.

SPECIALIST ROBERT D. VARGA

Mr. President, I also rise to recognize SPC Robert D. Varga of Monroe City, MO, who died on July 15, 2007, from noncombat related injuries in Baghdad. Rob and his wife, Ellie Madder Stone, called Little Rock, AR, home and were married last year on September 5, 2006.

According to Specialist Varga's mother, Cecilia Varga, he was in the Army to serve his country and further his education. He came from a military family: his father served in Vietnam, grandfather served in World War II, and two brothers-in-law served in Iraq. Specialist Varga joined the Army in 2003 and was originally deployed as a cook with the Headquarters and Headquarters Detachment, 759th Military Police Battalion. After his first deployment, he switched duties and trained with the military police. He was then assigned to the 984th Military Police Company in October 2005.

He received many military honors, including the Combat Action Badge, Army Commendation Medal, Army Good Conduct Medal, Iraq Campaign Medal, Global War on Terror Service Medal, Army Service Medal, Army Service Ribbon, and National Defense Service Medal.

Family members remembered him for his outgoing personality and his love of cooking and drawing. He is survived by his wife Ellie; his father and mother, Frank and Cecilia Varga; sisters Pamela Poelker, Carey Noland, and Amanda Reimann; paternal grandmother, Marge Varga; maternal grandparents, Glen and Charlotte Little, as well as numerous nephews and nieces.

THE CYPRIOT PEACE PROCESS

Mr. BIDEN. Mr. President, 1 year ago this month, the United Nations Under Secretary-General for Political Affairs, Ibrahim Gambari, presided over a joint meeting between the President of the Republic of Cyprus, Tassos Papadopoulos, and the head of the Turkish Cypriot community, Mehmet Ali Talat. Their discussions reaffirmed a commitment by both sides to forge a lasting peace on Cyprus and push forward with talks to that end.

In the months since that meeting, the Cypriot peace process has stagnated. The talks that both sides agreed to never took place, and petty disputes over bureaucratic issues have stymied progress on substantive negotiations. Simply put, the people of Cyprus deserve better.

A generation of Cypriots has now grown to adulthood estranged from their peaceful shared history and their promising shared destiny. I believe we must correct this wrong before others on the island endure a similar fate. Unless the peace process begins to move at a much faster pace, that may not happen.

In the last few days, there have been some signs of progress but also troubling indications that the paralysis of the past year might continue. President Papadopoulos invited Mr. Talat to discuss the peace process, a significant step in the right direction. However, Mr. Talat—after first accepting the invitation—later claimed that it was not the right time for a meeting. I sincerely hope he will change his view and that the resulting discussions will yield real results. Neither side can afford to engage in another round of foot-dragging. I do not want to look back in a year on another anniversary of missed opportunities.

Since 2003, there have been millions of peaceful crossings at the Green Line that segregates the island's two communities. Cypriots of all ethnicities have clearly demonstrated their ability to coexist. It is time for political leaders to bring their policies in line with the actions of their people. As part of that process, Turkey should begin the withdrawal of troops from Cyprus. The presence of these forces is neither justified nor necessary and complicates efforts to return the island to a state of lasting peace.

Mr. President, as I have said before, the reunification of Cyprus will have significance far beyond the Mediterranean. The island could serve as an example of how different ethnic groups can overcome past wrongs, bridge differences, and live together as neighbors. I am confident that future generations of Cypriots can serve as such a model and, in doing so, enjoy the peace that they rightly deserve. I hope that their political leaders will move quickly to afford them that opportunity.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. ENZI. Mr. President, I rise to remember my dear friend and colleague, Senator Craig Thomas. Craig was a champion for Wyoming, the West, and its values. Every year, for the last several years, Craig championed a resolution honoring the American cowboy. A true cowboy in his own right, Craig sought to honor those who serve as stewards of the land, embody the courageous and daring spirit of the West, and uphold the values of freedom and responsibility that we all cherish.

I was proud to support my friend in this endeavor over the years to honor these great individuals, and today, I am pleased the President has also stated his support for the National Day of the American Cowboy. As cowboys, cowgirls, family, and friends gather on July 28, 2007, to celebrate at Cheyenne Frontier Days and nationwide, I extend my best wishes to all.

FDA LEGISLATION

Mr. GRASSLEY. Mr. President, I am here today to speak about S. 1082, the Food and Drug Administration Revitalization Act, and H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

The Senate passed S. 1082 in May and the House passed H.R. 2900 earlier this month. As the House and Senate go into conference and work to resolve differences between these two bills, I urge my colleagues to keep in mind the public's interest.

Both bills contain provisions that attempt to address some of the problems that have been plaguing the FDA over the past 3 years. Some of these issues are better addressed by the Senate bill and others by the House bill.

I am going to spend the next few minutes to comment on what the bills don't do and point out some of the provisions that I believe are important to improving drug safety at the FDA that will benefit all Americans.

Two months ago, I offered amendment No. 1039 to S. 1082, because I believed—and still believe—that S. 1082 does not address a fundamental problem at the Food and Drug Administration—the lack of equality between the preapproval and postapproval offices of the agency, the Office of New Drugs and the Office of Surveillance and Epidemiology, respectively. The Office of New Drugs approves drugs for the market, while the Office of Surveillance and Epidemiology monitors and assesses the safety of the drugs once they are on the market.

My amendment was intended to curb delays in FDA actions when it comes to safety.

The Institute of Medicine recognized the imbalance between the Office of New Drugs and the Office of Surveillance and Epidemiology and recommended joint authority between these two offices for postapproval regulatory actions related to safety. My amendment did just that.

While I believe an independent postmarketing safety center is still the best solution to the problem, joint postmarketing decisionmaking between the Office of Surveillance and Epidemiology and the Office of New Drugs at least would allow the office with the postmarketing safety expertise to have a say in what drug safety actions the FDA would take.

Unfortunately, this amendment lost by one vote. But the fact that it lost by such a narrow margin demonstrates that many of my Senate colleagues also recognize the seriousness of this problem and believe action by Congress is necessary.

I have seen time and time again in my investigations that serious safety problems that emerge after a drug is on the market do not necessarily get prompt attention from the Office of New Drugs, the office that approves drugs to go on the market in the first place. We saw this with Vioxx and more recently with the diabetes drug Avandia.

FDA has disregarded and downplayed important concerns and warnings from its own best scientists. We saw evidence of that in the way FDA treated Dr. Andrew Mosholder's findings on antidepressants and Dr. David Graham's findings on Vioxx. The FDA even attempted to undermine the publication of Dr. Graham's findings in the journal Lancet.

My current review of FDA's handling of Avandia has unearthed concerns similar to those we have seen in the past—a situation where FDA ignored its own postmarketing safety experts and once again left the public in the dark regarding potential, serious health risks.

Not only did the FDA disregard the concerns and recommendations from the office responsible for postmarketing surveillance, but I have found that it also attempted to suppress scientific dissent.

As I have said many times before, FDA employees dedicated to postmarketing drug safety should be able to express their opinions in writing and independently without fear of retaliation, reprimand, or reprisal. But in the past 2 months, I have had to write to the FDA regarding the suppression of dissent from not one but two FDA officials involved in the review of Avandia.

Last month, I expressed concerns about FDA's treatment of the former Deputy Director of the Division of Drug Risk Evaluation. I urged the Commissioner to take appropriate corrective actions. That deputy director had been verbally reprimanded because she signed off on a recommendation that a black box warning be placed on Avandia for congestive heart failure.

This week, I wrote to the Commissioner about a senior medical officer in the Office of New Drugs who was removed from the review of potential cardiovascular safety problems associated with Avandia. This medical officer also believed that there was enough evidence to support a black box warning on Avandia regarding congestive heart failure. But I guess that FDA management just did not want to hear about drug safety problems—again.

Of the two bills up for discussion, neither the Senate nor the House version will give postmarketing surveillance the equal footing it deserves with drug approval. But I appreciate the attempt by my colleagues in the House to provide some transparency in FDA's postmarketing drug safety system. Transparency is the key to accountability. In particular, I welcome the provision in H.R. 2900 that would require FDA to report to Congress on drug safety recommendations received in consultation with, as well as the reports from, the Office of Surveillance and Epidemiology. If FDA does not act on a recommendation from the Office of Surveillance and Epidemiology or it takes a different action, the agency would be required to provide its justification to Congress.

In its report released last fall, the Institute of Medicine called for specific safety-related performance goals in the Prescription Drug User Fee Act, PDUFA, of 2007 to restore balance between speeding access to drugs and ensuring their safety.

I have heard from FDA employees that because of the PDUFA deadlines, the staff in the Office of New Drugs is under tremendous time pressure to approve new drugs quickly, so safety concerns often needed to be "fit in" wherever they could. This reinforces a point I have frequently made in the past—the Office of New Drugs doesn't give postmarketing drug safety the attention or priority it deserves.

The House bill attempts to address this, in part, by requiring that postmarketing safety performance measures be developed that are "as measurable and rigorous as the ones already developed for premarket review."

S. 1082 requires that the Secretary assess and implement the risk evaluation and management strategies in consultation with the Office of New Drugs and the Office of Surveillance and Epidemiology. It also calls for a report to Congress on the assessment of that coordination.

The requirement that these two offices be consulted doesn't necessarily change the status quo. The Office of Surveillance and Epidemiology is still just a consultant to the Office of New Drugs, and the Office of New Drugs decides—and will continue to decide—what, if any, action will be taken to address a safety issue. But I hope that requiring that the office responsible for postmarketing surveillance be at the table would encourage FDA to better define the role of this office on drug safety matters and give this office a greater voice, albeit a limited one.

Last fall, the Government Accountability Office reported that the Office of New Drugs typically sets the agenda and chooses the presenters at FDA's scientific advisory meetings. The GAO recommended that the role of the Office of Surveillance and Epidemiology be clarified. After all, this office is the expert on postmarketing safety matters.

This week, Senator BAUCUS and I sent a letter to the FDA to express concerns regarding an upcoming advisory committee meeting on Avandia. As usual, the Office of New Drugs is setting the agenda here. We pointed out to the FDA that it doesn't make sense that it is the drug approval office and not the postmarketing safety office that controls the advisory committee meeting convened for the purpose of discussing postmarketing safety matters.

In addition to the provisions I have mentioned so far, both the Senate and House bills would give FDA the much needed authorities to require labeling changes and postapproval studies; however, the House bill includes additional provisions outside of the risk evaluation and management strategy process that is established under both bills.

The House bill specifically enables the Secretary to initiate action on drug labeling and postapproval studies. For example, outside of the risk evaluation and management strategy process, the Secretary may require a manufacturer to conduct postapproval research to assess or identify potential health risks.

Another provision that would improve transparency at the FDA is a provision in the Senate bill that requires FDA to post on its Web site, the "action package" for the approval of a new drug within 30 days of approval. That action package would contain any document generated by the FDA related to the review of the drug application, including a summary review of all conclusions and, among other things, any disagreements and how they were resolved.

Further, in light of the many allegations that FDA safety reviewers are sometimes coerced into changing their scientific findings, I believe it is critical that the following provision in S. 1082 survives the legislative conference process—the provision that states that a scientific review of a drug application must not be changed by FDA managers or the reviewer once it is final.

S. 1082 also requires FDA to seek outside expert opinions on drug safety questions at least two times a year from its Drug Safety and Risk Management Advisory Committee and other advisory committees.

Another important provision in S. 1082 is a requirement that FDA establish and make publicly available clear, written policies on the review and clearance of scientific publications by FDA employees.

Some of the stronger provisions regarding the expansion of the clinical trial registry come from the House bill. While both bills address clinical trial registration, the House bill adopts a much broader definition of applicable clinical trials. "Thus, information about many more trials would be made publicly available through the Internet under the House bill."

Clinical trial registries serve an important function—they foster transparency and accountability in health-related research and development by ensuring that the scientific and medical communities and the general public have access to basic information about clinical trials. Mandatory posting of clinical trial information would help prevent companies from withholding clinically important information about their products.

I have heard from some scientists that they can't disclose the findings of their studies because the data belongs to the manufacturer. It is up to the manufacturer to decide if and when the results would be published, and those results don't always see the light of day.

But scientists need access to all of the evidence to conduct a full and independent review of a product's safety. However, we know that relevant data are not always made available for further review by independent scientists. While the House bill does not require manufacturers to share its data with other scientists, it does require the sponsor of a study to report whether or not agreements were made restricting individuals from discussing or publishing trial results.

In addition, for FDA's new authorities to be effective, there has to be strong civil monetary penalties. In May, I also offered amendment No. 998 to S. 1082. That amendment passed.

Amendment No. 998 provides for the application of stronger civil monetary penalties for violations of approved risk evaluation and mitigation strategies.

While significant monetary penalties may be imposed under the House bill for continuous violations, the minimum penalty for a violation under the Senate bill would be higher because of my amendment. We need to make sure that we're giving FDA, the watchdog, some bite to go with the bark. If monetary penalties are nothing more than the cost of doing business, you won't change behavior. More importantly, you can't deter intentional bad behavior.

In closing, I would like to thank Senators KENNEDY and ENZI and Congressmen DINGELL and BARTON for their tremendous efforts on these bills. We have an opportunity to reform, improve, and reestablish the FDA as the gold standard for drug safety. If Congress is going to make meaningful changes to the FDA to increase transparency and accountability, it is critical that the provisions I have discussed today make it into the bill that comes out of conference. To do less would deny the American people safer drugs when they reach into their medicine cabinets.

HONORING THE PRESIDENT OF THE REPUBLIC OF CYPRUS

Mr. BAYH. Mr. President, I believe that Members of the Senate and House of Representatives will be pleased that two of our distinguished former colleagues were this month honored by President of the Republic of Cyprus, Tassos Papadopoulos.

In ceremonies on July 3 at the Presidential Palace in Nicosia, the capital of Cyprus, President Papadopoulos bestowed on Senator Sarbanes and Congressman Brademas the Grand Cross of the Order of Makarios III.

John Brademas, who served for 22 years as Representative in Congress from the District centered in South Bend, IN, was author or coauthor of much of the legislation enacted during those years in support of schools, colleges, and universities; libraries and museums; the arts and the humanities. In his last 4 years, he was Majority Whip of the House of Representatives.

Paul Sarbanes served in the House of Representatives for 6 years and the Senate for 30 years. As chair of the Senate Committee on Banking and Urban Affairs, he was principal author of the Sarbanes-Oxley Act of 2002, to ensure integrity in corporate governance.

Both John Brademas and Paul Sarbanes were Rhodes scholars and so studied at Oxford University, from which both earned degrees. John Brademas also graduated from Harvard University and Paul Sarbanes from Princeton University and the Harvard Law School.

John Brademas was the first native-born American of Greek descent elected to Congress, House or Senate; Paul Sarbanes was the first Greek-American elected to the Senate. I note that his son, JOHN SARBANES, was last November in Maryland elected to Paul's former seat in the House of Representatives.

While in Nicosia, both former Senator Sarbanes and former Congressman Brademas also visited the HSPH-Cyprus International Initiative for the Environment and Public Health, a program associated with the Harvard School of Public Health.

At this point in the RECORD, I ask unanimous consent that the remarks of President Papadopoulos of the Republic of Cyprus at the Presidential Palace, Nicosia, Cyprus, on July 3, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT TASSOS PAPADOPOULOS OF THE REPUBLIC OF CYPRUS

Senator Sarbanes; Congressman Brademas; Your Eminence, Archbishop Chrysostomos; Your Eminence, Archbishop Demetrios; Ambassador Schlicher; distinguished friends and guests,

It gives me great pleasure to welcome you tonight at the Presidential Palace in order to pay tribute to two long-standing and unwavering supporters of the people of the whole of Cyprus, Senator Paul Sarbanes and Congressman John Brademas.

I have had the privilege of knowing both these distinguished gentlemen for many years and I consider them to be among the most ardent, tireless and unflinching supporters for the just cause of Cyprus in the United States.

Senator Sarbanes and Congressman Brademas ably represented the people in their respective constituencies for decades, as well as successfully advancing the aspirations and objectives of the Hellenic American Community. I can think of no other two people who have done more for the nurturing of closer bonds between the people of Cyprus and the United States of America. I have always held the view and have declared on several public occasions that the first loyalty of Americans of Greek origin is to their host country, the United States of America. When, however, the best interests of the United States and the rules of international law and practice are not incompatible with the special interests of Greece and of Cyprus, we hope and expect that they will lean towards and publicly remember their ethnic roots. Both gentlemen have admirably honoured these principles.

For all these reasons, the Government of the Republic of Cyprus has decided to pay tribute to their life-long commitment to the Rule of Law, "justice for Cyprus", for the condemnation of the Turkish invasion of Cyprus, for the end of the occupation of Cyprus soil by Turkish troops, for the end of the massive violations of human rights in Cyprus by Turkey and for promoting a just, functional and lasting solution to the Cyprus issue.

JOHN BRADEMAS

John Brademas was born in Mishawaka, Indiana, of Greek parentage. He was elected to the United States Congress in 1958 as a Representative of Indiana's Third District, thus becoming the first U.S.-born Greek-American to be elected to the United States Congress and paving the way for, among others, Paul Sarbanes, Paul Tsongas and Mike Bilirakis.

He represented his district for twenty-two years (1959–1981), the last four as Majority Whip for the Democratic Party. Upon leaving Congress, Dr. Brademas served as President of New York University from 1981 to 1992 and has since been President Emeritus. He has been integral in establishing a close-knit relationship between Cyprus and New York University, examples of which are the current excavations in Yeronisos under Professor Joan Connelly and the Cyprus Global Professorship on History and Theory of Justice, which I will have the honour of inaugurating in September.

PAUL SARBANES

Paul Sarbanes was born in Salisbury, Maryland, of Greek parents. After serving in the Maryland House of Delegates for four years, he was elected to the United States Congress in 1970 and served in the House of Representatives for six years.

In 1976 he was elected to the United States Senate for the State of Maryland and was re-elected four more times, serving for a total of thirty years, before retiring this January. As Chair of the Senate Banking and Urban Affairs Committee in 2001–02, he was the main architect of the 2002 Sarbanes-Oxley Act, which effectuated one of the most significant changes to United States Securities laws in over 70 years.

As impressive as their domestic record, it is the steadfast support for the just cause of Cyprus of Senator Sarbanes and Congressman Brademas which brings us here today.

Immediately after the Turkish invasion of 1974, John Brademas and Paul Sarbanes, with the help of the late Congressman Benjamin Rosenthal of New York and Senator Thomas Eagleton of Missouri, who recently passed away, led the successful effort of enforcing an arms embargo against Turkey. As Dr. Brademas put it himself, Paul Sarbanes and he were not the Greek lobby, but the "rule of law lobby".

This last notion forms the cornerstone of their support towards Cyprus. Both men have for many years advocated for a just solution to the Cyprus problem, not only because it is a Hellenic issue, but because it is essentially a rule of law and human rights issue, under United States law. Only a solution based on the relevant Security Council Resolutions and in accordance with the principles of international law, as well as the Acquis Communautaire of the European Union, can secure a permanent, viable and stable solution, which will benefit all Cypriots. Such a solution, which is not tailormade for the satisfaction of outside parties, will enhance the stability of the Eastern Mediterranean and is conducive to the interests of the United States.

THE RULE OF LAW

John Brademas and Paul Sarbanes consistently advanced the cause of Cyprus throughout their political careers. In so doing, they have been the embodiment of values cherished by America, such as the rule of law, respect for human rights and democratic governance, which are, alas, all too often swept aside for reasons of political expedience.

Tonight's honourees, have been exceptional leaders of the Greek-American Community. I would be remiss if I did not dedicate a few words towards the Hellenic diaspora in the United States. The President of the Cyprus Federation of America, Mr. Peter Papanicolaou, is amongst us today, so I take this opportunity to convey through him the sincere appreciation of the Cypriot people for the Community's tireless support and to urge you, dear Peter, to continue with your efforts until Cyprus is free and freely reunified, in its territory, society, institutions and economy.

I would also like to welcome again to Cyprus the spiritual leader of the community, His Eminence, Archbishop Demetrios, and to thank him for his efforts to stop the pillage and destruction of Cyprus' religious and cultural heritage in the occupied area.

Before I conclude my remarks, I wish to once again express the heartfelt gratitude and appreciation of the Government and people of Cyprus to Paul Sarbanes and John Brademas for their unwavering commitment, all these years, and to wish them the best of luck for all their future endeavors.

Mr. BAYH. Mr. President, at this point in the RECORD, I ask unanimous consent that the remarks of former Congressman Brademas on this occasion be printed in the RECORD. Senator Sarbanes responded extemporaneously on this occasion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF DR. JOHN BRADEMAS PRESIDENT EMERITUS, NEW YORK UNIVERSITY AND FORMER MEMBER, INDIANA, 1959–1981, UNITED STATES HOUSE OF REPRESENTATIVES

President Papadopoulos; Your Eminence, Archbishop Chrysostomos; Your Eminence, Archbishop Demetrios; Ambassador Schlicher; distinguished guests and friends all, I want to express to you, Mr. President, my deepest appreciation for the high honor that you do my colleague and valued friend, Senator Paul Sarbanes, and me with the award of the Grand Cross of the Order of Makarios III.

I want to recognize as well Dr. Phillip Mitsis, Alexander S. Onassis Professor of Hellenic Culture and Civilization and Professor of Classics at New York University, and his wife, Sophia Kalantzakos, a Member of the Parliament of Greece.

Let me here also thank the distinguished Ambassador of the United States to the Republic of Cyprus, His Excellency, Ronald L. Schlicher, for having this week so graciously received Senator and Mrs. Sarbanes, my wife and me.

It was nearly one year ago, on September 8, 2006, that I had the privilege of welcoming to New York University the distinguished President of the Republic of Cyprus, His Excellency, Tassos Papadopoulos, and now I am pleased to be in the country he so faithfully serves as leader.

I hope, Mr. President, and ladies and gentlemen, you will allow me a few words to say why this honor is so meaningful to me.

As most of you know, I am the first native-born American of Greek origin elected to the Congress of the United States—my late father was born in Kalamata.

I was for 22 years a Member of the House of Representatives, from the State of Indiana.

In Congress, I was a member of the committee with responsibility for education legislation and so helped write all the laws enacted during those two decades and two years to support schools, colleges and universities; libraries and museums; the arts and the humanities. And in my last four years, I served as the Majority Whip of the House of Representatives, part of the Leadership of the Democratic Party.

In 1981 I became president of New York University or, as we call it, NYU, the largest private university in my country. I am now president emeritus.

SENATOR PAUL SARBANES

I am so pleased that my distinguished friend, United States Senator Paul Sarbanes of Maryland, is here with his lovely wife, Christine, and am, of course, delighted that my brilliant and beautiful physician wife, Mary Ellen, has joined me for this ceremony.

And I want to thank my dear cousin, Anna Bredima-Savopoulou, Counsel for the Union of Greek Shipowners, for having flown here from Athens to be on hand for this ceremony. I am very proud of Anna's accomplishments.

Paul Sarbanes, as you know, for many years a leading member of the United States Senate and, indeed, the first Greek-American elected to the Senate, and a valued ally in the struggle for justice for Cyprus, is someone I have often described as "a modern Pericles".

I am delighted that Paul's son, John Sarbanes, was last November elected to represent Paul's former constituency in the House of Representatives even as I'm pleased to say that only a few weeks ago, Michael Sarbanes, another son of Paul and Christine, has announced his candidacy for the presidency of the City Council of Baltimore. Obviously, politics runs in the Sarbanes family!

I'm glad, too, to welcome some other friends from my days in Washington, including the distinguished former Ambassador of Cyprus to the United States, Andreas Jacovides, and his wife, Pamela, as well as two great champions of the Hellenic cause in my country and, indeed, the world, Andrew Athens and Andrew Manatos.

I'm pleased also that two vigorous voices of the Cypriot community in the United States are here today, Phillip Christopher and Panicos Papanicolaou.

I'm glad as well to greet a colleague from New York University, an outstanding scholar, Professor Joan Breton Connelly, leader of the excavation of Yeronisos Island and of an international team there. Professor Connelly has just published a magnificent book, Portrait of a Priestess: Women and Ritual in Ancient Greece, which has won splendid reviews in the New York Times and New York Review of Books.

And I must salute that eminent archaeologist, Professor Vassos Karageorghis, director of the Anastasios G. Leventis Foundation.

LINKS WITH CYPRUS

I have still other links with Cyprus.

I serve on the international advisory counsel of The Pharos Trust, that splendid chamber of cultural activity in Cyprus, led by Garo Keheyan. And as a graduate of Harvard University, I'm pleased also to serve on the Executive Council of the Cyprus International Initiative for the Environment and Public Health—Harvard School of Public Health. And as I'm recalling connections, I'm glad again to see a respected Cypriot businessman, George Paraskevaides, and his wife, Thelma.

Tonight I recall that it was nearly ten years ago in June of 1998, that I had the privilege of visiting the University of Cyprus and being received by its distinguished Rector, Professor Dr. Miltiades Chacholiades, and of addressing members of the Cyprus Chamber of Commerce & Industry and Cyprus American Business Association.

Of course, particularly meaningful, all the more so in light of the decoration Paul Sarbanes and I are today receiving, is the trip Paul and I made in August 1977 when we came here for the funeral of the great leader of the Cypriot people, His Eminence, Archbishop Makarios.

The connection, however, with Cyprus of which some of you may be most aware is the one of which I shall say a few words now.

In 1967, when a group of Greek colonels overthrew young King Constantine of Greece, I, the only Greek-American in Congress, sharply attacked the coup. I refused to visit Greece or go to the Greek Embassy in Washington and I publicly opposed U.S. military aid to Greece, arguing that as Greece was a member of NATO, which championed freedom, democracy and the rule of law, none of which values the Greek military junta supported, the United States should not be sending them arms.

TURKISH INVASION OF CYPRUS

In July 1974, the junta attempted to overthrow Archbishop Makarios, President of Cyprus, an action that brought the downfall of the colonels but also triggered two invasions of Cyprus by Turkish armed forces, forces equipped with weapons supplied by the United States, a legal "No-No".

So I led a group of several Members of the House of Representatives, including then Representative Sarbanes, to call on the Secretary of State, Henry Kissinger, and we told him that as American law mandated an immediate halt to further shipment of arms to any country using American weapons for other than defensive purposes, he should enforce the law and impose an embargo on further U.S. arms to Turkey.

As this was the same week that Richard Nixon resigned the presidency, I reminded Secretary Kissinger that the reason Mr. Nixon was on his way in exile to California was that he had not respected the laws of the land or the Constitution of the United States.

"You should do so," I told Kissinger.

He and the new President, Gerald R. Ford, refused to enforce the law, and, therefore, we in Congress did.

I remind you that the United States has a separation-of-powers constitutional system, not a parliamentary system! So in 1974, Congress voted an embargo on sending further American weapons to Turkey. As I have from time to time heard criticisms, in respect of the role of "the Greek lobby" in Congress, I observe that when we voted the embargo on further U.S. arms to Turkey, there were only five of us of Greek origin in Congress, all in the House of Representatives: John

Brademas, Paul Sarbanes, Peter Kyros, Gus Yatron—all Democrats, all of whom supported the embargo—and one Republican, Skip Bafalis, who voted against it. There were at that time no Americans of Greek descent in the Senate.

Accordingly, this so-called "Greek lobby" was effective because of the validity of our arguments and, if I may say so, of our work to generate support for our position not only among Greek-Americans across the country but among other Americans who shared our views.

"THE RULE OF LAW LOBBY"

We were "The Rule of Law Lobby"!

I shall not here take time to review with you my subsequent experience when President Jimmy Carter, to my distress, as I generally supported his Administration, called on Congress to support lifting the embargo on Turkey despite the fact that there had been no action to resolve the Cyprus question.

Here I must pay tribute to my friend of many years, Costa Carras, founder in London of "Friends of Cyprus" who has continued to call attention to the issue that concerns us all—justice for Cyprus. In my view, finding a just resolution for Cyprus is an indispensable requirement as the European Union considers the application for membership of Turkey even as I believe there are other commitments Turkey must make if it wishes to join the EU.

First, of course, is that Turkey comply with the so-called Copenhagen criteria, which include respect for minorities, respect for human rights, respect for decent treatment of peoples.

Certainly it is not rational that a European Union member-state militarily occupy another EU member-state, and Cyprus is now a member of the European Union.

As today there are over 40,000 Turkish armed forces in Cyprus, their continued presence, if Turkey were in the European Union, would be an offense to common sense.

I add that there are an estimated 160,000 Turkish settlers in northern Cyprus while there are only 100,000 Turkish Cypriots!

A second point: It is also unreasonable for one member of the European Union to refuse to give diplomatic recognition to the existence of another member, and as we all know, Turkey has refused to recognize the Republic of Cyprus.

So these then are two of the conditions—removal of Turkish troops and diplomatic recognition of Cyprus—that it seems to me must be met by the Government of Turkey as it seeks to join the European Union and take advantage of the benefits of such membership.

If a just settlement on Cyprus is one issue related to Turkey's desire to join the European Union, there is another of which I shall say a word.

ATTACKS ON ECUMENICAL PATRIARCHATE

Three years ago, His Eminence, Archbishop Demetrios, Primate of the Greek Orthodox Church in America, testified on Capitol Hill before the United States Helsinki Commission. His Eminence and religious leaders of other traditions voiced their concern about the systematic efforts on the part of Turkey to undermine the Orthodox Church and the Ecumenical Patriarchate.

I cite, by way of example, the expropriation by Turkish authorities of properties of Christian Orthodox communities, the refusal by the Turkish Government to accord recognition as a legal entity to the Ecumenical Patriarchate, the shutdown of the Halki School of Theology and other attacks on religious minorities—Greek Orthodox, Armenian Orthodox, Roman Catholics, Jews.

For an impressive analysis of Turkish persecution of religious minorities, I refer you to the report issued only in May of this year by the United States Commission on International Religious Freedom.

And I could add the powerful statement on religious freedom made by Congressman Tom Lantos of California, chairman of the Committee on Foreign Affairs of the United States House of Representatives, also last May. Chairman Lantos sent a letter to Turkish Prime Minister Erdogan urging him to take several steps to liberalize Turkey's policies toward the Ecumenical Patriarchate, once and for all.

Forty-two of Chairman Lantos' Committee colleagues, Democrats and Republicans, signed the letter urging the Turkish Government to stop trying to bully the Ecumenical Patriarchate into extinction.

You here better than I can speak of the desecration of Greek Orthodox churches in Turkish-occupied Cyprus.

Let me conclude. As one who in the year 2001, in an address at the Bosphorous University in Turkey, said that I wanted to see a democratic Turkey, Turkey part of Europe and Turkey in the European Union, provided that country comply with the Copenhagen criteria, including respect for human rights, I must tell you that in 1974, when Paul Sarbanes, our colleagues and I in Congress voted an embargo on further American arms to Turkey, we made clear that for us this decision was a matter of respecting the rule of law—a point I have made earlier.

Paul Sarbanes and I, to repeat, were leaders of "The Rule of Law Lobby"!

Paul Sarbanes and I and many of our former colleagues in Congress—and I regret that I cannot include the present President of the United States in this regard—will continue to call on respect for the laws of our own country even as we will continue to urge justice for the brave people of Cyprus.

President Papadopoulos, thank you again for the great honor that you do Senator Sarbanes and me.

LANDMINES IN COLOMBIA

Mr. LEAHY. Mr. President, the people of Colombia have endured decades of civil conflict characterized by widespread killings and disappearances of civilians perpetrated by rebel groups and paramilitary death squads, sometimes with the active participation of government security forces. In recent years, both rebels and paramilitaries have financed their illegal activities through the sale of cocaine, which has also corrupted government institutions.

Each year since the inception of Plan Colombia, the United States has provided Colombia with more than half a billion dollars in mostly military and counter-drug assistance, totaling more than $5 billion.

The primary goal of Plan Colombia, at least as sold to the Congress, was to decrease by half the amount of coca produced, resulting in commensurate reductions in the income derived from cocaine to the rebels and paramilitaries and the amount of cocaine entering the United States.

While there is no reliable evidence that Plan Colombia has affected either the price or availability of cocaine in the United States, the Office of National Drug Control Policy reports that profits from illegal drugs to the FARC rebels declined by about one-third between 2003 and 2005. This is welcome news. But whether this trend has continued since then or has ebbed and flowed like most other statistics relating to drug cultivation and trafficking in Colombia, is unknown. Unfortunately, it is also not yet apparent that this reported reduction in profits has affected the FARC's ability to operate.

While the majority of killings of civilians during the 7 years of Plan Colombia are attributed to paramilitaries, sometimes with the active or tacit support of government forces, the FARC has engaged in many atrocities, including attacks against civilian targets and kidnapping. But perhaps the most insidious of their crimes is the widespread use of landmines.

According to a report released yesterday by Human Rights Watch, casualties from landmines used by the FARC, as well as by another rebel group known as the ELN, have risen steadily in recent years. As is so often the case with landmines which are triggered indiscriminately by the victim, most of the casualties in Colombia have been civilians.

While the number of casualties did not exceed 148 a year in the 1990s, Human Rights Watch reports that last year the number was 1,107. This increase contrasts sharply with the worldwide decline in the use of these insidious weapons. In fact, Colombia is among the more than 150 nations that have signed or ratified the international treaty banning antipersonnel mines.

According to press reports, the FARC defends its use of mines by claiming that they are used only against government security forces, not civilians. That, however, is a specious claim, since mines are inherently indiscriminate. They will kill or maim whoever comes into contact with them, often months or years after they are laid. I have seen photographs of the horrific injuries suffered by both government soldiers and innocent civilians from rebel mines.

While the FARC, like others who continue to use landmines, would undoubtedly claim that their military utility justifies their continued use, I reject that argument. The harm to civilians and the contamination of the countryside caused by mines cannot be justified.

While there are programs to assist Colombia's mine victims with rehabilitation and vocational training, they are far from adequate. I have supported efforts to increase U.S. assistance. We are looking at ways to use the Leahy

War Victims Fund to assist Colombian civilians who have been injured by mines, and we are supporting United for Colombia's efforts to obtain surgery in the U.S. for Colombian soldiers who have suffered grievous mine injuries.

I have been a consistent critic of human rights violations in Colombia where impunity remains a persistent problem. There have been thousands of killings of civilians, including of human rights defenders, union members, journalists, and others who have been targeted by one armed group or another. Hardly any of these crimes have resulted in convictions and punishment. But none of that excuses the continued use of landmines by the FARC and ELN. As I have said many times before, the use of landmines should be a war crime. It is barbaric; it is inhumane; it is indefensible.

INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA

Mr. LEAHY. Mr. President, last week, I spoke in this Chamber about the current debate underway in Guatemala concerning the International Commission Against Impunity in Guatemala, CICIG. In my brief remarks I recalled the 30 years of civil war that caused widespread atrocities against civilians, particularly Guatemala's Mayan population. A substantial majority of those killings and disappearances were perpetrated by Guatemalan security forces.

Since the signing of the Peace Accords in 1996, most Guatemalans have tried to put the past behind them and rebuild their country. The United States and other donors have supported that effort.

But key aspects of the Peace Accords remain unfulfilled, and there has been no justice for the families of the war's many victims. Meanwhile, gang violence, drug trafficking, brutal killings of women, and attacks against human rights defenders and others who speak out against corruption and impunity have increased exponentially and threaten the very foundations of Guatemala's fragile democracy.

In recent years, the Guatemalan Government has worked with officials of the United Nations to draft the CICIG agreement, the latest version of which has been upheld by Guatemala's constitutional court.

The CICIG is necessary to expose the truth about clandestine groups and to bring accountability for the violence. Far from weakening national sovereignty, CICIG will support Guatemala by helping to strengthen the capacity of the country's dysfunctional judicial system.

On July 18, a majority of members of the International Relations Committee of the Guatemalan Congress, for reasons that only they can explain, voted against the CICIG agreement. Since then, several have changed their votes and I understand that on August 1 the full Congress will approve or reject the CICIG agreement or refer it to another committee.

The question of whether to approve CICIG is, of course, a decision solely for Guatemala's Congress to make. But the importance of this historic decision cannot be overstated for U.S.-Guatemalan relations and for Guatemala's future.

Guatemala, like many impoverished countries emerging from years of civil conflict, faces immense social, economic and political challenges. Without the support of countries like the United States in building its economy, promoting foreign investment and trade, and strengthening the institutions of democracy, Guatemala will lag behind its neighbors.

Today, that support hangs in the balance.

The Bush administration has voiced strong support for CICIG. The U.S. Congress has linked a resumption of U.S. assistance for the Guatemalan Armed Forces, in part, on approval of CICIG. In addition, I would be reluctant to support assistance for Guatemala to take part in any regional security initiative with the United States, unless CICIG is approved and supported. There is little point in trying to work with a government that fails to demonstrate a strong commitment to ending impunity and to combating gang violence and corruption, which have infiltrated the very institutions that would participate in such a strategy.

CICIG is nothing less than a choice between the past and the future. Rejecting this historic initiative an outcome most Americans would find inexplicable would signal that the Guatemalan Congress is more interested in protecting the forces of evil, and in covering up the truth, than in ending the lawlessness that is taking Guatemala backwards.

INTERNALLY DISPLACED PERSONS IN COLOMBIA

Mr. LEAHY. Mr. President, at a time when we are focused on the chaos in Iraq and the flood of Iraqis who have fled their homes and are living either as displaced persons in Iraq or as refugees in Jordan, Syria and elsewhere, I want to call attention to a humanitarian crisis in our own hemisphere.

In Colombia, a country of roughly 44 million people, over 3 million have been internally displaced as a result of political and drug-related violence and the aerial spraying of chemical herbicides to eradicate coca. They are the second largest displaced population in the world after Darfur, Sudan. An average of 18,000 Colombians are uprooted every month, with more than 1 million forced to flee in the past 5 years alone, according to the United Nations High Commissioner for Refugees.

To put that in perspective, if the same ratio were applied to the United States, a country of roughly 300 million people, there would be over 20 million internally displaced Americans. That is a staggering number when you consider the burden they would place on public services and the environment. Colombia by comparison is a relatively poor country, and many of these people, the majority of whom are women and children, lack access to basic health care, sanitation, education, adequate shelter, or employment.

It is my understanding that Colombia has suitable laws for addressing the needs of the internally displaced, but the laws are too often ignored or poorly implemented. Insecurity and inadequate public services in isolated areas, where many of the displaced are located, hinder return to their homes and contribute to further displacement.

Recently, the House of Representatives passed a resolution calling on the Colombian Government and the international community to prioritize the needs of displaced persons, and recommending that the United States increase funding for emergency and long-term assistance.

The Senate version of the fiscal year 2008 State-Foreign Operations bill provides $40 million for assistance for displaced persons in Colombia. This is a $5 million increase above the President's budget request, which was woefully inadequate. As the White House urges Congress to continue funding aerial eradication programs which, despite billions of dollars, have failed to make an appreciable dent in the amount of coca under cultivation, one would like to think that at some point they will exhibit the same zeal for meeting the basic needs of Colombia's most vulnerable people.

RETIREMENT OF DAVID DEMAG

Mr. LEAHY. Mr. President, I wish to take a moment to recognize the career of a real-life hero who stands tall as one of the bravest and most dedicated public servants we have in Vermont if not anywhere—Police Chief David Demag of the town of Essex Police Department. After 36 years in law enforcement, Dave will hang up his uniform early next month and enter a well-earned retirement.

Dave comes from a family dedicated to police service—he is the fourth generation in his family to serve as a police officer. In fact, his great-grandfather and namesake, Chief David Demag, was the first chief of police of the Village of Essex in the early 1900s. It seems to me that it is only fitting that Dave will finish his law enforcement career in Essex, where his roots grow deep.

I am proud to be able to call Dave not only an accomplished Vermonter but also a good friend. We have known each other for years, having both started our careers in law enforcement in the city of Burlington. Dave began in 1971 as a patrol officer for the Burlington Police Department, and was promoted through the ranks as corporal, detective, sergeant, lieutenant and, finally, commander. In 1996, he was appointed chief of police in St. Albans, a post he held until May 2001, when he was named to Chief of Police in Essex.

When he began his law enforcement career in the early 1970s, Dave worked undercover on drug cases. One of the cases we worked together on—he as an undercover agent and me as the State's attorney for Chittenden County—set up a successful sting to catch Paul Lawrence, a corrupt cop who framed dozens of narcotics suspects. The Lawrence case remains the first item Dave cites as the most memorable moments of his professional life.

Known for his ability to earn and command respect from his employees and the public he serves, Chief Demag has led the Essex Police Department with a steady hand and a calm presence. He is credited with revitalizing the Essex Police Department and changing the way it trains and promotes officers. As chief, he has emphasized continuing education for members of the force and required promotions to be based on ability rather than length of service.

Dave's leadership was especially apparent last August when a gunman went on a shooting spree at three sites across Essex, including an elementary school, leaving two dead and three wounded, including the gunman himself. Taking swift and deliberate action, Dave and his officers ushered dozens of teachers and several children away from the chaos at Essex Elementary School and to safety as tactical-response officers wearing body armor and carrying automatic weapons moved in and surrounded the building.

As a U.S. Senator, I have been privileged to work with Chief Demag and have his vocal support on an array of initiatives—from bulletproof vests to first responder funding—that have helped make the lives and work of Vermont's and our Nation's police officers a bit easier. But what stands out most in my mind is his unwavering support for the Hometown Heroes Survivors Benefits Act, which became law in 2003 and expanded the Public Safety Officer Benefits, PSOB, Program by allowing survivors of public safety officers who suffer fatal heart attacks or strokes while acting in the line of duty to qualify for the Federal survivor benefits. Dave understood how important it was for that bill to become law because his father, special Deputy Sheriff Bernard Demag of the Chittenden County Sheriff's Office, suffered a fatal heart attack within 2 hours of his chase and apprehension of an escaped juvenile whom he had been transporting. The Demag family spent nearly two decades fighting in court for workers' compensation death benefits to no avail. What Dave and his family went through left no doubt in my mind that we should be treating the surviving families of officers who die in the line of duty with more decency and respect. Although Dave knew that his family would not receive survivor benefits under the PSOB law, he did not want other survivors of public safety officers to endure what his family suffered. It was a great day when I told Dave that the Hometown Heroes Act had finally been signed into law.

In 2001, Chief Demag was appointed on my recommendation to serve on the 11-member U.S. Medal of Valor Review Board, which selects and recommends to the President public safety officers to receive the Public Safety Officer Medal of Valor. The Medal of Valor is the highest national award for valor by a public safety officer and is designed to recognize the extraordinary heroism of our police, firefighters and correctional officers. As a board member, Dave has worked faithfully to award the medal to his public safety officers who demonstrate extraordinary valor above and beyond the call of duty.

I wish Dave and his wife Donna nothing but the best as they head into the next phase of their life together. I will say, however, that whoever Essex appoints as its next police chief will have the biggest of shoes to fill, as Dave Demag is the best kind of leader a community can hope for and he will be missed. Thank you, Dave, and congratulations for your service and commitment to the people of Essex and all Vermonters.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IRAN DIVESTMENT

• Mr. OBAMA. Mr. President, I want to bring to the attention of the Senate an important article that appeared in today's Baltimore Sun. It describes the progress States are making in passing laws that divest their pension funds of companies that invest heavily in Iran's oil and gas industry. As highlighted in the article, Florida enacted a significant law along these lines, and other States, including my State of Illinois, are on the verge of doing so.

The need for these laws is clear. Iran uses the revenue it generates from its energy sector to finance its pursuit of nuclear weapons and support for terrorist groups like Hezbollah and Hamas. Along with a sustained diplomatic effort and toughened multilateral sanctions on Iran, divestment is a useful tool that State and local governments can use to increase economic pressure to persuade Iran to end its dangerous policies.

But, as the article points out, past Supreme Court decisions have called into question whether States have the constitutional authority to pass such laws. For that reason, Congress needs to pass the Iran Sanctions Enabling Act, S. 1430, which I introduced in May. This bill would clarify that States have the authority to pass divestment legislation with respect to Iran, and it would provide information from the Federal Government to make it easier for them to do so. I am proud that 14 of my colleagues have cosponsored this bill so far, but Iran's seemingly unbridled drive for nuclear weapons makes this a matter of considerable urgency. I urge the rest of my colleagues to join us in working to pass this legislation without delay.

I ask unanimous consent that the article in today's Baltimore Sun be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From baltimoresun.com, July 26, 2007]

LET STATES DIVEST FROM IRAN

(By Jonathan Schanzer and Howard Slugh)

Last month, Florida Gov. Charlie Crist signed a bill ordering his state to divest its pension fund from businesses that work with Iran's energy sector. The legislation, led by Adam Hasner, Republican majority leader of Florida's House of Representatives, passed unanimously in both chambers of the Legislature.

Unfortunately, the state legislation is unconstitutional. Only new federal legislation can legally allow states to divest from Iran.

In 1996, Massachusetts restricted state businesses from working with companies that dealt with Myanmar, formerly called Burma. Massachusetts sought to press Myanmar's military junta to take steps toward democracy and provide better treatment for dissidents. In 2000, the Supreme Court unanimously struck down the Massachusetts law in Crosby v. National Foreign Trade Council.

The problem was that the state legislation conflicted with a federal statute that enabled the president to impose sanctions on Myanmar. The court argued that the president "has less to offer and less economic and diplomatic leverage as a consequence" of the Massachusetts law. According to the Constitution's supremacy clause, federal sanctions must trump state law.

Florida's sanctions against Iran could face a similar fate. Under federal law, only Congress and the president can implement federal tools—such as the Iran Freedom Support Act—to deter Iran from nuclear proliferation and terrorism. As in the Myanmar case, the Florida divestment plan conflicts with federal sanctions.

Florida has attempted to distinguish its statute from Massachusetts' by adding wording claiming that the law aims to lower fiduciary risk, not create an alternate foreign policy. But just because a state claims its law doesn't conflict with federal law doesn't make it so. The Florida law could be struck down if challenged—unless Congress does the right thing.

The House and Senate are considering the Iran Sanctions Enabling Act to authorize states to pass divestment laws aimed at Iran's energy sector. The bill would cure any constitutional conflict. It would integrate the state sanctions as an element of congressional sanctions, rather than leaving them outside the congressional framework.

Broad bipartisan support of this bill is a sign that Congress sees sanctions—on both the state and federal levels as an important tool to weaken Iran. It also shows that Congress understands that divestment is a tool that Americans broadly support. Indeed, the growing "terror-free investing" movement is gaining traction nationwide. It echoes grassroots efforts to divest from South Africa in the 1980s, which eventually brought the apartheid regime to its knees.

Despite the bill's wide popularity, some in Washington oppose it. William Reinsch, former commerce undersecretary in the Clinton administration and current president of the National Foreign Trade Council, claims that "a unified U.S. foreign policy—not multiple state sanctions or divestment laws—is best suited to address" the Iran challenge. Those who join Mr. Reinsch in opposing the bill claim that divestment would create economic tensions with our allies, making it more difficult to act multilaterally.

Opponents of the bill fail to understand that the lack of enforcement of federal sanctions in the past is exactly why the American people have taken matters into their own hands. They have lobbied their state legislatures because they want to punish Iran. They do not care whether their states offend our allies who continue to do business with Iran.

A handful of states are considering their own divestment bills, including Maryland, where Del. Ron George, an Anne Arundel County Republican, has proposed legislation that would bar the state pension fund from investing in companies tied to Iran. Other states are weighing different divestment options. In Ohio, state Rep. Josh Mandel reports that he and his colleagues led an effort for "state pension funds to divest the retirement dollars of policemen, firefighters and teachers from an Iranian regime that is calling for the destruction of America and Israel."

The House and Senate have deliberated over the Iran Sanctions Enabling Act since May. It is imperative that Congress pass the bill quickly, to ensure that these state efforts are constitutional.

This is an effective way to push Iran to cease developing nuclear weapons and to encumber its efforts to support terrorism.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COMMON ARTICLE 3

• Mr. OBAMA. Mr. President, like much of the Senate, I was taken aback to hear what the Attorney General had to say—and what he refused to say—before the Judiciary Committee this week. It is the latest in an effort to obfuscate and avoid accountability on issues of vital importance to this country's well being.

I fear the same was true on Friday, when the President signed an Executive order on Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation.

A year and a half ago, the Congress overwhelmingly adopted the McCain amendment to ensure that no prisoner in our Nation's custody is ever subjected to torture or cruel treatment. Since then, all agencies of our Government have been abiding by the humane and professional standards in the U.S. Army's Field Manual on interrogation, and getting, by the administration's own account, excellent intelligence in the war on terror.

I am deeply concerned that President Bush may now be trying to reopen the door to cruelty that Congress shut. While the Executive order appears to rule out unlawful treatment, the administration has said that the order allows the CIA to resume at least some elements of its "enhanced interrogation" program, and to use methods beyond those that our military employs. The administration still refuses to rule out torture techniques such as water boarding.

As our own military leadership repeatedly warns, if we say we can lawfully use an interrogation technique on enemy prisoners, what is there to prevent our enemies from employing the same interrogation technique on captured American military personnel? On Sunday, Director of National Intelligence Admiral McConnell acknowledged that the CIA can now use techniques to which he would not want to see American citizens subjected.

A policy that permits cruel and inhumane treatment at the hands of any U.S. Government personnel—whether referred to as "enhanced interrogation" techniques or any other name—is simply counterproductive to an effective war against terrorists. As General Petraeus put it in his recent directive to those under his command in Iraq:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.

These words are no less applicable to practices of the CIA.

Beyond the fact that they are neither useful nor necessary, torture and cruel and inhumane treatment of those in U.S. custody diminish the moral authority our country needs to wage an effective war against terrorists, and are simply used by al-Qaida as a recruitment tool to enlist more enemies faster than we can take them off the battlefield.

Every agency of our Government should be held to the same interrogation standards that our military lives and swears by. No one should be subject to treatment that would outrage us if inflicted on an American. Whenever America has been threatened in the past, there has been a divide in our country between those who believe that our liberties and laws make us weaker, and those who believe they make us stronger. I believe that our commitment to the rule of law is our greatest strength. We will win this war as we have won every great conflict in our history—by staying true to who we are and to the values that distinguish us from our enemies.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IMPROVING EMERGENCY MEDICAL CARE AND RESPONSE ACT

• Mr. OBAMA. Mr. President, today I wish to discuss the Improving Emergency Medical Care and Response Act of 2007, which I introduced yesterday. I am joined in this effort by Representative HENRY WAXMAN, who introduced a companion bill in the House.

This bill focuses on improving communication systems used in emergency care response and provides financial support for research in emergency medicine. Disasters that strike our Nation, be it manmade or natural, can have catastrophic effects on the health and well-being of our citizens. The ability to provide adequate, timely health care following these "sudden-impact" events—or any emergency situation, for that matter—relies heavily on an effective and comprehensive emergency communication system. However, recent studies show that various emergency medical services throughout the country are struggling to efficiently handle just the day-to-day operations. Therefore, the concern is even greater when disaster does strike and the struggle becomes grossly amplified, ultimately exposing the gaps in our emergency care and response infrastructure. There was no clearer example of this than the flawed response to the devastating effects of Hurricane Katrina in 2005.

Patients waiting in the emergency department, ED, for extended periods of time or, potentially worse, patients leaving the ED before medical evaluation because of these long wait-times are both strong indicators that improved strategies and systems are needed to reduce the burden on our emergency medical services across the country. Extended offloading times and diversion of ambulances are also contributing factors to a slow emergency response, which can have a fatal impact on prehospital care. Unfortunately, we do not have to look far to see what tragedies will come from not addressing these issues. In fact, just months ago, tragedy struck Edith Isabel Rodriguez, a Los Angeles woman who made national headlines after she was ignored by hospital personnel, dismissed by 9-1-1 dispatchers, and denied immediate care despite vomiting blood and writhing in pain for 45 minutes until she died. How does this happen in a country that boasts one of the highest standards of living of any nation in the world? Ms. Rodriguez's death is unacceptable and is a harrowing reminder of the ultimate penalty our citizens are paying for a fractured emergency care system.

For these reasons, my bill establishes demonstration programs designed to coordinate emergency medical services, expand communication and patient-tracking systems, and implement a regionalized data management system. The types of information garnered from such demonstration programs will contain vital information such as the impact of emergency care systems on patient outcomes, program efficiency, financial impact, and identification of remaining barriers to developing regionalized, accountable emergency care systems. Of equal importance is the bill's support for research in the field of emergency medicine and emergency medical care systems. Specifically, funds are requested to support research in the basic science of emergency medicine, model of service delivery, and incorporation of basic scientific research into day-to-day practice.

Improving and identifying the best practices of emergency medical care is necessary to ensure high-quality, efficient, and reliable care for all who need it. I ask my fellow colleagues to support this legislation so that we can better prepare for emergencies and future disasters.●

BOSTON CELTICS "HEROES AMONG US" AWARDS 2007

Mr. KENNEDY. Mr. President, all of us in Massachusetts are proud of the Boston Celtics. The team is one of the most storied franchises in NBA history, and its players are also impressive leaders in the community. Each year, the Celtics honor outstanding persons in New England as "Heroes Among Us"—men and women who have made an especially significant impact on the lives of others.

The award, now in its 10th year, recognizes men and women who stand tall in service to their community. The extraordinary achievements of this year's honorees include saving lives, sacrificing for others, overcoming obstacles to achieve goals, and lifelong commitments to improving the lives of those around them. The winners include persons of all ages and all walks of life—students, community leaders, founders of nonprofit organizations, member of the clergy, and many others.

At home games during the season each year, the Celtics and their fans salute the efforts of various honorees in special presentation to them on the basketball court. So far, over 500 persons have received the "Heroes Among Us" award during the past decade.

The award has become one of the most widely recognized honors in New England. I commend each of the honorees for the 2006 to 2007 season, and I ask unanimous consent to have their names, their achievements, and their communities printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HERO AMONG US AWARD RECIPIENTS 2006–2007

Arnold "Red" Auerbach (Boston, MA) founded the Red Auerbach Youth Foundation in 1985 to encourage the healthy development of children.

Ayman Kafel (Sharon, MA) as a member of the Massachusetts National Guard, served on the Military Police Headquarters' Task Force and later on the Protective Service Security Squad during his one year tour in Iraq.

David Youngerman (Hudson, MA) was chosen to be the Child Ambassador for this year's Miles for Miracles Walk for his recovery from Moyamoya Disease.

Catherine Pisacane (Hopedale, MA) is the founder and executive director of Project Smile, a non-profit organization that collects stuffed animals for police officers, fire fighters and paramedics to give to children.

Helen Ford (Cambridge, MA) worked 28 years in security for the Cambridge School Department.

Eric Christopher (Melrose, MA) has been with the Gloucester Fire Department for 8 years and in January went into a fire without protective gear to save the life of a woman trapped in a blaze.

Lawanda Myrick (Dorchester, MA) has been a committed parent, employee and advocate for the Massachusetts Society for the Prevention of Cruelty to Children.

Lynn Dadekian (Worcester, MA) volunteered to donate her liver for a chance for her ailing father to live.

Robbie and Brittany Bergquist (Norwell, MA) started the "Cell Phones for Soldiers" campaign, which has collected over $1,000,000 and has sent more than 80,000 calling cards to troops in the Middle East.

Corp. Gregory M. Chartier (East Templeton, MA) upon returning from Afghanistan, volunteered to be deployed to Iraq to help create a local police force.

Brian Binette (Saco, ME) was born with cerebral palsy, but has overcome this challenge and will begin a career at the Saco Island School in Maine as a mentor, assistant teacher and head of the school's monthly newsletter.

Clementina Chery (Dorchester, MA) co-founded the Louis D. Brown Peace Institute and also founded the Mothers' Walk for Peace, an annual walk now in its tenth year.

Benjamin Smith (Springfield, MA) is the executive director of Dream Studios Inc., to introduce urban youth to the performing arts and provide mentoring to strengthen their academic skills.

Alan Borgal (Boston, MA) has spent the last 31 years with the Animal Rescue League of Boston, working tirelessly for the care and protection of animals.

Dick Arieta (Kingston, MA) has been the head basketball coach at Silver Lake Regional High School since 1970 and has instilled his values of sportsmanship, hard work and teamwork to all he has coached.

Dante Carroccia (Johnston, RI) single-handedly assisted a man injured in an automobile accident and saved his life.

Helen Lamb (Boston, MA) founded "Camp Jabberwocky" in 1953, which has brought the simple joys of childhood to thousands of children with disabilities.

Seth Lampert (Sudbury, MA) earned the Volunteer of the Year Award from Easter Seals for his fundraising efforts for the annual Easter Seals Shootout.

Kevin Sullivan (Carver, MA) moved his truck to absorb the impact of a speeding truck heading directly towards a highway work crew and a police officer on duty, probably saving their lives.

Jennifer Putnam (Wellesley, MA) a volunteer for Horizons for Homeless Children, has spearheaded the preparation of annual feasts for hundreds of homeless children and their families.

Danny Vierra (Somerville, MA) is a Transit Police Officer who pulled a man from the railroad tracks before a speeding train could hit him.

Brooke Rallis (Hampton, NH) is one of only seven people to have overcome the type of extreme spinal injury she suffered and has since dedicated her life to inspire others through the power of faith, courage, and tenacity.

Marilyn Smith (Medford, MA) has given foster care to over 70 children and was recognized as the Massachusetts Foster Parent of the Year.

Eric Weihenmayer (Amelia Island, FL) is the only blind person to have climbed the tallest peak on each of the seven continents. He also led a group of blind teenagers up Mount Everest, higher than any blind group had ever climbed before.

Rob McCormick (Norton, MA) a former Navy Rescue Swimmer, was driving home from work when he saw a house in flames and saved two people trapped inside.

Cheryl Durant (Mattapan, MA) is a foster mother who has taken in more than 25 teenage girls over the past 20 years.

Jason Schappert (Lakeville, MA), without regard for his own safety, crossed thin ice to rescue a man who had fallen into a freezing pond.

Ralph Marche (Tewksbury, MA) and Anthony Santilli (Woburn, MA) co-founded the New England Winter Sports Clinic for Disabled Veterans which enables these veterans to enjoy skiing and snowboarding despite their disabilities.

Carla Lynton (Brookline, MA) has spent more than 22,000 hours volunteering with the deaf-blind community at Perkins School for the Blind over the past 33 years.

Michael Dennehy (Newton, MA) was named the director of Boston University's Upward Bound program eight years ago and under his leadership, 95% of his students have pursued higher education.

Stefan Nathanson (Newton, MA) is the founder of The Room to Dream Foundation, a local charity whose mission is to create healing environments for children facing chronic and debilitating illnesses.

Dylan DeSilva (Brewster, MA) at age 12 founded "Cape Cod Cares For Our Troops," which has sent over 1,500 care packages and raised over $40,000 for our soldiers in Iraq.

John Duffy (Winchester, MA) since 1997 has taken students to Peru to install solar panels to provide power for medical clinics in remote villages.

John Gonsalves (Taunton, MA) is the president and founder of Homes for our Troops, which has collected over $10 million in donations to build adaptive homes for severely wounded veterans.

Sean Cronk (Everett, MA) overcame the challenge of being born with cerebral palsy and scored two critical free throws in Everett High School's league championship basketball game.

Kevin Whalen (Danvers, MA) raised money and donated three months of his salary to aid an Iraq veteran displaced by Hurricane Rita who gave birth to a premature baby that needed 24-hour care at Children's Hospital.

Officer Michael Briggs (Manchester, NH) a Manchester, NH police officer, was shot and killed while responding to a domestic disturbance call.

Rick Phelps (Hanson, MA) rushed into a burning house to save four girls trapped by a fire.

Kathy Savage (Revere, MA), a dedicated volunteer for Special Olympics of Massachusetts since 1985, was named Special Olympics Volunteer Medical Chair and has helped countless athletes to compete.

Billy Starr (Needham, MA) founded the Pan Mass Challenge with 35 friends in 1980, which has raised over $100 million for the Dana-Farber Cancer Institute.

Deborah Weaver (Cambridge, MA) is the founder and Executive Director of Girls LEAP, a free self-defense and safety-awareness program for girls aged 8–18 in low-income communities in Greater Boston.

17TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. KENNEDY. Mr. President, today we celebrate the enactment of the Americans with Disabilities Act, one of the great civil rights laws in the Nation's history. Seventeen years ago, Congress acted on the fundamental principle that people should be measured by what they can do, not what they can't do. The Americans with Disabilities Act began a new era of opportunity for millions of disabled citizens who had been denied full and fair participation in society.

For generations, people with disabilities were treated with pity and as persons who deserved charity, not opportunity. Out of ignorance, the Nation accepted discrimination for decades and yielded to fear and prejudice. The passage of the ADA finally ended these condescending and suffocating attitudes and widened the doors of opportunity for all people with disabilities.

The anniversary of this landmark legislation is a time to reflect on how far we have come in improving the "real life" possibilities for the Nation's 56 million people with disabilities. In fact, the seeds of action were planted long before 1990.

In 1932, the United States elected a disabled person to the highest office in the land, and he became one of the greatest Presidents in our history. But even Franklin Roosevelt felt compelled by the prejudice of his times to hide his disability as much as possible. The World War II generation began to change all that.

The 1940s and the 1950s introduced the Nation to a new class of Americans with disabilities—wounded and disabled veterans returning from war and finding a society grateful for their courage and sacrifice but relegating them to the sideline of the American dream. Even before the war ended, however, rehabilitation medicine had been born. Disability advocacy organizations began to grow. Disability benefits were added to Social Security. Each decade since then has brought significant new progress and more change.

In the 1960s, Congress responded with new architectural standards, so we could have a society everyone could be a part of. No one would have to wait outside a new building because they were disabled.

The 1970s convinced us that greater opportunities for fuller participation in society were possible for the disabled. Congress responded with a range of steps to improve the lives of people with mental disabilities as well. We supported the right of children with disabilities to attend public schools. We guaranteed the right of people with disabilities to vote in elections, and we insisted on greater access to cultural and recreational programs in their communities.

The 1980s brought a new realization, however, that in helping people with disabilities, we can't rely only on Government programs. We began to involve the private sector as well. We guaranteed fair housing opportunities for people with disabilities, required fair access to air travel, and made advances in technology available for people hard of hearing or deaf.

The crowning achievement of these decades of progress was passage of the Americans with Disabilities Act of 1990 and its promise of a new and better life for every disabled citizen in which their disabilities would no longer put an end to their dreams.

As one eloquent citizen with a disability said, "I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk, to dream and to build, to fail and to succeed. I want to enjoy the benefits of my creations and face the world boldly, and say, this is what I have done."

Our families, our neighbors, and our friends with disabilities have taught us in ways no books can teach. The inclusion of people with disabilities enriches all our lives. Every day, my son Teddy, who lost his leg at the age of 12, continues to teach me every day the greatest lesson of all—that disabled does not mean unable.

As the saying goes, when people are excluded from the social fabric of a community, it creates a hole—and when there is a hole, the entire fabric is weaker. It lacks the strength that diversity brings. The fabric of our Nation is stronger today than it was 17 years ago because people with disabilities are no longer left out and left behind, and because of that, America is a greater and better and fairer Nation.

Today, in this country, we see the many signs of the progress that mean so much in our ongoing efforts to include persons with disabilities in every aspect of life—the ramps beside the steps, the sidewalks with curb-cuts to accommodate wheelchairs, the lifts for helping disabled people to take a bus to work or the store or a movie.

Disabled students are no longer barred from schools and denied education. They are learning and achieving at levels once thought impossible. They are graduating from high schools, enrolling in universities, joining the workforce, achieving their goals, enriching their communities and their country. They have greater access than ever to the rehabilitation and training needed to be successfully employed and become productive, contributing members of their communities.

With the Ticket to Work and Work Incentives Improvement Act in 1999, we finally linked civil rights much more closely to health care. It isn't civil and it isn't right to send a disabled person to work without the health care they need and deserve.

These milestones show that we are continuing the way to fulfilling the promise of a new, better, and more inclusive life for citizens with disabilities—but we still have a way to go. Today, as we rightly look back with pride, we also need to look ahead with hope and dedication.

We still face many challenges, especially in areas such as health care and in home-based and community-based services and support. Many persons with disabilities still do not have the services and support they need to make choices about how best to live their lives. Many are unwillingly confined to institutions or unable to have a financial plan for their future.

A strong Medicare prescription drug benefit is essential for all people with disabilities. Today, about one in six Medicare beneficiaries—over 6 million people—is a person with disabilities under aged 65. Over the next 10 years that number is expected to increase to 8 million. These persons are much less likely to be able to obtain or afford private insurance coverage. Many of them are forced to choose between buying groceries, paying their mortgage, or paying for their medication.

Families raising children with significant disabilities deserve health care for their children. No family should be forced to go bankrupt, live in poverty, or give up custody of their disabled child in order to get needed health care for disabled child. They deserve the right to buy-in to Medicaid so that their family can stay together and stay employed. Congress did its job, and now every State should do its part under the Family Opportunity Act, adopted in 2005.

People with disabilities and older Americans need community-based assistance as well, so they can live at home with their families and in their communities. We need to pass the CLASS Act to ensure this support is available, without forcing families into poverty. It is a challenge for the Nation, and we need to work together to meet it.

The Americans with Disabilities Act was an extraordinary milestone in the pursuit of the American dream. Many disability and civil rights leaders in communities throughout the country worked long and hard and well to achieve it.

To each disabled American, I say thank you. It is all of you who are the true heroes of this achievement and who will lead us in the fight to keep the ADA strong in the years ahead.

Sadly, the Supreme Court has not been on our side. In the past 17 years, it has restricted the intended scope of the ADA. Suppose you are a person with epilepsy in a job you love and you get excellent personnel reviews. You are taking medicine that controls the seizures and you have no symptoms. But your employer finds out you have epilepsy and fires you. Should you be able to sue your employer for discrimination? Suppose you are a person with Down's syndrome, doing a fantastic job at the local Wal-Mart, but the manager really doesn't want someone with Down's syndrome greeting the public. Should you be able to sue for discrimination or are you no longer even covered under the ADA? Congress intended full protection from discrimination—but the courts are ruling differently. It is time now to restore the intent of the ADA.

The Supreme Court continues to carve out exception after exception in the ADA. But discrimination is discrimination, and no attempt to blur that line or write exceptions into the law should be tolerated. Congress wouldn't do it, and it is wrong for the Supreme Court to do it.

The ADA was a spectacular example of bipartisan cooperation and success. Passed by overwhelming majorities in both the House and the Senate, Republicans and Democrats alike took rightful pride in the goals of the law and its many accomplishments.

I know that the first President Bush, Senator Bob Dole, Senator HARKIN, and many other Members of Congress from both sides of the aisle consider their work on the ADA to be among their finest accomplishments in public service. It is widely regarded today as one of the giant steps in our ongoing two-centuries-old civil rights revolution.

The need for that kind of bipartisan cooperation is especially critical today as Congress embarks on restoring the ADA to its original intent, so that the rights of those with disabilities are protected, not violated.

Today, more than ever, disability need no longer mean the end of the American dream. Our goal is to banish stereotypes and discrimination, so that every disabled person can realize the dream of working and living independently and becoming a productive and contributing member of our community.

That goal should be the birthright of every American and the ADA opened the door for every disabled American to achieve it.

A story from the debate on the ADA eloquently made the point. A postmaster in a town was told to make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, "I've been here for thirty-five years, and in all that time, I've yet to see a single customer come in here in a wheelchair." As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams.

So let's ramp up our own efforts across the country. We need to keep building those ramps, no matter how many steps stand in the way. We will not stop today or tomorrow or next month or next year. We will not ever stop until America works for all Americans.

I ask all of us in Congress join today in committing to keep the ADA strong. It is an act of conscience, an act of community, and above all, an act of continued hope for a better future for our country as a whole.

ADDITIONAL STATEMENTS

COMMENDING SEAN SWARNER

• Mr. ALLARD. Mr. President, today I wish to commend an extraordinary man from Colorado who just became the only two-time cancer survivor to reach the peaks of the world's highest tallest mountains on every continent.

At the age of 13, Sean Swarner was diagnosed with stage IV Hodgkin's disease and was told he only had a few months to live. Sean battled back, but only 2 years later he was forced to face the possibility of death again. He was diagnosed with Askin's sarcoma, had a golf-ball sized tumor removed from his lung, and given only 10 days to live. Sean underwent intense chemotherapy and radiation, often slipping into comas from the abrasive treatments. The intensity of the radiation damaged one of his lungs to the point where it was no longer fully functional. Sean endured more in those few years than most of us experience in a lifetime, but he survived and eventually thrived.

The cancers had been unrelated and doctors told Sean how lucky he was to survive, and that the odds of him surviving both cancers are similar to winning the lottery 4 times in a row with the same numbers. I don't believe luck had anything to do with Sean's survival. It was his absolute strength and fortitude that allowed him to fight the cancers. Sean beat the cancers and is now the only two-time cancer survivor to reach the summits of the highest mountains on all 7 continents.

Sean began his trek in 2002 when he conquered Mount Everest. Since then, he has climbed Mount Kilimanjaro, Mount Elbrus, Mount Aconcagua, Mount Vinson Massif, Mount Kosciusko, and on June 16, 2007 he climbed Alaska's Mount Denali, the seventh and final mountain in his quest to reach the highest summits on each continent. Conquering all 7 peaks is an incredible accomplishment for anyone, but for someone in Sean's condition it is nothing short of amazing. The determination, perseverance, and courage that Sean demonstrated stands as an example to all of us that anything is possible if you really want it to happen.

As amazing as these accomplishments are, Sean's story does not end with his successful mountain climbs and victory over 2 cancers. Sean is only 32 years old and has a lifetime ahead of him. He plans to climb the Carstensz Pyramid in Indonesia and the North and South Poles. Once he reaches the Poles, Sean will become one of less than a dozen people to complete the "Adventure Grand Slam" and the first cancer survivor to do so. When he isn't climbing mountains, Sean uses his experience with cancer and stories from his expeditions to spread hope and inspiration. He makes regular visits to cancer wards and provides strength and courage for those who continue to suffer from and battle cancer. Sean has also begun a motivation speaking tour by visiting wounded troops and veterans all over the country and is currently making arrangements to speak in Afghanistan and Iraq.

Sean's story is truly inspirational, not only to those struggling to beat cancer, but to anyone who seeks to accomplish something that others say is impossible. I would like to commend Sean for his success and thank him for serving as such a positive role model to anyone who has faced long odds. Sean has proven the power of determination.•

RECOGNIZING DR. W. RON DEHAVEN

• Mr. CHAMBLISS. Mr. President, I wish to recognize Dr. W. Ron DeHaven, Administrator of USDA's Animal and Plant Health Inspection Service, APHIS. As Administrator for the last 3 years, he has ably carried out the agency's mission of protecting american agriculture.

As a strong leader of APHIS' domestic safeguarding efforts, Dr. DeHaven has been the public face of USDA's effective, science-based response to bovine spongiform encephalopathy, BSE, in the United States. He has brought strong leadership skills to increasing U.S. preparedness to deal with avian influenza viruses in our poultry industry and ensuring that APHIS maintains robust emergency response and antismuggling programs designed to prevent the establishment of exotic pests and diseases of agriculture in our country.

Dr. DeHaven serves as one of USDA's principal liaisons to the Department of Homeland Security. He has worked closely with his colleagues there on a number of fronts, including agricultural commodity inspections at our Nation's ports of entry and the joint work of USDA and DHS officials at the Plum Island Animal Disease Center off Long Island, NY. The work of the researchers and diagnosticians at the Center ensures our nation is prepared in the event of a detection of a highly contagious foreign animal disease, such as foot-and-mouth disease or classical swine fever.

The agency's role has been shaped on the international front under Dr. DeHaven's direction. He has spearheaded efforts to stop the spread in poultry of the Asian strain of H5N1 highly pathogenic avian influenza. He has also advocated for improving international animal disease response infrastructure, traveling extensively to create a coalition of like-minded developed countries to work with the United Nation's Food and Agriculture Organization, FAO, and the World Organization for Animal Health. Dr. DeHaven helped push for implementation of a Crisis Management Center at the FAO's headquarters in Rome, with the goal of coordinating global H5N1 response efforts. I believe that the U.S. poultry industry is better protected as a result of his efforts.

Dr. DeHaven's integrity, dedication, and professionalism have represented the United States proudly in all of these endeavors. He has consistently championed U.S. agriculture in all of his international relationships and activities.

We congratulate him on his retirement from the Federal Government, and thank him for his 28 years of service with APHIS.•

HONORING DANIEL BALDINGER

• Mr. LAUTENBERG. Mr. President, today I wish to pay tribute to a valued friend, Daniel Baldinger, who passed away on July 4, 2007. Throughout his life he displayed a special kindness and a deep commitment to his friends and family. His spontaneous humor and wit made for a personality to which people were quickly attracted. He was multilingual, able to communicate in French, Italian, and Spanish among other languages as well. I enjoyed his company and looked forward to our times together. Dan, though creative and artistic, was also a skilled executive and presided over a family business started in 1955, which he quickly expanded into a booming business. The company, Louis Baldinger & Sons, became one of the leading companies in the lighting industry. Under Dan's leadership, Louis Baldinger & Sons' products were obtained by some of the countries most prestigious architects and designers.

While Dan achieved substantial success in his business ventures; he would be most proud of the breadth of friendships and loving relationships he shared with his family. He was a devoted and loving husband to his wife Marjorie of 48 years and together they enjoyed a wonderful family life. Dan was a proud father of his son Howard and daughter Toby, about whom he constantly bragged.

Dan was a caring man with deep intellectual curiosity and myriad interests. He was a person of various talents and abilities including cooking, which he did with flourish and gusto. At any given moment, one could find him discussing—in one of the many languages he spoke—baseball, his plans for the Design Industries Foundation Fighting AIDS, of which he was the national chairman, or his completion of the New York Marathon in 4 hours and 28 minutes.

While Dan is no longer with us, his memory will carry on. He lived life to the fullest and was a compassionate man who acted with integrity and decency. Dan touched so many lives and all of those that had the pleasure of knowing him will miss him greatly, including my wife Bonnie and me.•

HONORING DAVID A. WAKS

• Mr. LAUTENBERG. Mr. President, this week New Jersey lost one of its great citizens when Judge David A. Waks passed away far too early in life at 66 years of age.

I have known the Waks family over a number of years and his son, Joe Waks, carries on a proud family tradition of public service as chief of staff of my Senate operations in New Jersey.

David Waks was respected and admired for his candid, forthright action on decency and integrity in Government service. Known as someone who had a sympathetic ear and a generous heart, so much so that when a person in serious need sought his help he would reach into his own limited resources to assist. He was a model of a compassionate public servant who all in public service should emulate. Anyone who had the good fortune to know him was inspired by his genuine affection and concern. His life was exemplary and I wanted to ensure that a permanent record of David Waks' life existed as an outstanding example of how public service can be ennobled by the right kind of leadership.

I ask that an article from the Herald News be printed in the RECORD.

The article follows:

[From Herald News, July 19, 2007]

DAVID A. WAKS, 66, LED LIFE OF SERVICE

(By Suzanne Travers)

WAYNE.—David A. Waks, who championed integrity in public service for almost 40 years, first as a councilman, then as mayor in Wayne, and later as a state Superior Court judge in Paterson, died at his home here Wednesday.

The cause of death was lung cancer, diagnosed in mid-November, his wife, Joan, said.

Waks, 66, who once described himself to a reporter as an "ornery cuss" but told voters they could count on him to be fair-minded, even-handed and flexible, was known for his honesty, compassion, intelligence and hard work.

"He was one of Passaic County's real jewels," said Rep. Bill Pascrell Jr. (D–Paterson), a close friend for whom Waks' son, Joseph, previously worked as spokesman.

Born and raised in Paterson, Waks moved to Wayne and got his start in politics in 1971 as an advocate for local tenants after his landlord hiked his apartment's rent by 20 percent.

He was elected to the council with heavy support from 5th Ward renters, and continued to support enforcement of tenants' rights. Often the only Democrat on a Republican governing body, Waks was elected mayor in 1994 and again in 1997, resigning to become judge in 2000.

In December 1971, Wayne's township council voted to give one of its last liquor licenses to the friend of a councilman. Soon after he was sworn in, in January 1972, Waks drafted a resolution to rescind the issuance of the license. To avoid public allegations of cronyism, the councilman's friend returned the license before the resolution could go before the council, and the license was later issued to a Vietnam veteran who opened a now-defunct liquor store on Route 23.

"It was a nice way to get started," said Waks. "Everybody knew the first time it was political patronage. It was the first thing I ever did, and still one of the proudest."

Waks' tenure coincided with an era in which former Wayne officials, including its former mayor, business administrator, and township attorney, pleaded guilty to taking part in various bribery schemes involving developers. Later, Waks and his wife, an attorney who served on the Wayne council after her husband's departure, sued the wrongdoers for damages in an innovative racketeering lawsuit that brought the township more than $300,000.

Running for mayor, Waks refused to take campaign contributions from those doing business with the township.

"He drove me nuts in this office," Beverly Tierney, administrative assistant in the Wayne mayor's office, said of her friend and former boss. "He never let anyone do anything. He would not accept a gift. A restaurant sent over a tray of cookies, and he had me send them back."

He was sworn in as a Civil Division judge in state Superior Court in Paterson seven years ago today, according to Assignment Judge Robert Passero.

Waks wasn't above getting personally involved in his job, according to Passero. He recalled a case before Waks in which a single mother with children faced eviction for failure to pay rent. "He gave her the money to pay the rent," Passero said. "While liking inwardly what he did, I actually had to admonish him for that as not being appropriate."

For as hard as he worked and as compassionate as he was, Passero said Waks never let the grandiosity of being a judge go to his head. "He was the type of guy who never wore socks. I think he still wore the same ties as he had in high school," he said, with a laugh. "He was very unassuming. Very casual."

Passero added, "He studied hard, he worked hard. In my opinion, he was an ideal judge."

Waks graduated School 20 and Eastside High School in Paterson, and received a bachelor's degree from Rutgers University. In 1966, he earned a law degree from Georgetown University, where he met his wife. He joined his father, Isadore Waks, in his Paterson law practice the following year. On occasion Waks filled in for his father as attorney for Paterson's Board of Adjustment, and gave the money he earned for that work to his mother, Joan Waks said. Later, Waks continued as a solo practitioner.

State Sen. John Girgenti, D-Hawthorne, who appointed Waks to state Superior Court, said Waks was "a perfect candidate for the bench, because he got along well with everyone."

Waks received a lifetime appointment to the bench before the state Senate Judiciary Committee in May, Joan Waks said. Family members brought a wheelchair because he was weak at that point, but Waks stood for a brief speech about how "important it was to serve the people," said his wife.

"He really was so proud to be recognized for the work he did," she said. "He loved being a judge."

Waks quit smoking about 15 years ago, his wife said. She said he expressed his fear about dying and said he was "not ready to go." "I don't think he believed it 'til the end," she said. "He died like he lived, stubbornly."

In addition to his wife, Waks is survived by a brother, Jay Waks, of Larchmont, N.Y.; his children, Joseph Waks and his wife Nancy Slowe of Bayonne; daughters Jennifer Kennelly and her husband Thomas, of Pompton Plains; and Melanie Graceffo and her husband Gerald, of Cranford, six grandchildren: Cole, McKenzie, and Aidan Kennelly, and Gordon, Gabriel, and Isabel Graceffo, and what his wife termed "his two granddogs."

Joan Waks said she would hold a "family-only" service Monday. Waks, who was proud to be Jewish but nonpracticing, will be cremated, she said. A memorial service will likely be held Aug. 4 at DePaul High School in Wayne, where Waks sold coffee at Friday bingo games long past the time their children attended the school. Wayne Mayor Scott Rumana ordered flags to fly at half staff for 30 days to honor Waks.●

HONORING FAUSTA SAWAL

● Mrs. MURRAY. Mr. President, today I recognize Mrs. Fausta Sawal for her outstanding service in senior citizen communities in our home State of Washington. Mrs. Sawal was selected among 16,000 volunteers to receive the Senior Companion 2007 Spirit of Service Award.

The Spirit of Service awards are given to individuals who have demonstrated both leadership and a commitment to service within their communities. Mrs. Sawal has been a true role model in the community, helping senior citizens and disabled adults for more than 16 years. During her service with the Volunteers of America Senior Companion Program in Seattle/King County, she made a profound difference in the quality of life for dozens of people. Mrs. Sawal was there to call 911 when one of her clients suffered from a heart attack. She also provided assistance when another client fell from a bus and needed to be taken to the hospital. Time and again, Mrs. Sawal demonstrated her caring nature and her ability to effectively assist individuals in a time of need.

Mrs. Sawal has not limited her work to helping individuals. She has been a leader within many community organizations. Currently, she is the president of the Senior Companion Program Advisory Council, a member of the Filipino Community Center, and a volunteer at both the Asian Counseling and Referral Services and the International Drop-In Center. Mrs. Sawal has been active in each of these organizations, taking on many responsibilities including organizing special events, assisting case managers and clients, assisting with in-service trainings, procuring sponsors, and recruiting volunteers.

In addition to her role in the community, this amazing woman has raised eight children. Mrs. Sawal has more than 20 grandchildren and 4 great-grandchildren. In 2004, she was chosen as the Mother of the Year in Seattle's Asian community.

I would like to thank Mrs. Sawal for the positive impact she has had on so many lives in Washington State. Both her past activities and her current pursuits are helping to create healthier and happier communities. I am sure Mrs. Sawal will continue to make significant contributions to her family and in the elderly and disabled communities in Washington. Mrs. Sawal is a remarkable woman, and I am pleased she is being honored for her years of dedication to helping others.●

200TH ANNIVERSARY OF NELSON COUNTY, VIRGINIA

● Mr. WEBB. Mr. President, I wish to recognize a county in the Commonwealth of Virginia that is celebrating its bicentennial anniversary. Throughout this year, Nelson County residents will gather to celebrate their county's history and founding.

Nelson County is nestled in the rolling foothills of the Blue Ridge Mountains, midway between Charlottesville and Lynchburg. It was settled by colonists of English and German descent, as well as by the Scotch-Irish, whom I proudly recognize as my ancestors. The county was officially founded in 1807 and named in honor of Thomas Nelson, Jr., third Governor of Virginia. Nelson County is now home to about 14,500 people.

For those who call Nelson County home, it is a comfortable place to work and live. Nelson County is also a community in the truest sense of the word. This was most clearly demonstrated when neighbors came together and offered comfort and helping hands after Hurricane Camille caused widespread destruction in the county in 1969. Today community members can look to each other and remember with pride how they came together under hard circumstances to make Nelson County prosper once again.

Nelson County's economy is based on agriculture and natural resource-based industries such as timber and quarrying. The scenic surroundings have also attracted recreational development in recent years, making the county an outdoor enthusiast's haven. Outdoor recreation opportunities include hiking along the magnificent Appalachian Trail or to the top of Crabtree Falls, the highest cascading waterfall east of the Mississippi River, as well as canoeing and fishing on the James or Tye Rivers and skiing at Wintergreen Resort.

Many Americans may not be familiar with Nelson County by name, but millions have had a glimpse of what life was like in this rural community due to the writings of Nelson County native, Earl Hamner, Jr. During the Great Depression, Hamner began writing of his experience growing up in Nelson County. These writings eventually provided the substance for "The Waltons" television series.

The Nelson County Museum of History, which is currently being developed, will soon offer visitors opportunities to learn the rich heritage and rural culture of Nelson County through events, exhibits, and educational programs.

The rural community of Nelson County has much to remember and much to be proud of.

Mr. President, I ask the Senate to join me in congratulating Nelson County and its residents on their first 200 years and in wishing them well in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 12:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, Messrs. BAIRD, HIGGINS, MITCHELL, KAGEN, MCNERNEY, MICA, DUNCAN, EHLERS, BAKER, BROWN of South Carolina, and BOOZMAN.

From the Committee on Natural Resources, for consideration of sections 2014, 2023, and 6009 of the House bill, and sections 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Mrs. NAPOLITANO, and Mrs. MCMORRIS RODGERS.

At 3:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2929. An act to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes.

The message further announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. MICHAUD of Maine, Ms. HIRONO of Hawaii, and Mr. MICA of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. COURTNEY of Connecticut and Mr. SHAYS of Connecticut.

ENROLLED BILL SIGNED

At 5:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on today, July 26, 2007, by the President pro tempore (Mr. BYRD):

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2929. An act to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary of the Treasury.

*David H. McCormick, of Pennsylvania, to be an Under Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1879. A bill to amend titles 10 and 37, United States Code, to reduce the minimum age of retirement for years of non-regular service for reserves who serve on active duty in Iraq and Afghanistan, to increase the amount of educational assistance for members of the Selected Reserve, and to provide certain other benefits relating to service in the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mrs. BOXER):

S. 1880. A bill to amend the Animal Welfare Act to prohibit dog fighting ventures; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1881. A bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. DURBIN, Mr. BIDEN, and Mrs. BOXER):

S. 1882. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. WYDEN):

S. 1883. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare prescription drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare prescription drug program, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 1884. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve agricultural energy programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, Mr. BAUCUS, Mr. BIDEN, Mr. DURBIN, and Mr. KENNEDY)):

S. 1885. A bill to provide certain employment protections for family members who are caring for members of the Armed Forces recovering from illnesses and injuries incurred on active duty; to the Committee on Health , Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. CORKER, Mr. COBURN, Mr. MARTINEZ, and Mrs. DOLE):

S. 1886. A bill to provide a refundable and advanceable credit for health insurance through the Internal Revenue Code of 1986, to provide for improved private health insurance access and affordability, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 1887. A bill to amend title XVIII of the Social Security Act in order to ensure access to critical medications under the Medicare part D prescription drug program; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. COCHRAN):

S. 1888. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mrs. CLINTON, Mr. KERRY, and Mr. SCHUMER):

S. 1889. A bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 1890. A bill to allow individuals to opt-out of the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SALAZAR:

S. 1891. A bill to provide limited immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, and Mr. LOTT):

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. REID (for Mr. DODD (for himself, Mr. NELSON of Nebraska, Mr. KENNEDY, Mr. REED, and Mr. LIEBERMAN)):

S. 1894. A bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. SCHUMER):

S. Res. 281. A resolution congratulating Cal Ripken Jr. for his induction into the Baseball Hall of Fame, for an outstanding career as an athlete, and for his contributions to baseball and to his community; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 282. A resolution supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 600

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 680

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 680, a bill to ensure proper oversight and accountability in Federal contracting, and for other purposes.

S. 718

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 969

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 986

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 986, a bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as a cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and

Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1152

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1152, a bill to promote wildland firefighter safety.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1245

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1245, a bill to reform mutual aid agreements for the National Capitol Region.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1418

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1518

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1651

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1718

At the request of Mr. BROWN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1790

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1790, a bill to make grants to carry out activities to prevent the incidence of unintended pregnancies and sexually transmitted infections among teens in racial or ethnic minority or immigrant communities, and for other purposes.

S. 1817

At the request of Mr. OBAMA, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1817, a bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were withdrawn as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. 1850

At the request of Mr. SMITH, the names of the Senator from Montana (Mr. TESTER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1850, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

At the request of Mr. BYRD, his name was added as a cosponsor of S. Res. 203, supra.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 203, supra.

S. RES. 276

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2400

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2400 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2405

At the request of Mr. ALEXANDER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 2405 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2407

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2407 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2413

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2413 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2416

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2416 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2417

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 2417 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 2417 proposed to H.R. 2638, supra.

AMENDMENT NO. 2442

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2442 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2464

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2464 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2468

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2468 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2473

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2473 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2476

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 2476 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1881. A bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am joining, today, with the senior Senator from Pennsylvania, Senator SPECTER, in introducing the ADA Restoration Act of 2007.

Today, July 26, marks the 17th anniversary of the signing of the Americans with Disabilities Act, one of the landmark civil rights laws of the 20th century, and a long-overdue emancipation proclamation for the 50 million Americans with disabilities.

As chief sponsor of the ADA in the Senate, I take pride in the progress we have made as a Nation since 1990. We have removed most physical barriers to movement and access for the 50 million Americans with disabilities. We have required employers to provide reasonable accommodations so that people with disabilities can have equal opportunity in the workplace. We have advanced the 4 goals of the ADA, equality of opportunity, full participation, independent living, and economic self-sufficiency.

So today is a day, first and foremost, to celebrate all that has been accomplished over the last 17 years.

But despite that progress, there is a problem. In recent years, the courts have ignored Congress's clear intent as to who should be protected under the ADA. And the courts have narrowed the definition of who qualifies as an "individual with a disability." As a consequence, millions of people we intended to be protected under the ADA, including people with epilepsy, diabetes, and cancer, are not protected any more. In a ruling just this spring, the 11th Circuit court even concluded that a person with mental retardation was not "disabled" under the ADA.

Looking back through the legislative history, it is abundantly clear that Congress intended that the protections in the ADA apply to all persons without regard to mitigating circumstances, such as taking medication or using an assistive device.

In the Senate Labor and Human Resources Committee report Congress said:

> Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

The House Education and Labor Committee report says the same thing, and goes on to say:

> For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity are covered under . . . the definition of disability, even if the effects of the impairment are controlled by medication.

Nonetheless, in a series of cases, the Supreme Court ignored Congressional intent. Together, these Supreme Court cases have created an absurd and unintended Catch 22. People with serious health conditions like epilepsy or diabetes who are fortunate to find treatments that make them more capable and independent, and more able to work, may find that they are no longer protected by the ADA. If these individuals are no longer covered under the ADA, then their requests for a reasonable accommodation at work can be denied, or they can be fired. On the other hand, if they stop taking their medication, they will be considered a person with a disability under the ADA, but they will be unable to do their job.

This is not just absurd, it is wrong. It flies in the face of clear, unambiguous Congressional intent. When we passed the law, there was common agreement on both sides of the aisle, and on the part of the White House, that the law was designed to protect any individual who is treated less favorably because of a current, past, or perceived disability.

This situation cries out for a modest, reasonable legislative fix, and that is exactly what we are doing, today, by introducing the ADA Restoration Act of 2007.

Our bill amends the definition of "disability" so that people who Congress originally intended to be protected from discrimination are covered under the ADA.

Mr. Presdient, 17 years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support. Likewise, today, we are building a strong bicameral, bipartisan majority to support ADA Restoration. A companion bill is being introduced, today, in the House.

As with the original passage of the ADA in 1990, it is going to take time to hold hearings and build strong majorities. But I look forward to working to restore Congress' original intent, and, once again, to ensure that Americans with disabilities are protected from discrimination.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was orderd to be printed in the RECORD, as follows:

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Americans with Disabilities Act Restoration Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990, Congress intended that the Act "establish a clear and comprehensive prohibition of discrimination on the basis of disability", and provide broad coverage and vigorous and effective remedies without unnecessary and obstructive defenses;

(2) decisions and opinions of the Supreme Court have unduly narrowed the broad scope of protection afforded by the Americans with Disabilities Act of 1990, eliminating protection for a broad range of individuals whom Congress intended to protect;

(3) in enacting the Americans with Disabilities Act of 1990, Congress recognized that physical and mental impairments are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, but Congress also recognized that people with physical or mental impairments having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(4)(A) Congress modeled the Americans with Disabilities Act of 1990 definition of disability on that of section 504 of the Rehabilitation Act of 1973 (referred to in this section as "section 504"), which had, prior to the date of enactment of the Americans with Disabilities Act of 1990, been construed broadly to encompass both actual and perceived limitations, and limitations imposed by society; and

(B) the broad conception of the definition contained in section 504 had been underscored by the Supreme Court's statement in its decision in School Board of Nassau County v. Arline, 480 U.S. 273 (1987), that the definition "acknowledged that society's myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment";

(5) in adopting, in the Americans with Disabilities Act of 1990, the concept of disability expressed in section 504, Congress understood that adverse action based on a person's physical or mental impairment is often unrelated to the limitations caused by the impairment itself;

(6) instead of following congressional expectations that the term "disability" would be interpreted broadly in the Americans with Disabilities Act of 1990, the Supreme Court has ruled, in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the elements of the definition "need to be interpreted strictly to create a demanding standard for qualifying as disabled" and, consistent with that view, has narrowed the application of the definition in various ways; and

(7) contrary to explicit congressional intent expressed in the committee reports for the Americans with Disabilities Act of 1990, the Supreme Court has eliminated from the Act's coverage individuals who have mitigated the effects of their impairments through the use of such measures as medication and assistive devices.

(b) PURPOSE.—The purposes of this Act are—

(1) to effect the Americans with Disabilities Act of 1990's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by restoring the broad scope of protection available under the Americans with Disabilities Act of 1990;

(2) to respond to certain decisions of the Supreme Court, including Sutton v. United Air Lines, Inc., (527 U.S. 471 (1999), Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999), Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that have narrowed the class of people who can invoke the protection from discrimination that the Americans with Disabilities Act of 1990 provides; and

(3) to reinstate the original congressional intent regarding the definition of disability in the Americans with Disabilities Act of 1990 by clarifying that the protection of that Act is available for all individuals who are—

(A) subjected to adverse treatment based on an actual or perceived impairment, or a record of impairment; or

(B) adversely affected—

(i) by prejudiced attitudes, such as myths, fears, ignorance, or stereotypes concerning disability or particular disabilities; or

(ii) by the failure to remove societal and institutional barriers, including communication, transportation, and architectural barriers, or the failure to provide reasonable modifications to policies, practices, and procedures, reasonable accommodations, and auxiliary aids and services.

SEC. 3. FINDINGS IN AMERICANS WITH DISABILITIES ACT OF 1990.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) physical and mental disabilities are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society; and

"(B)(i) people with physical or mental disabilities having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of discrimination; and

"(ii) other people who have a record of a disability or are regarded as having a disability have also been subjected to discrimination;"; and

(2) by striking paragraph (7) and inserting the following:

"(7)(A) individuals with disabilities have been subjected to a history of purposeful unequal treatment, have had restrictions and limitations imposed upon them because of their disabilities, and have been relegated to positions of political powerlessness in society; and

"(B) classifications and selection criteria that exclude individuals with disabilities should be strongly disfavored, subjected to skeptical and meticulous examination, and permitted only for highly compelling reasons, and never on the basis of prejudice, myths, irrational fears, ignorance, or stereotypes about disability;".

SEC. 4. DISABILITY DEFINED.

Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) DISABILITY.—

"(A) IN GENERAL.—The term 'disability' means—

"(i) a physical or mental impairment;

"(ii) a record of a physical or mental impairment; or

"(iii) being regarded as having a physical or mental impairment.

"(B) RULE OF CONSTRUCTION.—

"(i) DETERMINATION OF IMPAIRMENT.—The determination of whether an individual has a physical or mental impairment shall be made without regard to—

"(I) whether the individual uses a mitigating measure;

"(II) the impact of any mitigating measures the individual may or may not be using;

"(III) whether any manifestation of the impairment is episodic; or

"(IV) whether the impairment is in remission or latent.

"(ii) MITIGATING MEASURES.—The term 'mitigating measure' means any treatment, medication, device, or other measure used to eliminate, mitigate, or compensate for the effect of an impairment, and includes prescription and other medications, personal aids and devices (including assistive technology devices and services), reasonable accommodations, and auxiliary aids and services.''; and

(2) by redesignating paragraph (3) as paragraph (7) and inserting after paragraph (2) the following:

''(3) MENTAL IMPAIRMENT.—The term 'mental', used with respect to an impairment, means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability.

''(4) PHYSICAL IMPAIRMENT.—The term 'physical', used with respect to an impairment, means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting 1 or more of the following body systems:

''(A) Neurological.

''(B) Musculoskeletal.

''(C) Special sense organs.

''(D) Respiratory, including speech organs.

''(E) Cardiovascular.

''(F) Reproductive.

''(G) Digestive.

''(H) Genitourinary.

''(I) Hemic and lymphatic.

''(J) Skin.

''(K) Endocrine.

''(5) RECORD OF A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'record of a physical or mental impairment' means a history of, or a misclassification as having, a physical or mental impairment.

''(6) REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'regarded as having a physical or mental impairment' means perceived or treated as having a physical or mental impairment, whether or not the individual involved has an impairment.''.

SEC. 5. ADVERSE ACTION.

The Americans with Disabilities Act of 1990 is amended by inserting after section 3 (42 U.S.C. 12102) the following:

''SEC. 4. ADVERSE ACTION.

''An adverse action taken by an entity covered under this Act against an individual because of that individual's use of a mitigating measure or because of a side effect or other consequence of the use of such a measure shall constitute discrimination under this Act.''.

SEC. 6. DISCRIMINATION ON THE BASIS OF DISABILITY.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''against a qualified individual with a disability because of the disability of such individual'' and inserting ''against an individual on the basis of disability''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking the term ''discriminate'' and inserting ''discriminate against an individual on the basis of disability''.

SEC. 7. QUALIFIED INDIVIDUAL.

Section 103(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 2113(a)) is amended by striking ''that an alleged'' and inserting ''that—

''(1) the individual alleging discrimination under this title is not a qualified individual with a disability; or

''(2) an alleged''.

SEC. 8. RULE OF CONSTRUCTION.

Section 501 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended by adding at the end the following:

''(e) BROAD CONSTRUCTION.—In order to ensure that this Act achieves the purpose of providing a comprehensive prohibition of discrimination on the basis of disability and to advance the remedial purpose of this Act, the provisions of this Act shall be broadly construed.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Americans with Disabilities Act Restoration Act of 2007—

''(A) the Attorney General, the Equal Employment Opportunity Commission, and the Secretary of Transportation shall issue regulations described in sections 106, 204, 223, 229, 244, and 306, as appropriate, including regulations that implement sections 3 and 4, to carry out the corresponding provisions of this Act, as this Act is amended by the Americans with Disabilities Act Restoration Act of 2007; and

''(B) the Architectural and Transportation Barriers Compliance Board shall issue supplementary guidelines described in section 504, to supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act, as this Act is amended by the Americans with Disabilities Act Restoration Act of 2007.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of an officer or agency described in paragraph (1) to issue regulations or guidelines under any other provision of this Act, other than this subsection.

''(g) DEFERENCE TO REGULATIONS AND GUIDANCE.—Duly issued Federal regulations and guidance for the implementation of the Americans with Disabilities Act of 1990, including provisions implementing and interpreting the definition of disability, shall be entitled to deference by administrative agencies or officers, and courts, deciding an issue in any action brought under this Act.''.

By Mr. HAGEL (for himself, Mr. DURBIN, Mr. BIDEN, and Mrs. BOXER):

S. 1882. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, in the last few years, our Nation's public health has been threatened repeatedly. We have faced natural disasters like the horrific damage done by Hurricane Katrina. We have endured human-led catastrophes like the tragic September 11 attacks. Only a couple of months ago, a man infected with a potentially lethal strain of extremely drug-resistant tuberculosis was able to travel from his home in Atlanta to France, Greece, the Czech Republic, and Canada, before ending up at a center in Denver for treatment.

These emergencies have made it clear that our public health system must be prepared for the unexpected.

Our ability to prevent, respond to, and recover from incidents like these depends upon an adequately staffed and well trained public health workforce. But if we look at our public health workforce today, what we see is alarming: an aging staff nearing retirement with no clear pipeline of trained employees to fill the void.

The average age of lab technicians, epidemiologists, environmental health experts, microbiologists, IT specialists, administrators, and other public health workers is 47. That is 7 years older than the average age of the Nation's workforce. Retirement rates are as high as 20 percent in some State public health agencies. Nearly half of the Federal employees in positions critical to our biodefense will be eligible to retire by 2012. The average age of a public health nurse is near 50 years.

These statistics are sobering. As the responsibilities of our public health workforce are growing, their ranks continue to shrink. These are shortages that impact not just for the security of our health, but our national security.

We can't afford to overlook this problem any longer. For the third consecutive Congress, Senator HAGEL and I are introducing the Public Health Preparedness Workforce Development Act of 2007. This is a bill that will increase the pipeline of qualified public health workers at all levels—Federal, State, local, and tribal. It offers scholarships and loan repayment as recruitment and retention incentives for students who enter and stay in the field of public health. It also provides opportunities for mid-career public health professionals to go back for additional training in public health preparedness or biodefense.

The time to prepare for a public health emergency, whether that be a natural disaster or one of our own making, is not tomorrow, nor next month, nor a year from now, but today. Looking forward we must strengthen our public health workforce. I urge my colleagues to join me and the Senator from Nebraska in taking up and passing the Public Health Preparedness Workforce Development Act. We must all make a commitment to securing the safety of our nation, and that security begins with our public health.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. WYDEN):

S. 1883. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare prescription drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare prescription drug program, and for other purposes; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Accountability and Transparency in Medicare Marketing Act, on behalf of myself and Senator DORGAN and WYDEN. This legislation aims to regulate the marketing standards and sales tactics of

Medicare Advantage and Medicare prescription drug plans, now the fastest growing segment of Medicare and a prime target for fraud, misrepresentation, and deceptive sales practices.

As chairman of the Special Committee on Aging, I recently held a hearing entitled, "Medicare Advantage Marketing and Sales: Who Has the Advantage?" Our hearing uncovered that a large majority of State insurance departments have received, and continue to receive, an unprecedented number of complaints about inappropriate or confusing marketing practices that have led Medicare beneficiaries to enroll in Medicare Advantage plans without adequately understanding the consequences of their decisions.

My legislation will facilitate the creation of uniform marketing standards that will be adopted and enforced by individual states. Based on current law, CMS has exclusive authority to investigate and discipline the marketing and selling of Medicare advantage products, while States have only been permitted to examine and enforce violations against individual insurance agents. This unusual arrangement, which some might call a pre-emption of authority, has left a sizable enforcement gap that has exacerbated the problems found by the committee.

This legislation will close that gap, giving States the ability to standardize marketing and sales regulations, as well as regulate both agents and companies in the marketing and sales of Medicare Advantage and prescription drug plans. Ultimately, State insurance commissioners will have the ability to work in conjunction with CMS in order to provide the most comprehensive protection possible for Medicare beneficiaries.

Senior citizens deserve to have access to the health care plan that best serves their needs without having to worry about being purposely mislead and deceived. I believe we must repair this disconnect in oversight and ensure the protection of American seniors, and I hope my colleagues will join in my effort to do so.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountability and Transparency in Medicare Marketing Act of 2007".

SEC. 2. STANDARDIZED MARKETING REQUIREMENTS UNDER THE MEDICARE ADVANTAGE AND MEDICARE PRESCRIPTION DRUG PROGRAMS.

(a) MEDICARE ADVANTAGE PROGRAM.—

(1) IN GENERAL.—Section 1856 of the Social Security Act (42 U.S.C. 1395w–26) is amended—

(A) in subsection (b)(1), by inserting "or subsection (c)" after "subsection (a)"; and

(B) by adding at the end the following new subsection:

"(c) STANDARDIZED MARKETING REQUIREMENTS.—

"(1) DEVELOPMENT BY THE NAIC.—

"(A) REQUIREMENTS.—The Secretary shall request the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') to—

"(i) develop standardized marketing requirements for Medicare Advantage organizations with respect to Medicare Advantage plans and PDP sponsors with respect to prescription drug plans under part D; and

"(ii) submit a report containing such requirements to the Secretary by not later than the date that is 9 months after the date of enactment of this subsection.

"(B) PROHIBITED ACTIVITIES.—Such requirements shall prohibit the following:

"(i) Cross-selling of non-Medicare products or services with products or services offered by a Medicare Advantage plan or a prescription drug plan under part D.

"(ii) Up-selling from prescription drug plans under part D to Medicare Advantage plans.

"(iii) Telemarketing (including cold calling) conducted by an organization with respect to a Medicare Advantage plan or a PDP sponsor with respect to a prescription drug plan under part D (or by an agent of such an organization or sponsor).

"(iv) A Medicare Advantage organization or a PDP sponsor providing cash or other monetary rebates as an inducement for enrollment or otherwise.

"(C) ELECTION FORM.—Such requirements may prohibit a Medicare Advantage organization or a PDP sponsor (or an agent of such an organization or sponsor) from completing any portion of any election form used to carry out elections under section 1851 or 1860D–1 on behalf of any individual.

"(D) AGENT AND BROKER COMMISSIONS.—Such requirements shall establish standards—

"(i) for fair and appropriate commissions for agents and brokers of Medicare Advantage organizations and PDP sponsors, including a prohibition on extra bonuses or incentives; and

"(ii) for the disclosure of such commissions.

"(E) CERTAIN CONDUCT OF AGENTS.—Such requirements shall address the conduct of agents engaged in on-site promotion at a facility of an organization with which the Medicare Advantage organization or PDP sponsor has a cobranding relationship.

"(F) OTHER STANDARDS.—Such requirements may establish such other standards relating to marketing under Medicare Advantage plans and prescription drug plans under part D as the NAIC determines appropriate.

"(2) IMPLEMENTATION OF REQUIREMENTS.—

"(A) ADOPTION OF NAIC DEVELOPED REQUIREMENTS.—If the NAIC develops standardized marketing requirements and submits the report pursuant to paragraph (1), the Secretary shall promulgate regulations for the adoption of such requirements. The Secretary shall ensure that such regulations take effect not later than the date that is 10 months after the date of enactment of this subsection.

"(B) REQUIREMENTS IF NAIC DOES NOT SUBMIT REPORT.—If the NAIC does not develop standardized marketing requirements and submit the report pursuant to paragraph (1), the Secretary shall promulgate regulations for standardized marketing requirements for Medicare Advantage organizations with respect to Medicare Advantage plans and PDP sponsors with respect to prescription drug plans under part D. Such regulations shall prohibit the conduct described in paragraph (1)(B), may prohibit the conduct described in paragraph (1)(C), shall establish the standards described in paragraph (1)(D), shall address the conduct described in paragraph (1)(E), and may establish such other standards relating to marketing under Medicare Advantage plans and prescription drug plans as the Secretary determines appropriate. The Secretary shall ensure that such regulations take effect not later than the date that is 10 months after the date of enactment of this subsection.

"(C) CONSULTATION.—In establishing requirements under this subsection, the NAIC or Secretary (as the case may be) shall consult with a working group composed of representatives of Medicare Advantage organizations and PDP sponsors, consumer groups, and other qualified individuals. Such representatives shall be selected in a manner so as to insure balanced representation among the interested groups.

"(3) STATE REPORTING OF VIOLATIONS OF STANDARDIZED MARKETING REQUIREMENTS.—The Secretary shall request that States report any violations of the standardized marketing requirements under the regulations under subparagraph (A) or (B) of paragraph (2) to national and regional offices of the Centers for Medicare & Medicaid Services.

"(4) REPORT.—The Secretary shall submit an annual report to Congress on the enforcement of the standardized marketing requirements under the regulations under subparagraph (A) or (B) of paragraph (2), together with such recommendations as the Secretary determines appropriate. Such report shall include—

"(A) a list of any alleged violations of such requirements reported to the Secretary by a State, a Medicare Advantage organization, or a PDP sponsor; and

"(B) the disposition of such reported violations.".

(2) STATE AUTHORITY TO ENFORCE STANDARDIZED MARKETING REQUIREMENTS.—

(A) IN GENERAL.—Section 1856(b)(3) of the Social Security Act (42 U.S.C. 1395w–26(b)(3)) is amended—

(i) by striking "or State" and inserting ", State"; and

(ii) by inserting ", or State laws or regulations enacting the standardized marketing requirements under subsection (c)" after "plan solvency".

(B) NO PREEMPTION OF STATE SANCTIONS.—Nothing in title XVIII of the Social Security Act or the provisions of, or amendments made by, this Act, shall be construed to prohibit a State from imposing sanctions against Medicare Advantage organizations, PDP sponsors, or agents or brokers of such organizations or sponsors for violations of the standardized marketing requirements under subsection (c) of section 1856 of the Social Security Act (as added by paragraph (1)) as enacted by that State.

(3) CONFORMING AMENDMENT.—Section 1851(h)(4) of the Social Security Act (42 U.S.C. 1395w–21(h)(4)) is amended by adding at the end the following flush sentence: "Beginning on the effective date of the implementation of the regulations under subparagraph (A) or (B) of section 1856(c)(2), each Medicare Advantage organization with respect to a Medicare Advantage plan offered by the organization (and agents of such organization) shall comply with the standardized

marketing requirements under section 1856(c).".

(b) MEDICARE PRESCRIPTION DRUG PROGRAM.—Section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104) is amended by adding at the end the following new subsection:

"(l) STANDARDIZED MARKETING REQUIREMENTS.—A PDP sponsor with respect to a prescription drug plan offered by the sponsor (and agents of such sponsor) shall comply with the standardized marketing requirements under section 1856(c).".

SEC. 3. STATE CERTIFICATION PRIOR TO WAIVER OF LICENSURE REQUIREMENTS UNDER MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D-12(c) of the Social Security Act (42 U.S.C. 1395w-112(c)) is amended—

(1) in paragraph (1)(A), by striking "In the case" and inserting "Subject to paragraph (5), in the case"; and

(2) by adding at the end the following new paragraph:

"(5) STATE CERTIFICATION REQUIRED.—

"(A) IN GENERAL.—The Secretary may only grant a waiver under paragraph (1)(A) if the Secretary has received a certification from the State insurance commissioner that the prescription drug plan has a substantially complete application pending in the State.

"(B) REVOCATION OF WAIVER UPON FINDING OF FRAUD AND ABUSE.—The Secretary shall revoke a waiver granted under paragraph (1)(A) if the State insurance commissioner submits a certification to the Secretary that the recipient of such a waiver—

"(i) has committed fraud or abuse with respect to such waiver;

"(ii) has failed to make a good faith effort to satisfy State licensing requirements; or

"(iii) was determined ineligible for licensure by the State.".

(b) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 4. NAIC RECOMMENDATIONS ON THE ESTABLISHMENT OF STANDARDIZED BENEFIT PACKAGES FOR MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall request the National Association of Insurance Commissioners to establish a committee to study and make recommendations to the Secretary and Congress on—

(1) the establishment of standardized benefit packages for Medicare Advantage plans under part C of title XVIII of the Social Security Act and for prescription drug plans under part D of such Act; and

(2) the regulation of such plans.

By Mr. SALAZAR:

S. 1884. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve agricultural energy programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SALAZAR. Mr. President, today I am introducing a bill that will help deliver clean energy technologies from the research pipelines of our labs into the hands of our farmers and ranchers, so that we can take better advantage of our farms and fields for clean energy production. This bill, called the Harvesting Energy Act, will bolster the energy title of this year's farm bill, building on the good ideas that Chairman HARKIN, Ranking Member CHAMBLISS, and the rest of us on the Agriculture Committee have been working on for several months.

I am proud that the Harvesting Energy Act reflects the broad-based, bipartisan input of the 25 by '25 coalition which, earlier this year, provided us with their policy recommendations for how we can produce 25 percent of our energy from renewable resources by 2025. The 25 by '25 vision has been endorsed by 22 current and former Governors and several State legislatures across the country, along with over 500 organizations and companies, including the Big Three automobile manufacturers, agricultural producers, and environmental groups. We established 25 by '25 as a national goal earlier this year when we passed the Energy bill in the Senate. We must now implement the policies that are necessary to achieve that goal.

I have spoken many times about the urgency of moving this Nation toward energy independence by making better use of the resources we have here at home. Responsible development of our oil and gas resources, improved efficiency and conservation, and more aggressive investment in renewable energy technologies—these are the three pillars upon which we must build an economy that is less dependent on foreign oil.

I do not need to remind my colleagues of the dangers that oil dependence poses to the United States and to global security. It is oil that empowers states such as Iran, Venezuela, and Syria. It is oil that contributes to violence in Iraq, Nigeria, and the Sudan. It is oil that places Russia and China in a dangerous competition for oil in Central Asia and Africa.

This Congress has made remarkable progress since January in confronting the daunting task of reducing our dependence on foreign oil. It is an effort that has spanned several committees.

The Energy bill that we passed in early June represented the diligent work of the Energy and Natural Resources Committee, the Commerce Committee, and the Finance Committee. I was proud of the work we did on that bill, from creating meaningful oil savings targets to making smarter investments in renewables, improving vehicle standards, and establishing a national goal of producing 25 percent of our energy from our farms and fields by 2025.

I am also proud of the energy work we are doing on the farm bill in the Agriculture Committee. Thanks to Chairman HARKIN's leadership, the 2007 farm bill will build on the 2002 farm bill's first-ever energy title.

This is an important step that recognizes the central role that our farmers and ranchers must play in a new, clean energy economy. We have the most productive lands and most efficient farmers in the world, allowing America to be the breadbasket for the global community. With these resources, talent, and ingenuity, there is no doubt that we can grow our way to energy independence.

As I travel through Colorado, the possibilities of a clean energy revolution, driven by farmers and ranchers, are clear.

In Weld County, Logan County, and Yuma County, we are seeing biofuel plants spring to life, creating new markets and new opportunities for our rural communities. In 2004, there were no ethanol plants in Colorado. Today, three plants produce more than 90 million gallons per year, and a fourth plant will come on line later this year, adding another 50 million gallons per year.

But it is not just biofuels. In the San Luis Valley, where my family has lived for five generations, Xcel Energy just broke ground on the largest solar plant in North America.

We have added 60 megawatts of wind capacity in Colorado in the last 2 years, and by the end of 2007, we will add another 775 megawatts, more than tripling the State's production of wind power to more than 1,000 megawatts. This is good for households along the Front Range that get clean, affordable power, and it is good for the ranchers in Prowers County, who own the land on which the turbines sit.

These biofuel plants, wind turbines, and solar farms are revitalizing rural communities that have been withering on the vine. They are bringing life back to main streets that were boarded up and excitement back to farmers and ranchers who are eager to be a part of our clean energy revolution.

The bill I am introducing today will help stimulate this revolution by getting more renewable energy technologies out of the development pipeline and into the fields, where they belong.

It is based on the recommendations contained in the 25 by 25 Action Plan and builds on those ideas with important new initiatives to supplement the energy title of the farm bill. Our goal is to ensure that the renewable energy work being done at the Department of Energy and in colleges and universities throughout the country, in which we invested earlier this year through the Energy bill, is accompanied by a strong commitment at USDA to bring the resulting technologies and methods out to farmers and ranchers.

USDA has a long history of identifying promising new production methods and technologies, refining them, and making them available to agricultural producers. The Akron Research Station in Washington County, CO, is a great example. For 100 years it has connected our farmers in eastern Colorado with the latest practical agricultural research available.

USDA can and should be making the same efforts to disperse the latest and best developments from the renewable energy revolution to farmers and ranchers.

I want to briefly describe four ways in which my bill will bolster USDA's capabilities in this area and help make the 25x'25 vision a reality.

First, the Harvesting Energy Act of expands and extends Section 9006 of the farm bill, which offers competitive grants and loan guarantees to help farmers, ranchers, and rural small businesses invest in proven clean energy technologies. My bill adds $280 million to section 9006, following the recommendations of the 25x'25 Agriculture Energy Alliance. This will ramp up the loan guarantees for cellulosic ethanol facilities, encourage community wind and other electric power projects, and expand the number of eligible applicants for these loans and grants. This is a responsible way to help more farmers become net energy producers of on-farm renewable energy.

Second, my bill accelerates research, development, demonstration, and deployment of renewable resources such as biomass, wind, solar, and renewable natural gas. I am proposing that we devote an additional $200 million per year to these efforts, with the specific goals of bringing biomass energy feedstocks such as native grasses and short-rotation trees into production; perfecting our biorefinery and conversion technologies; refining biofuels from these biomass feedstocks; and making use of the biobased coproducts to add value to the process.

Third, if we are to continue to expand biofuels production, we need to ensure that the supply is stable so that we don't encounter major shortages in droughts or in periods of adverse weather. Storing feedstocks like corn, oilseed crops, and biomass for cellulosic ethanol will better protect consumers from huge price fluctuations or shortages. My bill would create a voluntary biofuel feedstock reserve that would encourage farmers to store these feedstocks on-farm and make them available for biofuel production when a price spike or a shortage occurs.

Fourth, the Harvesting Energy Act invests in research and development in new production technologies that promise to yield high energy returns and carbon storage. One of the key investments that this bill makes is in biochar. Biochar is a type of charcoal produced from biomass that is valuable as a soil amendment. The USDA and DOE are finding that they can produce biochar as a carbon-capturing byproduct of cellulosic ethanol production. This is good for farmers, who put the biochar back into the soil as a fertilizer, good for the environment because it reduces carbon emissions, and good for consumers because it could drive down cellulosic ethanol production costs. My bill would provide $50 million in competitive funding for research and development grants to scale-up and commercialize biochar production systems. Like so much else we are doing in the energy title of the farm bill, this would move ideas from the research pipeline out into the field, where they need to be.

This bill includes a wide range of other provisions that build on the good work that the Agriculture Committee is doing on the farm bill. Like the provisions I have described, they aim to expand the menu of renewable energy options we have available as we work to reduce our dependence on foreign oil.

I again thank Chairman HARKIN and Senator CHAMBLISS for their leadership on the Agriculture Committee and for their commitment to creating a robust energy title in this year's farm bill. I firmly believe that with the right investments and a commitment from this Congress, our farmers and ranchers can help lead us down the path to energy independence.

By Mr. SMITH (for himself and Mr. KERRY):

S. 1887. A bill to amend title XVIII of the Social Security Act in order to ensure access to critical medications under the Medicare Part D prescription drug program; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing the Access to Critical Medications Act, ACMA, a bill that will vastly improve the coverage millions of vulnerable Medicare beneficiaries receive through the Medicare prescription drug program, known as Part D. The new drug benefit has been a tremendous success, providing access to affordable prescription drug therapies to millions of beneficiaries, some for the very first time. But many of our most vulnerable seniors, especially those suffering from serious health conditions like mental illness, HIV/AIDS or cancer, often have difficulty obtaining the vital drug therapies they need to remain functional, or in some cases, to survive. To remedy these problems, the bill I am introducing today will give the Centers for Medicare and Medicaid Services, CMS, the regulatory tools it needs to ensure that all prescription drug plans, PDP, provide unfettered access to medically essential drug therapies.

My connection to this issue began long before Medicare's new prescription drug benefit went into effect. As chairman of the Aging Committee, I held a hearing in the spring of 2005 to explore how well CMS was preparing to transition dual-eligible beneficiaries, those who qualify for both Medicare and Medicaid, into Medicare Part D. At that hearing, advocates expressed a number of concerns with the implementation of the new drug benefit, and chief among them was guaranteeing that vulnerable beneficiaries had access to important drug therapies that either stabilized or improved their health condition. I made a personal request to then CMS Administrator Dr. Mark McClellan to work with prescription drug plans to ensure that their formularies provide access to all available drugs in certain pharmaceutical classes, including those that contain innovative treatments for mental illness, epilepsy, cancer and HIV/AIDS. The result of that conversation was the creation of the "all or substantially all" policy for six protected drug classes. CMS initially included this new policy as part of the sub-regulatory formulary guidance it issued to plans in 2005 and again in 2006.

While I was pleased with CMS providing this additional protection for the vital drug therapies in the six protected classes, its actual impact on beneficiaries gaining access to the medications they need has been uneven at best. For one, the policy was issued as sub-regulatory guidance, which limits CMS' ability to enforce it. While it is true that the annual contracts CMS develops with prescription drug plans generally include a requirement that they abide by the "all or substantially all" guidance, the agency's record of enforcing the policy has been quite poor. Instead of plans covering all drugs in the six protected classes, as CMS claims plan contracts require, beneficiaries, often the most frail and vulnerable, have had extensive access problems because their PDPs do not include their medication on its formulary. In fact, data from a study being conducted by the American Psychiatric Institute for Research and Education, APIRE, released earlier this year, showed that roughly 68 percent of surveyed beneficiaries, many of them dual eligibles, experienced some sort of problem accessing the prescription drug they needed because their PDP's formulary did not cover it. This would suggest that CMS' current approach to enforcing the "all or substantially all" policy is woefully lacking.

I should note that beneficiaries often are able to access a drug that should be covered on their plan's formulary by filing a coverage appeal. However, that process is usually long and difficult to complete, and results in the problem only being solved for one beneficiary. I appreciate the responsiveness of drug plans to specific beneficiaries' difficulties with accessing the drugs they need, but if they are not addressing the concerns raised through the appeals process on a broader scale, problems will only continue to occur. I believe we need a system-wide approach to ensuring that beneficiaries have access to the life-saving and life-improving medications they need and I believe that solution lies within the legislation I am filing today.

The Access to Critical Medications Act ACMA would codify, for a 5-year period, the current policies in CMS existing "all or substantially all" subregulatory guidance. I am hopeful that providing this statutory authority will signal to plans that it is no longer an option to cover all available drugs in the six protected classes. It is a legal requirement that must be adhered to in order to participate in Medicare Part D. Accordingly, I would expect that this change will empower CMS to take a more proactive role in ensuring that prescription drug plan sponsors are not placing arbitrary barriers to accessing these critical medications covered by the "all or substantially all" policy.

During the 5 year period that the "all or substantially all" policy will be effective, the ACMA directs CMS to establish a process through regulation, that would allow for this important policy to be updated and enforced in future years. None of us hold the knowledge of the pharmaceutical and medical developments of tomorrow. In a decade, there could be major breakthroughs in treating any number of debilitating illnesses, which may require the creation of or modification of pharmaceutical classes covered by this important policy. CMS needs to have the authority to update the classes and categories it covers and the process the ACMA creates will provide them the tools to do that.

In order to use those tools, the ACMA defines specific, clinically-based criteria that the Secretary must follow when evaluating whether a drug class should be added or removed from coverage under the policy. This will ensure that there is consistency in the manner by which the policy is evaluated in future years, so that the Secretary is not arbitrarily determining which medications are important enough so that all plans must provide access to them. The ACMA also makes modest changes to the appeals process, to ensure that plans and CMS resolve beneficiary complaints in a timely manner, and that access to medications is guaranteed while the appeals process runs its course.

The existing "all or substantially all" policy was a step in the right direction at the time it was created. However, as we approach the third year of Medicare's prescription drug benefit, beneficiaries' actual experience in the program provides overwhelming support that we need a more robust approach to helping vulnerable beneficiaries get the medications they need. As importantly, CMS must have a regulatory process in place that will enable it to modify the classes covered by the policy in response to changes in medical and pharmaceutical science. I believe the ACMA clearly addresses both those needs, and I hope my colleagues will agree. It is a well thought out policy that strikes a careful balance between flexibility and enforceability. Advocacy groups such as the American Psychiatric Association, the National Alliance for Mental Illness, Mental Health America, the AIDS Institute, the HIV Medicine Association and the Epilepsy Foundation all contributed to the development of ACMA and all now support the finished product. The Senate likely will consider Medicare legislation this fall, and I have already mentioned to Chairman BAUCUS that I would like to see this bill advance as part of that effort.

I ask unanimous consent that the text of therbill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Access to Critical Medications Act of 2007".

SEC. 2. FORMULARY REQUIREMENTS WITH RESPECT TO CERTAIN CATEGORIES AND CLASSES OF DRUGS.

(a) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

(1) INITIAL LIST.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended—

(A) in subparagraph (C)(i), by striking "The formulary" and inserting "Subject to subparagraph (G), the formulary"; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) INITIAL LIST OF REQUIRED DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(i) IN GENERAL.—Subject to clause (iv), the formulary must include all or substantially all drugs in the following categories and classes that are available as of April 30 of the year prior to the year which includes the date of enactment of the Medicare Access to Critical Medications Act of 2007:

"(I) Immunosuppressant.

"(II) Antidepressant.

"(III) Antipsychotic.

"(IV) Anticonvulsant.

"(V) Antiretroviral.

"(VI) Antineoplastic.

"(ii) NEWLY APPROVED DRUGS.—

"(I) IN GENERAL.—In the case of a drug in any of the categories and classes described in subclauses (I) through (VI) of clause (i) that becomes available after the April 30 date described in clause (i), the formulary shall include such drug within 30 days of the drug becoming available, except that, in the case of such a drug that becomes available during the period beginning on such April 30 and ending on the date of enactment of the Medicare Access to Critical Medications Act of 2007, the formulary shall include such drug within 30 days of such date of enactment.

"(II) USE OF FORMULARY MANAGEMENT PRACTICES AND POLICIES.—Nothing in this clause shall be construed as preventing the Pharmacy and Therapeutic Committee of a PDP sponsor from advising such sponsor on the clinical appropriateness of utilizing formulary management practices and policies with respect to a newly approved drug that is required to be included on the formulary under subclause (I).

"(iii) UNIQUE DOSAGES AND FORMS.—A PDP sponsor of a prescription drug plan shall include coverage of all unique dosages and forms of drugs required to be included on the formulary pursuant to clause (i) or (ii).

"(iv) SUNSET.—The provisions of this subparagraph shall not apply after December 31 of the year which includes the date that is 5 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007."

(2) REVIEW OF DRUGS COVERED UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)), as amended by paragraph (1), is amended—

(A) in subparagraph (C)(i), by striking "subparagraph (G)" and inserting "subparagraphs (G) and (H)"; and

(B) by inserting after subparagraph (G) the following new subparagraph:

"(H) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(i) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(I) IN GENERAL.—Beginning January 1 of the year after the year which includes the date that is 5 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007, PDP sponsors offering prescription drug plans shall be required to include all unique dosages and forms of all or substantially all drugs in certain categories and classes, including the categories and classes described in subclauses (I) through (VI) of subparagraph (G)(i), on the formulary of such plans within 30 days of the drug becoming available.

"(II) REGULATIONS.—Not later than January 1 of the year after the year which includes the date that is 4 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007, the Secretary shall issue regulations to carry out this clause.

"(ii) PERIODIC REVIEW.—The Secretary shall establish procedures to provide for periodic review of the drugs required to be included on the formulary under clause (i).

"(iii) UPDATING.—

"(I) IN GENERAL.—The Secretary may update the list of drugs required to be included on the formulary under clause (i) if the Secretary determines, in accordance with this clause, that updating such list is appropriate.

"(II) ADDING CATEGORIES OR CLASSES.—In issuing the regulations under clause (i) and updating the list in order to add a drug in a category or class to the list of drugs required to be included on the formulary under such clause, the Secretary shall consider factors that justify requiring coverage of drugs in a certain category or class, including the following:

"(aa) Whether the drugs in a category or class are used to treat a disease or disorder that can cause significant negative clinical outcomes to individuals in a short timeframe.

"(bb) Whether there are special or unique benefits with respect to the majority of drugs in a given category or class.

"(cc) High predicted drug and medical costs for the diseases or disorders treated by the drugs in a given category or class.

"(dd) Whether restricted access to the drugs in the category or class has major clinical consequences for individuals enrolled in a prescription drug plan who have a disease or disorder treated by the drugs in such category or class.

"(ee) The potential for the development of discriminatory formulary policies based on the clinical or functional characteristics of such individuals and the high cost of certain drugs in a category or class.

"(ff) The need for access to multiple drugs within a category or class due to the unique chemical action and pharmacological effects of drugs within the category or class and any variation in clinical response based on differences in such individuals' metabolism, age, gender, ethnicity, comorbidities, drug-resistance, and severity of disease.

"(gg) Any applicable revisions that have been made to widely-accepted clinical practice guidelines endorsed by pertinent medical specialty organizations.

"(III) REMOVAL OF CATEGORIES OR CLASSES.—In updating the list in order to remove a drug in a category or class from the list of drugs required to be included on the formulary under clause (i), the Secretary may remove a drug from such list in the case where the Secretary determines that widely-accepted clinical practice guidelines endorsed by pertinent national medical specialty organizations indicate that, for substantially all drugs in the category or class, restricting access to such drugs is unlikely to result in adverse clinical consequences for individuals with conditions for which the drugs are clinically indicated.".

(b) LIMITATION OF UTILIZATION MANAGEMENT TOOLS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—Section 1860D-4(c) of the Social Security Act (42 U.S.C. 1395w-104(c)) is amended—

(1) in paragraph (1)(A), by striking "A cost-effective" and inserting "Subject to paragraph (3), a cost-effective"; and

(2) by adding at the end the following new paragraph:

"(3) LIMITATION OF UTILIZATION MANAGEMENT TOOLS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(A) IN GENERAL.—A PDP sponsor of a prescription drug plan may not apply a utilization management tool, such as prior authorization or step therapy, to the following:

"(i) During the period beginning on the date of enactment of this paragraph and ending on December 31 of the year which includes the date that is 5 years after such date of enactment—

"(I) a drug in a category or class described in subsection (b)(3)(G)(i)(V); and

"(II) a drug in a category or class described in subclause (I), (II), (III), (IV), or (VI) of subsection (b)(3)(G)(i) in the case where an enrollee was engaged in a treatment regimen using such drug in the 90-day period prior to the date on which such tool would be applied to the drug with respect to the enrollee under the plan or the PDP sponsor is unable to determine if the enrollee was engaged in such a treatment regimen prior to such date.

"(ii) Beginning January 1 of the year after the year which includes the date that is 5 years after the date of enactment of this paragraph—

"(I) a drug in a category or class described in subsection (b)(3)(G)(i)(V), if such drug is required to be included on the formulary under subsection (b)(3)(H); and

"(II) a drug in any other category or class required to be included on the formulary under subsection (b)(3)(H) in the case where an enrollee was engaged in a treatment regimen using such drug in the 90-day period prior to the date on which such tool would be applied to the drug with respect to the enrollee under the plan or the PDP sponsor is unable to determine if the enrollee was engaged in such a treatment regimen prior to such date

"(B) STATEMENT OF EVIDENCE BASE FOR APPLICATION OF UTILIZATION MANAGEMENT TOOL.—In the case where a utilization management tool is applied to a drug in a category or class required to be included on a plan formulary under subparagraph (G) or (H) of subsection (b)(3), the PDP sponsor of such plan shall provide a statement of the evidence base substantiating the clinical appropriateness of the application of such tool.".

(c) RULE OF CONSTRUCTION.—Nothing in the provisions of this section, or the amendments made by this section, shall be construed as prohibiting the Secretary of Health and Human Services from issuing guidance or regulations to establish formulary or utilization management requirements under section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104) as long as they do not conflict with such provisions and amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2008.

SEC. 3. APPEALS REQUIREMENTS FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS.

(a) COVERAGE DETERMINATIONS AND RECONSIDERATION.—Section 1860D-4(g) of the Social Security Act (42 U.S.C. 1395w-104(g)) is amended by adding at the end the following new paragraph:

"(3) REQUEST FOR A DETERMINATION OR RECONSIDERATION FOR THE TREATMENT OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(A) IN GENERAL.—In the case where an individual enrolled in a prescription drug plan disputes a utilization management requirement, an adverse coverage determination, a reconsideration by a PDP sponsor of a prescription drug plan, or an adverse reconsideration by an Independent Review Entity with respect to a covered part D drug in the categories and classes required to be included on the formulary under subparagraph (G) of subsection (b)(3) or under the regulations issued under subparagraph (H) of such subsection, the PDP sponsor shall continue to cover such prescription drug until the date that is not less that 60 days after the latest of the following has occurred:

"(i) The enrollee has received written notice of an adverse reconsideration by a PDP sponsor.

"(ii) In the case where an enrollee has requested reconsideration by an Independent Review Entity, such Entity has issued an adverse reconsideration.

"(iii) In the case where an appeal of such adverse reconsideration has been filed by the individual, an administrative law judge has decided or dismissed the appeal.

"(B) DEFINITION OF INDEPENDENT REVIEW ENTITY.—In this paragraph, the term 'Independent Review Entity' means the independent, outside entity the Secretary contracts with under section 1852(g)(4), including such an entity that the Secretary contracts with in order to meet the requirements of such section under section 1860D-4(h)(1).".

(b) APPEALS.—Section 1860D-4(h) of the Social Security Act (42 U.S.C. 1395w-104(h)) is amended—

(1) in paragraph (2), by striking "A part D" and inserting "Subject to paragraph (4), a part D"; and

(2) by adding at the end the following new paragraph:

"(4) TREATMENT OF APPEALS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

"(A) IN GENERAL.—A part D eligible individual who is enrolled in a prescription drug plan offered by a PDP sponsor may appeal under paragraph (1) a determination by such sponsor not to provide coverage of a covered part D drug in a category or class required to be included on the formulary under subparagraph (G) of subsection (b)(3) or under the regulations issued under subparagraph (H) of such subsection at any time after such determination by requesting a reconsideration by an Independent Review Entity.

"(B) DEFINITION OF INDEPENDENT REVIEW ENTITY.—In this paragraph, the term 'Independent Review Entity' has the meaning given such term in subsection (g)(3)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2008.

SEC. 4. DATA REPORTING REQUIREMENTS FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104). is amended by adding at the end the following new subsection

"(l) DATA REPORTING FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS.—

"(1) IN GENERAL.—A PDP sponsor offering a prescription drug plan shall disclose to the Secretary (in a manner specified by the Secretary) data at the plan level on the number of—

"(A) favorable and adverse decisions made with respect to exceptions requested to formulary policies—

"(i) during the period beginning on the date of enactment of this subsection and ending on December 31 of the year which includes the date that is 5 years after such date of enactment, for each of the categories and classes of drugs described in subclauses (I) through (VI) of subsection (b)(3)(G)(i); and

"(ii) beginning January 1 of the year after the year which includes the date that is 5 years after such date of enactment, for each of the categories and classes of drugs required to be included on the formulary under the regulations issued under subsection (b)(3)(H);

"(B) favorable and adverse coverage determinations made with respect to each of such categories and classes during the applicable period;

"(C) favorable and adverse reconsiderations made by a PDP sponsor with respect to each of such categories and classes during the applicable period;

"(D) favorable and adverse reconsiderations made by an Independent Review Entity (as defined in subsection (g)(3)(B)) with respect to each of such categories and classes during the applicable period; and

"(E) appeals made to an administrative law judge and the decisions made on such appeals with respect to each of such categories and classes during the applicable period.

"(2) ANNUAL REPORT.—The Secretary shall—

"(A) submit an annual report to Congress containing the data disclosed to the Secretary under paragraph (1); and

"(B) publish such report in the Federal Register.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 2008.

ACCESS TO CRITICAL
MEDICATIONS COALITION,
July 20, 2007.

Hon. GORDON SMITH,
404 Russell Office Building,
Washington, DC.

DEAR SENATOR SMITH: We are writing on behalf of the Access to Critical Medications Coalition to offer our strong support for your

Medicare Access to Critical Medications Act. The Coalition represents a diverse group of national and community-based patient, provider and advocacy organizations dedicated to ensuring that Medicare beneficiaries with HIV/AIDS, mental illnesses, epilepsy, cancer, organ failure, and autoimmune diseases have reliable access through Medicare Part D to the prescriptions that they need to stay healthy.

The Medicare Access to Critical Medications Act will strengthen protections for these medically vulnerable populations by codifying the requirement that Medicare Part D plans cover "all or substantially all" drugs in the six classes of drugs that are critical to treating HIV/AIDS, mental illnesses, cancer, epilepsy, autoimmune diseases such as Crohn's, and transplant patients. As you may know, coverage of nearly all of the drugs in these categories is standard practice among state Medicaid programs and private insurers because it is more cost effective and better for people with these conditions when clinicians have the flexibility to prescribe the drug or drugs most appropriate to manage the condition according to factors unique to them.

Passage of this bill is important because the current protections for these drug classes offered in Centers for Medicare and Medicaid (CMS) guidance are not guaranteed beyond this year and are being ignored by drug plans with no risk of sanctions. Surveys of HIV and mental health medical providers indicate that Medicare beneficiaries with these conditions have been hospitalized or experienced dangerous treatment interruptions due to challenges with Medicare Part D coverage, including burdensome prior authorization processes. Many of the beneficiaries reporting problems are very low-income and live on Supplemental Security Income (SSI) checks or modest disability payments. Paying out of pocket for drugs denied by Medicare Part D drug plans is not an option for most.

On behalf of Medicare beneficiaries with these life-threatening illnesses, thank you for your leadership in working to ensure access to critical medications through Medicare Part D by requiring drug plans to cover "all or substantially all" of the drugs available to treat these serious, but treatable conditions.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, July 24, 2007.

Hon. GORDON SMITH,
U.S. Senate, 404 Russell Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: I am writing on behalf of the American Psychiatric Association (AP A), the medical specialty representing more than 38,000 psychiatric physicians nationwide, to express our strong support for your Medicare Access to Critical Medications Act of 2007.

This bill will provide crucial protections in the Medicare Part D program for six classes of life-saving medications. Part D drug plans will be required to place substantially all anticancer, HIV/AIDS, and immunosuppressant medications on their formularies, as well as drugs that are important to people with severe mental illnesses—antipsychotics, antidepressants, and anticonvulsants. In addition, when a drug plan and a patient's physician disagree about whether a critical medication is needed, your legislation will require that the medication be covered until the appeals process can be completed.

Unfortunately, data from the first year of the Part D program point to the need for additional protections for patients with serious diseases. In 2006, an American Psychiatric Institute for Research and Education (APIRE) study tracked 1,193 dually-eligible Medicare/Medicaid psychiatric patients and found that 53.4 percent experienced at least one problem with medication access or continuity. Among these patients, 19.8 percent had a subsequent emergency room visit reported, and 11 percent had a hospitalization. Furthermore, the study found that the most common medication classes with coverage problems included atypical antipsychotics, antidepressants, and anticonvulsants (West, Wilk, Muszynski et al, American Journal of Psychiatry, 164:5 May 2007).

Clearly, Part D patients will receive better care, and the Medicare program as a whole will save money, if access to important medications can be improved. Your legislation will create new statutory protections that will address a number of the most serious barriers.

We greatly appreciate your leadership—and the hard work of your staff Matthew Canedy and Catherine Finley—in addressing this serious problem.

Sincerely,
CAROLYN B. ROBINOWITZ, M.D.,
President.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, and Mr. LOTT):

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Coast Guard Authorization Act for the fiscal year 2008 along with Senators SNOWE, INOUYE, STEVENS, LAUTENBERG, and LOTT. This comprehensive legislation will provide the Coast Guard with needed resources to carry out missions critical to our Nation's security, environmental protection, and fisheries enforcement.

The U.S. Coast Guard plays a critical role in keeping our oceans, coasts, and waterways safe, secure, and free from environmental harm. After September 11 and Hurricane Katrina, the Coast Guard has been a source of strength. As marine traffic grows, the number of security threats in our ports increases. Climate change is raising the stakes of another Katrina happening.

The Coast Guard faces many challenges, and those serving in the Coast Guard routinely serve with discipline and courage. From saving lives during natural disasters like Hurricanes Katrina and Rita, to protecting our shores in a post-9/11 world, the Coast Guard has served America well, and continues to serve us every day.

Each year, maritime smugglers transport thousands of aliens to the U.S. with virtual impunity because the existing law does not sufficiently punish or deter such conduct. During fiscal years 2004 and 2005, over 840 mariners made $13.9 million smuggling people into the U.S. illegally. Less than 3 percent of those who were interdicted were referred for prosecution.

This bill gives the Coast Guard the authority it needs to prosecute mariners who intentionally smuggle aliens on board their vessels with a reckless disregard of our laws. It also provides protection for legitimate mariners who encounter stowaways or those who may need medical attention.

Our Nation relies heavily on polar icebreakers to conduct missions in the Arctic and Antarctic. They conduct vital research on the oceans and climate, resupply U.S. outposts in Antarctica, and provide one of our Nation's only platforms for carrying out security and rescue missions in some of the world's most rapidly changing environments.

Currently, the United States' icebreaking capabilities lie with the Coast Guard's three vessels: the *HEALY*; the *Polar Sea*; and the *Polar Star*. But the fleet is aging rapidly and requires extensive maintenance. In fact, the *Polar Star* is currently not even operational because the Coast Guard lacks the resources required to maintain this vessel.

With increased climate change, the role of icebreakers is changing. With an ice-free Arctic summer expected by 2050, more and more international expeditions will be headed to the region to examine newly revealed oil and gas reserves and other natural resources.

Canada, Russia and other countries will begin to compete with America over jurisdiction and, without a strong polar icebreaker fleet, our Nation will suffer a severe disadvantage.

A recent 2007 report by the National Academy of Sciences found that the U.S. needs to maintain polar icebreaking capacity and construct at least two new polar icebreakers. This bill follows those recommendations.

This bill includes many provisions of the Oil Pollution Prevention and Response Act of 2007, which I introduced on June 14, 2007. These provisions are vital for the environmental protection of our Nation's oceans and coasts. For example, this bill would require improved coordination with federally-recognized tribes on oil spill prevention, preparedness, and response. It would also address oil spills resulting from the transfer of oil to or from vessels, spills resulting from human error, and small oil spills that are an all-too-common occurrence in many of our waterways.

For my home State of Washington, it provides a mechanism for year-round funding of the Neah Bay response tug, a key element of the oil spill prevention safety net for Washington State's Olympic Coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of "High Volume Port Line" so as to deliver better incident response throughout Puget Sound.

The Coast Guard is responsible for ensuring our country's security, marine safety and protecting our environment and fisheries. Every day the Coast Guard carries out these missions and does so with limited resources. It is our job to ensure the Coast Guard has the tools it requires to continue getting the job done. This bill will go a long way towards that goal. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Year 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—ORGANIZATION

Sec. 201. Vice commandant; vice admirals.
Sec. 202. Merchant Mariner Medical Advisory Committee.
Sec. 203. Authority to distribute funds through grants, cooperative agreements, and contracts to maritime authorities and organizations.
Sec. 204. Assistance to foreign governments and maritime authorities.

TITLE III—PERSONNEL

Sec. 301. Emergency leave retention authority.
Sec. 302. Legal assistance for Coast Guard reservists.
Sec. 303. Reimbursement for certain medical-related travel expenses.
Sec. 304. Number and distribution of commissioned officers on the active duty promotion list.
Sec. 305. Reserve commissioned warrant officer to lieutenant program.
Sec. 306. Enhanced status quo officer promotion system.
Sec. 307. Appointment of civilian Coast Guard judges.
Sec. 308. Coast Guard Participation in the Armed Forces Retirement Home (AFRH) System.

TITLE IV—ADMINISTRATION

Sec. 401. Cooperative Agreements for Industrial Activities.
Sec. 402. Defining Coast Guard vessels and aircraft.
Sec. 403. Specialized industrial facilities.
Sec. 404. Authority to construct Coast Guard recreational facilities.

TITLE V—SHIPPING AND NAVIGATION

Sec. 501. Technical amendments to chapter 313 of title 46, United States Code.
Sec. 502. Clarification of rulemaking authority.
Sec. 503. Coast Guard to maintain LORAN-C navigation system.
Sec. 504. Nantucket Sound ship channel weather buoy.
Sec. 505. Limitation on maritime liens on fishing permits.
Sec. 506. Vessel rebuild determinations.

TITLE VI—MARITIME LAW ENFORCEMENT

Sec. 601. Maritime law enforcement.

TITLE VII—OIL POLLUTION PREVENTION

Sec. 701. Rulemakings.
Sec. 702. Oil spill response capability.
Sec. 703. Oil transfers from vessels.
Sec. 704. Improvements to reduce human error and near-miss incidents.
Sec. 705. Olympic Coast National Marine Sanctuary.
Sec. 706. Prevention of small oil spills.
Sec. 707. Improved coordination with tribal governments.
Sec. 708. Report on the availability of technology to detect the loss of oil.
Sec. 709. Use of oil spill liability trust fund.
Sec. 710. International efforts on enforcement.
Sec. 711. Grant project for development of cost-effective detection technologies.
Sec. 712. Higher volume port area regulatory definition change.
Sec. 713. Response tugs.
Sec. 714. Tug escorts for laden oil tankers.
Sec. 715. Extension of financial responsibility.
Sec. 716. Vessel traffic risk assessments.
Sec. 717. Oil spill liability trust fund investment amount.
Sec. 718. Liability for use of unsafe single-hull vessels.

TITLE VIII—MARITIME HAZARDOUS CARGO SECURITY

Sec. 801. International committee for the safe and secure transportation of especially hazardous cargo.
Sec. 802. Validation of compliance with ISPFC standards.
Sec. 803. Safety and security assistance for foreign ports.
Sec. 804. Coast Guard port assistance program.
Sec. 805. EHC facility risk-based cost sharing.
Sec. 806. Transportation security incident mitigation plan.
Sec. 807. Incident command system training.
Sec. 808. Pre-positioning interoperable communications equipment at interagency operational centers.
Sec. 809. Definitions.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Marine mammals and sea turtles report.
Sec. 902. Umpqua lighthouse land conveyance.
Sec. 903. Lands to be held in trust.
Sec. 904. Data.
Sec. 905. Extension.
Sec. 906. Forward operating facility.
Sec. 907. Enclosed hangar at Air Station Barbers Point, Hawaii.
Sec. 908. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 909. Conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan.
Sec. 910. Repeals.
Sec. 911. Report on ship traffic.
Sec. 912. Small vessel exception from definition of fish processing vessel.
Sec. 913. Right of first refusal for Coast Guard property on Jupiter Island, Florida.
Sec. 914. Ship disposal working group.
Sec. 915. Full multi-mission response station in Valdez, Alaska.
Sec. 916. Protection and fair treatment of seafarers.
Sec. 917. Icebreakers.
Sec. 918. Fur Seal Act authorization.
Sec. 919. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 920. Inspector General report on Coast Guard dive program.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2008 as follows:

(1) For the operation and maintenance of the Coast Guard, $5,894,295,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $998,068,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended; such funds appropriated for personnel compensation and benefits and related costs of acquisition, construction, and improvements shall be available for procurement of services necessary to carry out the Integrated Deepwater Systems program.

(3) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000.

(4) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,079,000.

(5) For research, development, test, and evaluation programs related to maritime technology, $17,583,000.

(6) For operation and maintenance of the Coast Guard reserve program, $126,883,000.

(7) For the construction of a new Chelsea Street Bridge in Chelsea, Massachusetts, $3,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2008.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2008, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

(a) IN GENERAL.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 and 2009 to the Secretary of the department in which the Coast Guard is operating to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

(b) IMPLEMENTATION STATUS REPORT.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Senate Committee on Commerce, Science, and Transportation on the status of implementation of the system.

TITLE II—ORGANIZATION

SEC. 201. VICE COMMANDANT; VICE ADMIRALS.

(a) VICE COMMANDANT.—The fourth sentence of section 47 of title 14, United States Code, is amended by striking "vice admiral" and inserting "admiral".

(b) VICE ADMIRALS.—Section 50 of such title is amended to read as follows:

"§ 50. Vice admirals

"(a)(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

"(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

"(B) shall perform such duties as the Commandant may prescribe.

"(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

"(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

"(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

"(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

"(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

"(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

"(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

"(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

"(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.".

(c) REPEAL.—Section 50a of such title is repealed.

(d) CONFORMING AMENDMENTS.—Section 51 of such title is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

"(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

"(c) An officer, other than the Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade."; and

(2) by striking "Area Commander, or Chief of Staff" in subsection (d)(2) and inserting "or Vice Admiral".

(e) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows:

"§ 47. Vice commandant; appointment".

(2) The chapter analysis for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; appointment";

(B) by striking the item relating to section 50a; and

(C) by striking the item relating to section 50 and inserting the following:

"50. Vice admirals".

(f) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking "subsection" in the fifth sentence and inserting "section".

SEC. 202. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 55. Merchant Mariner Medical Advisory Committee

"(a) ESTABLISHMENT; MEMBERSHIP; STATUS.—

"(1) There is established a Merchant Mariner Medical Advisory Committee.

"(2) The Committee shall consist of 12 members, none of whom shall be a Federal employee—

"(A) 10 of whom shall be health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

"(B) 2 of whom shall be professional mariners with knowledge and experience in mariner occupational requirements.

"(3) Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

"(b) APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.—

"(1) The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

"(2) The members shall be appointed for a term of 3 years, except that, of the members first appointed, 3 members shall be appointed for a term of 2 years and 3 members shall be appointed for a term of 1 year.

"(3) Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

"(4) The Secretary shall designate 1 member as the Chairman and 1 member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

"(5) No later than 6 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Year 2008, the Committee shall hold its first meeting.

"(c) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

"(1) medical certification determinations for issuance of merchant mariner credentials;

"(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

"(3) medical examiner education; and

"(4) medical research.

"(d) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(e) STAFF; SERVICES.—The Secretary shall furnish to the Committee such personnel and services as are considered necessary for the conduct of its business.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following:

"55. Merchant Mariner Medical Advisory Committee.".

SEC. 203. AUTHORITY TO DISTRIBUTE FUNDS THROUGH GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS TO MARITIME AUTHORITIES AND ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

"(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—The Commandant may, after consultation with the Secretary of State, make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety and environmental requirements, classification, and port state or flag state law enforcement or oversight.".

SEC. 204. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

"(d) AUTHORIZED ACTIVITIES.—

"(1) The Commandant may transfer or expend funds from any appropriation available to the Coast Guard for—

"(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

"(B) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

"(C) seminars and conferences involving members of maritime authorities of foreign governments;

"(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

"(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

"(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.".

TITLE III—PERSONNEL

SEC. 301. EMERGENCY LEAVE RETENTION AUTHORITY.

Section 701(f)(2) of title 10, United States Code, is amended by inserting "or a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. 5121 et seq.)" after "operation".

SEC. 302. LEGAL ASSISTANCE FOR COAST GUARD RESERVISTS.

Section 1044(a)(4) of title 10, United States Code, is amended—

(1) by striking "(as determined by the Secretary of Defense)," and inserting "(as determined by the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy),"; and

(2) by striking "prescribed by the Secretary of Defense," and inserting "prescribed by Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy,".

SEC. 303. REIMBURSEMENT FOR CERTAIN MEDICAL-RELATED TRAVEL EXPENSES.

Section 1074i(a) of title 10, United States Code, is amended—

(1) by striking "IN GENERAL.—In" and inserting "IN GENERAL.—(1) In"; and

(2) by adding at the end the following:

"(2) In any case in which a covered beneficiary resides on an INCONUS island that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider on the mainland who provides services less than 100 miles from the location in which the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary, and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.".

SEC. 304. NUMBER AND DISTRIBUTION OF COMMISSIONED OFFICERS ON THE ACTIVE DUTY PROMOTION LIST.

(a) IN GENERAL.—Section 42 of title 14, United States Code, is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700. This total number may be temporarily increased up to 2 percent for no more than the 60 days that follow the commissioning of a Coast Guard Academy class.

"(b) The total number of commissioned officers authorized by this section shall be distributed in grade not to exceed the following percentages:

"(1) 0.375 percent for rear admiral.

"(2) 0.375 percent for rear admiral (lower half).

"(3) 6.0 percent for captain.

"(4) 15.0 percent for commander.

"(5) 22.0 percent for lieutenant commander. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce any of the percentages set forth in paragraphs (1) through (5) and apply that total percentage reduction to any other lower grade or combination of lower grades.

"(c) The Secretary shall, at least once a year, compute the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages of this section to the total number of commissioned officers listed on the current active duty promotion list. In making such calculations, any fraction shall be rounded to the nearest whole number. The number of commissioned officers on the active duty promotion list serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted against the total number of commissioned officers authorized to serve in each grade.";

(2) by striking subsection (e) and inserting the following:

"(e) The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary."; and

(3) by striking the caption of such section and inserting the following:

"§42. Number and distribution of commissioned officers on the active duty promotion list".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

"42. Number and distribution of commissioned officers on the active duty promotion list".

SEC. 305. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

"(a) The President may appoint temporary commissioned officers—

"(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine; and

"(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.".

SEC. 306. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

(a) Section 253(a) of title 14, United States Code, is amended—

(1) by inserting "and" after "considered,"; and

(2) by striking "consideration, and the number of officers the board may recommend for promotion" and inserting "consideration".

(b) Section 258 of such title is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

"(1) specific direction relating to the needs of the service for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

"(2) such other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions. Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.".

(c) Section 259(a) of such title is amended by striking "board" the second place it appears and inserting "board, giving due consideration to the needs of the service for officers with particular skills so noted in the specific direction furnished pursuant to section 258 of this title,".

(d) Section 260(b) of such title is amended by inserting "to meet the needs of the service (as noted in the specific direction furnished the board under section 258 of this title)" after "qualified for promotion".

SEC. 307. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) APPOINTMENT OF JUDGES.—The Secretary may appoint civilian employees of the Department of Homeland Security as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10, United States Code.".

SEC. 308. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME SYSTEM.

(a) ELIGIBILITY UNDER THE ARMED FORCES RETIREMENT HOME ACT.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking "does not include the Coast Guard when it is not operating as a service of the Navy." in paragraph (4) and inserting "has the meaning given such term in section 101(4) of title 10.";

(2) by striking "and" in paragraph (5)(C);

(3) by striking "Affairs." in paragraph (5)(D) and inserting "Affairs; and";

(4) by adding at the end of paragraph (5) the following:

"(E) the Assistant Commandant of the Coast Guard for Human Resources."; and

(5) by adding at the end of paragraph (6) the following:

"(E) The Master Chief Petty Officer of the Coast Guard.".

(b) DEDUCTIONS.—

(1) Section 2772 of title 10, United States Code, is amended—

(A) by striking "of the military department" in subsection (a);

(B) by striking "Armed Forces Retirement Home Board" in subsection (b) and inserting "Chief Operating Officer of the Armed Forces Retirement Home"; and

(C) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) by striking "Armed Forces Retirement Home Board" in paragraph (3) and inserting "Chief Operating Officer of the Armed Forces Retirement Home"; and

(B) by striking "does not include the Coast Guard when it is not operating as a service of the Navy." in paragraph (4) and inserting "has the meaning given such term in section 101(4) of title 10.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after January 1, 2008.

TITLE IV—ADMINISTRATION

SEC. 401. COOPERATIVE AGREEMENTS FOR INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "All orders"; and

(2) by adding at the end the following:

"(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.".

SEC. 402. DEFINING COAST GUARD VESSELS AND AIRCRAFT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 638 the following new section:

"§638a. Coast Guard vessels and aircraft defined

"For the purposes of sections 637 and 638 of this title, the term Coast Guard vessels and aircraft means—

"(1) any vessel or aircraft owned, leased, transferred to, or operated by the Coast Guard and under the command of a Coast Guard member; and

"(2) any other vessel or aircraft under the tactical control of the Coast Guard on which one or more members of the Coast Guard are assigned and conducting Coast Guard missions.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of such title is amended by inserting after the item relating to section 638 the following:

"638a. Coast Guard vessels and aircraft defined.".

SEC. 403. SPECIALIZED INDUSTRIAL FACILITIES.

(a) IN GENERAL.—Section 648 of title 14, United States Code, is amended—

(1) by striking the section caption and inserting the following:

"§648. Specialized industrial facilities" ;

(2) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(3) by adding at the end the following:

"(b) PUBLIC-PRIVATE PARTNERSHIPS OR OTHER COOPERATIVE ARRANGEMENTS.—

"(1) IN GENERAL.—For purposes of entering into joint public-private partnerships or other cooperative arrangements for the performance of work to provide supplies or services for government use, the Coast Guard Yard, the Aviation Repair and Supply Center, or other similar Coast Guard industrial establishments may—

"(A) enter into agreements or other arrangements with public or private entities, foreign or domestic;

"(B) pursuant to contracts or other arrangements, receive and retain funds from, or pay funds to, such public or private entities; or

"(C) accept contributions of funds, materials, services, or the use of facilities from such public or private entities, subject to regulations promulgated by the Coast Guard.

"(2) ACCOUNTING FOR FUNDS RECEIVED.—Amounts received under this subsection may be credited to the Coast Guard Yard Revolving Fund or other appropriate Coast Guard account.

"(3) REIMBURSEMENT.—Any partnership, agreement, contract, or arrangement entered into under this section shall require the private entity to reimburse the Coast Guard for such entity's proportional share of the operating and capital costs of maintaining and operating such facility, as determined by the Commandant of the Coast Guard.

"(4) NONINTERFERENCE.—No partnership, agreement, contract, or arrangement entered into under this section may interfere with the performance of any operational or support function of the Coast Guard industrial establishment.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of such title is amended by striking item relating to section 648 and inserting the following:

"648. Specialized industrial facilities".

SEC. 404. AUTHORITY TO CONSTRUCT COAST GUARD RECREATIONAL FACILITIES.

(a) GENERAL AUTHORITY.—Section 681 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "housing or military unaccompanied housing" and inserting "housing, military unaccompanied housing, or Coast Guard recreational facilities"; and

(B) by adding at the end the following:

"(3) Coast Guard recreational facilities."; and

(2) by striking "housing or military unaccompanied housing" in subsection (b) and inserting "housing, military unaccompanied housing, or Coast Guard recreational facilities".

(b) DIRECT LOANS.—Section 682 of such title is amended—

(1) by inserting after "military unaccompanied housing" in subsection (a)(1) the following: "or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities"; and

(2) by inserting after "military unaccompanied housing" in subsection (b)(1) the following: "or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities".

(c) LEASING OF HOUSING TO BE CONSTRUCTED.—Section 683(a) of such title is amended by striking "or military unaccompanied housing units" and inserting "units, military unaccompanied housing units, or Coast Guard recreational facilities".

(d) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTITIES.—Section 684 of such title is amended—

(1) by inserting after "military unaccompanied housing" in subsection (a) the following: "or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities";

(2) by striking "construction of housing, means the total amount of the costs included in the basis of the housing" in subsection (b)(3) and inserting "construction of housing or facilities, means the total amount of the costs included in the basis of the housing or facilities"; and

(3) by inserting "or facilities" in subsection (c) after "housing units".

(e) DEPOSIT OF CERTAIN AMOUNTS IN COAST GUARD HOUSING FUND.—Section 687 of such title is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "or unaccompanied housing" and inserting ", military unaccompanied housing, or Coast Guard recreational facilities"; and

(B) in paragraph (3), by striking "and military unaccompanied housing" and inserting ", military unaccompanied housing, and Coast Guard recreational facilities"; and

(2) by striking "and military unaccompanied housing units" in subsection (c)(1) and inserting ", military unaccompanied housing units, and Coast Guard recreational facilities".

(f) REPORTS.—Section 688 of such title is amended—

(1) by inserting after "housing units" in paragraph (1) the following: "or Coast Guard recreational facilities"; and

(2) by striking "and military unaccompanied housing" in paragraph (4) and inserting ", military unaccompanied housing, and Coast Guard recreational facilities".

(g) DEFINITIONS.—Section 680 of such title is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(2) by inserting before paragraph (2), as redesignated by paragraph (1) of this subsection, the following:

"(1) The term 'Coast Guard recreational facilities' means recreation lodging buildings, recreation housing units, and ancillary supporting facilities constructed, maintained, and used by the Coast Guard to provide rest and recreation amenities for military personnel."; and

(3) by striking "housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units" in paragraph (2), as redesignated by paragraph (1) of this subsection, and inserting "housing units or Coast Guard recreational facilities and ancillary supporting facilities or the improvement or rehabilitation of existing units or facilities".

TITLE V—SHIPPING AND NAVIGATION

SEC. 501. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 313 of title 46, United States Code, is amended—

(1) by striking "of Transportation" in sections 31302, 31306, 31321, 31330, and 31343 each place it appears;

(2) by striking "and" after the semicolon in section 31301(5)(F);

(3) by striking "office." in section 31301(6) and inserting "office; and"; and

(4) by adding at the end of section 31301 the following:

"(7) 'Secretary' means the Secretary of the Department of Homeland Security, unless otherwise noted.".

(b) SECRETARY AS MORTGAGEE.—Section 31308 of such title is amended by striking "When the Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary" and inserting "The Secretary of Commerce or Transportation, as a mortgagee under this chapter,".

(c) SECRETARY OF TRANSPORTATION.—Section 31329(d) of such title is amended by inserting "of Transportation" after "Secretary".

(d) MORTGAGEE.—

(1) Section 31330(a)(1) of such title is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "Transportation; or" in subparagraph (C) and inserting "Transportation."; and

(C) by striking subparagraph (D).

(2) Section 31330(a)(2) is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "faith; or" in subparagraph (C) and inserting "faith."; and

(C) by striking subparagraph (D).

SEC. 502. CLARIFICATION OF RULEMAKING AUTHORITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"§ 70122. Regulations

"Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of such title is amended by adding at the end the following new item:

"70122. Regulations".

SEC. 503. COAST GUARD TO MAINTAIN LORAN-C NAVIGATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation shall maintain the LORAN-C navigation system until such time as the Secretary is authorized by statute, explicitly referencing this section, to cease operating the system.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation, in addition to funds authorized under section 101 of this Act for the Coast Guard for operation of the LORAN-C system, for capital expenses related to the LORAN-C infrastructure, $25,000,000 for each of fiscal years 2008 and 2009. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department of Transportation such funds as may be necessary to reimburse the Coast Guard for related expenses.

SEC. 504. NANTUCKET SOUND SHIP CHANNEL WEATHER BUOY.

Within 180 days after the date of enactment of this Act, the National Weather Service shall deploy a weather buoy adjacent to the main ship channel of Nantucket Sound.

SEC. 505. LIMITATION ON MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

"§ 31310. Limitation on maritime liens on fishing permits

"(a) IN GENERAL.—A maritime lien shall not attach to a permit that—

"(1) authorizes use of a vessel to engage in fishing; and

"(2) is issued under State or Federal law.

"(b) LIMITATION ON ENFORCEMENT.—No civil action may be brought to enforce a maritime lien on a permit described in subsection (a).

"(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31309 the following:

"31310. Limitation on maritime liens on fishing permits.".

SEC. 506. VESSEL REBUILD DETERMINATIONS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall provide a report on Coast Guard rebuild determinations under section 67.177 of title 46, Code of Federal Regulations. Specifically, the report shall provide recommendations for—

(1) improving the application of the "major component test" under such section;

(2) a review of the application of the steelweight calculation thresholds under such section;

(3) recommendations for improving transparency in the Coast Guard's foreign rebuild determination process; and

(4) recommendations on whether or not there should be limits or cumulative caps on the amount of steel work that can be done to the hull and superstructure of a vessel in foreign shipyards over the life of the vessel.

(b) REPORT DEADLINE.—The Secretary shall provide this report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 90 days after the enactment of this Act.

TITLE VI—MARITIME LAW ENFORCEMENT

SEC. 601. MARITIME LAW ENFORCEMENT.

(a) IN GENERAL.—Subtitle VII of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 707—MARITIME LAW ENFORCEMENT

"Sec.
"70701. Offense
"70702. Attempt or conspiracy
"70703. Affirmative defenses
"70704. Penalties
"70705. Criminal forfeiture
"70706. Civil forfeiture
"70707. Extraterritorial jurisdiction
"70708. Claim of failure to comply with international law; jurisdiction of court
"70709. Federal activities
"70710. Definitions

"§ 70701. Offense

"It shall be unlawful for any person on board a covered vessel to transport or facilitate the transportation, harboring, or concealment of an alien on board such vessel knowing or having reason to believe that the alien is attempting to unlawfully enter the United States.

"§ 70702. Attempt or conspiracy

"Any person on board a covered vessel who attempts or conspires to commit a violation of section 70701 shall be subject to the same penalties as those prescribed for the violation, the commission of which was the object of the attempt or conspiracy.

"§ 70703. Affirmative defenses

"It is an affirmative defense to a prosecution under this section, which the defendant must prove by a preponderance of the evidence, that—

"(1)(A) the alien was on board pursuant to a rescue at sea, or was a stowaway; or

"(B) the entry into the United States was a necessary response to an imminent threat of death or serious bodily injury to the alien;

"(2) the defendant, as soon as reasonably practicable, informed the Coast Guard of the presence of the alien on the vessel and the circumstances of the rescue; and

"(3) the defendant complied with all orders given by law enforcement officials of the United States.

"§ 70704. Penalties

"(a) IN GENERAL.—Any person who commits a violation of this chapter shall be fined or imprisoned, or both, in accordance with subsection (b) and (c) of this section. For purposes of subsection (b), each individual on board a vessel with respect to whom the violation occurs shall be treated as a separate violation.

"(b) FINES.—Any person who commits a violation of this chapter shall be fined not more than $100,000, except that—

"(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be fined not more than $500,000; and

"(2) in any case where the violation causes or results in the death of any person regardless of where the death occurs, the person shall be fined not more than $1,000,000, or both.

"(c) IMPRISONMENT.—Any person who commits a violation of this chapter shall be imprisoned for not less than 3 nor more than 20 years, except that—

"(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be imprisoned for not less than 7 nor more than 30 years; and

"(2) in any case where the violation causes or results in the death of any person regardless of where the death occurs, the person shall be imprisoned for not less than 10 years nor more than life.

"§ 70705. Criminal forfeiture

"The court, at the time of sentencing a person convicted of an offense under this chapter, shall order forfeited to the United States any vessel used in the offense in the same manner and to the same extent as if it were a vessel used in an offense under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

"§ 70706. Civil forfeiture

"A vessel that has been used in the commission of a violation of this chapter shall be seized and subject to forfeiture in the same manner and to the same extent as if it were used in the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

"§ 70707. Extraterritorial jurisdiction

"There is extraterritorial jurisdiction of an offense under this chapter.

"§ 70708. Claim of failure to comply with international law; jurisdiction of court

"A claim of failure to comply with international law in the enforcement of this chapter may be invoked as a basis for a defense solely by a foreign nation. A failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this chapter.

"§ 70709. Federal activities

"Nothing in this chapter applies to otherwise lawful activities carried out by or at the direction of the United States Government.

"§ 70710. Definitions

"In this chapter:

"(1) ALIEN.—The term 'alien' has the meaning given that term in section 70105(f).

"(2) COVERED VESSEL.—The term 'covered vessel' means a vessel of the United States, or a vessel subject to the jurisdiction of the United States, that is less than 300 gross tons (or an alternate tonnage prescribed by the Secretary under section 14104 of this title) as measured under section 14502 of this title.

"(3) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18, United States Code.

"(4) UNITED STATES.—The term 'United States' has the meaning given that term in section 2101.

"(5) VESSEL OF THE UNITED STATES.—The term 'vessel of the United States' has the meaning given that term in section 70502.

"(6) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the meaning given that term in section 70502.".

(b) CLERICAL AMENDMENT.—The analysis for such subtitle is amended by inserting after the item relating to chapter 705 the following:

"707. Maritime Law Enforcement ....70701.".

TITLE VII—OIL POLLUTION PREVENTION

SEC. 701. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 702. OIL SPILL RESPONSE CAPABILITY.

(a) SAFETY STANDARDS FOR TOWING VESSELS.—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.—No later than January 1, 2008, the Secretary of the department in which the Coast Guard is operating shall promulgate a final rule for Buzzards Bay, Massachusetts, pursuant to the notice of proposed rulemaking published on March 29, 2006, (71 Fed. Reg. 15649), after taking into consideration public comments submitted pursuant to that notice, to adopt measures to reduce the risk of oil spills in Buzzards Bay, Massachusetts.

(c) REPORTING.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

SEC. 703. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

SEC. 704. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

SEC. 705. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

(a) OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) EMERGENCY OIL SPILL DRILL.—

(1) IN GENERAL.—In cooperation with the Secretary, the Under Secretary of Commerce for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2008. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) OTHER REQUIRED DRILLS.—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2008 $700,000 to carry out this subsection.

SEC. 706. PREVENTION OF SMALL OIL SPILLS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 annually for each of fiscal years 2008 through 2012.

SEC. 707. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) NATIONAL PLANNING.—The Secretary shall assist tribal governments to participate in the development and capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources. The Secretary shall ensure that in regions where oil spills are likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the potentially affected tribes are included as part of the regional response team cochaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills; and

(2) provide training of tribal incident commanders and spill responders.

(c) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(d) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance and may include training for preparedness and response and provisions on coordination in the event of a spill. As part of these memoranda of agreement, the Secretary may carry out demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills to the maximum extent possible.

(e) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (d) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2008 through 2012 to be used to carry out this section.

SEC. 708. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

SEC. 709. USE OF OIL SPILL LIABILITY TRUST FUND.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;".

SEC. 710. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 711. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant to carry out this section $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended.

(e) TRANSFER PROHIBITED.—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

SEC. 712. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term "higher volume port area" in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking "Port Angeles, WA" in paragraph (13) of that section and inserting "Cape Flattery, WA" without initiating a rulemaking proceeding.

(b) EMERGENCY RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to emergency response plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 713. RESPONSE TUGS.

(a) IN GENERAL.—Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

"(J) RESPONSE TUG.—

"(i) IN GENERAL.—The Secretary shall require the stationing of a year round response tug of a minimum of 70-tons bollard pull in the entry to the Strait of Juan de Fuca at Neah Bay capable of providing rapid assistance and towing capability to disabled vessels during severe weather conditions.

"(ii) SHARED RESOURCES.—The Secretary may authorize compliance with the response tug stationing requirement of clause (i) through joint or shared resources between or among entities to which this subsection applies.

"(iii) EXISTING STATE AUTHORITY NOT AFFECTED.—Nothing in this subparagraph supersedes or interferes with any existing authority of a State with respect to the stationing of rescue tugs in any area under State law or regulations.

"(iv) ADMINISTRATION.—In carrying out this subparagraph, the Secretary—

"(I) shall require the vessel response plan holders to negotiate and adopt a cost-sharing formula and a schedule for carrying out this subparagraph by no later than June 1, 2008;

"(II) shall establish a cost-sharing formula and a schedule for carrying out this subparagraph by no later than July 1, 2008 (without regard to the requirements of chapter 5 of title 5, United States Code) if the vessel response plan holders fail to adopt the cost-sharing formula and schedule required by subclause (I) of this clause by June 1, 2008; and

"(III) shall implement clauses (i) and (ii) of this subparagraph by June 1, 2008, without a rulemaking and without regard to the requirements of chapter 5 of title 5, United States Code.

"(v) LONG TERM TUG CAPABILITIES.—Within 6 months after implementing clauses (i) and (ii), and section 707 of the Coast Guard Authorization Act for Fiscal Year 2008, the Secretary shall execute a contract with the National Academy of Sciences to conduct a study of regional response tug and salvage needs for Washington's Olympic coast. In developing the scope of the study, the National Academy of Sciences shall consult with Federal, State, and Tribal trustees as well as relevant stakeholders. The study—

"(I) shall define the needed capabilities, equipment, and facilities for a response tug in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic coast, provide rescue towing services, oil spill response, and salvage and fire-fighting capabilities;

""(II) shall analyze the tug's multi-mission capabilities as well as its ability to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress and make recommendations as to the placement of this equipment;

"(III) shall address scenarios that consider all vessel types and weather conditions and compare current Neah Bay tug capabilities, costs, and benefits with other United States industry funded response tugs, including those currently operating in Alaska's Prince William Sound;

"(IV) shall determine whether the current level of protection afforded by the Neah Bay response tug and associated response equipment is comparable to protection in other locations where response tugs operate, including Prince William Sound, and if it is not comparable, shall make recommendations as to how capabilities, equipment, and facilities should be modified to achieve optimum protection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as necessary to carry out section 311(j)(5)(J)(v) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(J)(v)).

SEC. 714. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

SEC. 715. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by inserting "or" after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

"(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 716. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within 1 year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within 2 years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety and security, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to conduct the assessments.

SEC. 717. OIL SPILL LIABILITY TRUST FUND INVESTMENT AMOUNT.

Within 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the amount invested in income producing securities under section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340..

SEC. 718. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)) is amended by striking subparagraph (A) and inserting the following:

"(A) VESSELS.—In the case of a vessel (other than a vessel described in section 3703a(b) of title 46, United States Code)—

"(i) any person owning, operating, or demise chartering the vessel; and

"(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

TITLE VIII—MARITIME HAZARDOUS CARGO SECURITY

SEC. 801. INTERNATIONAL COMMITTEE FOR THE SAFE AND SECURE TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGO.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70109 the following:

"§ 70109A. International committee for the safe and secure transportation of especially hazardous cargo

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State and other appropriate entities, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, establish a committee within the International Maritime Organization that includes representatives of United States trading partners that supply tank or break-bulk shipments of especially hazardous cargo to the United States.

"(b) SAFE AND SECURE LOADING, UNLOADING, AND TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGOES.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and in consultation with the International Standards Organization and shipping industry stakeholders, shall develop protocols, procedures, standards, and requirements for receiving, handling, loading, unloading, vessel crewing, and transportation of especially hazardous cargo to promote the safe and secure operation of ports, facilities, and vessels that transport especially hazardous cargo to the United States.

"(c) DEADLINES.—The Secretary shall—

"(1) initiate the development of the committee within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

"(2) endeavor to have the protocols, procedures, standards, and requirements developed by the committee take effect within 3 years after the date of enactment of that Act.

"(d) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the development, implementation, and administration of the protocols, procedures, standards, and requirements developed by the committee established under subsection (a).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating the section 70109 the following:

"70109A. International committee for the safe and secure transportation of especially hazardous cargo''.

SEC. 802. VALIDATION OF COMPLIANCE WITH ISPFC STANDARDS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70110 the following:

"70110A. Port safety and security validations

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a voluntary program under which foreign ports and facilities can certify their compliance with applicable International Ship and Port Facility Code standards.

"(b) THIRD-PARTY VALIDATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and the International Standards Organization, shall develop and implement a program under which independent, third-party entities are certified to validate a foreign port's or facility's compliance under the program developed under subsection (a).

"(2) PROGRAM COMPONENTS.—The international program shall include—

"(A) international inspection protocols and procedures;

"(B) minimum validation standards to ensure a port or facility meets the applicable International Ship and Port Facility Code standards;

"(C) recognition for foreign ports or facilities that exceed the minimum standards;

"(D) uniform performance metrics by which inspection validations are to be conducted;

"(E) a process for notifying a port or facility, and its host nation, of areas of concern about the port's or facility's failure to comply with International Ship and Port Facility Code standards;

"(F) provisional or probationary validations;

"(G) conditions under which routine monitoring is to occur if a port or facility receives a provisional or probationary validation;

"(H) a process by which failed validations can be appealed; and

"(I) an appropriate cycle for re-inspection and validation.

"(c) CERTIFICATION OF THIRD PARTY ENTITIES.—The Secretary may not certify a third party entity to validate ports or facilities under subsection (b) unless—

"(1) the entity demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with the standards, protocols, procedures, and requirements established by the program implemented under subsection (a); and

"(2) the entity has no beneficial interest in or any direct control over the port and facilities being inspected and validated.

"(d) MONITORING—The Secretary shall regularly monitor and audit the operations of each third party entity conducting validations under this section to ensure that it is meeting the minimum standards, operating protocols, procedures, and requirements established by international agreement.

"(e) REVOCATION.—The Secretary shall revoke the certification of any entity determined by the Secretary not to meet the minimum standards, operating protocol, procedures, and requirements established by international agreement for third party entity validations.

"(f) PROTECTION OF SECURITY AND PROPRIETARY INFORMATION.—In carrying out this section, the Secretary shall take appropriate actions to protect from disclosure information that—

"(1) is security sensitive, proprietary, or business sensitive; or

"(2) is otherwise not appropriately in the public domain.

"(g) DEADLINES.—The Secretary shall—

"(1) initiate procedures to carry out this section within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

"(2) develop standards under subsection (b) for third party validation within 2 years after the date of enactment of that Act.

"(h) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on activities conducted pursuant to this section.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70110 the following:

"70110A. Port safety and security validations".

SEC. 803. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: "The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.".

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting "**or facilities**" after "**ports**" in the section heading;

(B) by inserting "or facility" after "port" each place it appears; and

(C) by striking "PORTS" in the heading for subsection (e) and inserting "PORTS, FACILITIES,".

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

"70110. Actions and assistance for foreign ports or facilities and United States territories".

SEC. 804. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end thereof the following:

"(f) COAST GUARD ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

"(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

"(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

"(C) to assist the port or facility in exceeding the standards described in subparagraph (A) and (B).

"(2) CONDITIONS.—The Secretary—

"(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

"(B) may not provide such assistance unless the facility or port has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

"(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.".

SEC. 805. EHC FACILITY RISK-BASED COST SHARING.

The Commandant shall identify facilities sited or constructed on or adjacent to the navigable waters of the United States that receive, handle, load, or unload especially hazardous cargos that pose a risk greater than an acceptable risk threshold, as determined by the Secretary under a uniform risk assessment methodology. The Secretary may establish a security cost-share plan to assist the Coast Guard in providing security for the transportation of especially hazardous cargo to such facilities.

SEC. 806. TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) establish regional response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 942) and section 70103(a) of title 46, United States Code;".

SEC. 807. INCIDENT COMMAND SYSTEM TRAINING.

The Secretary shall ensure that Federal, State, and local personnel responsible for the safety and security of vessels in port carrying especially hazardous cargo have successfully completed training in the Department of Homeland Security's incident command system protocols.

SEC. 808. PRE-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—

"(1) IN GENERAL.—The Secretary shall ensure that interoperable communications technology is deployed at all interagency operational centers established under subsection (a).

"(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the technology deployed involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the technology is deployed.

"(3) REQUIREMENTS AND CHARACTERISTICS.—The interoperable communications technology deployed under paragraph (1) shall—

"(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources;

"(D) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts; and

"(E) be utilized as appropriate during live area exercises conducted by the United States Coast Guard.

"(4) ADDITIONAL CHARACTERISTICS.—Portions of the communications technology deployed under paragraph (1) may be virtual and may include items donated on an in-kind contribution basis.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed or interpreted to preclude the use of funds under this section by the Secretary for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.".

SEC. 809. DEFINITIONS.

In this title:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) ESPECIALLY HAZARDOUS CARGO.—The term "especially hazardous cargo" means any substance identified by the Secretary of the department in which the Coast Guard is operating as especially hazardous cargo.

(3) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. MARINE MAMMALS AND SEA TURTLES REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on Coast Guard activities with respect to the protection of marine mammals and sea turtles under United States statutes and international agreements.

(b) REQUIRED CONTENT.—The Secretary shall include in the report, at a minimum—

(1) a detailed summary of actions that the Coast Guard has undertaken annually from fiscal year 2000 through fiscal year 2007 with respect to enforcement efforts, and cooperative agreements and activities with other Federal and State agencies, training programs, and other initiatives;

(2) an annual summary for fiscal year 2000 through fiscal year 2007 by Coast Guard district of the level of effort measured by personnel hours and other available data, for enforcement of the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) as well as international agreements that include provisions on sea turtles or marine mammals to which the United States is a party; and

(3) a summary of any new Coast Guard initiatives for this mission area.

SEC. 902. UMPQUA LIGHTHOUSE LAND CONVEYANCE.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey to Douglas County, Oregon, all right, title, and interest of the United States in and to the Umpqua Lighthouse property, including improvements thereon, for the purpose of permitting the County to use the property as a park.

(2) PROPERTY DESCRIPTION.—

(A) IN GENERAL.—The Umpqua Lighthouse property is the parcel of approximately 14.81 acres of Coast Guard controlled land located in the NW ¼ of sec. 13, T. 22 S., R. 13 W., Willamette Meridian, and identified as Exhibit A on the aerial map entitled "U.S. Coast Guard Property at Salmon Harbor/Winchester Bay, Oregon" dated February 22, 2006.

(B) SURVEYS.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Commandant. The cost of the surveys shall be borne by the County.

(b) USE OF PROPERTY CONVEYED.—Notwithstanding section 59.3 of title 36, Code of Federal Regulations (or any successor regulation), and the limitations on the use of land provided assistance under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.), the real property to be conveyed under this section may be converted to a use other than a public outdoor recreation use.

(c) PROVISION OF REPLACEMENT FACILITIES.—

(1) IN GENERAL.—As consideration for the conveyance authorized by subsection (a), the County—

(A) may, at its expense design and construct the replacement facilities for the Coast Guard to replace the facilities conveyed under that subsection;

(B) may design and construct the replacement facilities to the specifications of the Commandant; and

(C) may construct the replacement facilities upon a parcel of real property determined by the Commandant to be an appropriate location for the replacement facilities; and

(2) shall convey to the United States all right, title, and interest in and to the replacement facilities and the parcel of real property on which the facilities are located.

(d) MEMORANDUM OF AGREEMENT.—The County and the Commandant may enter into a memorandum of agreement to effectuate the transactions authorized by this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

(f) LIMITATION.—Nothing in this section compels the County or the Commandant to execute a memorandum of agreement or deed, except upon such terms and conditions that the County and the Commandant may consider appropriate, in the exercise of their discretion, to protect the interests of the County and the United States.

SEC. 903. TRANSFER OF LANDS TO BE HELD IN TRUST.

(a) IN GENERAL.—As soon as practical but not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall take such actions as are necessary to transfer administrative jurisdiction over lands, including all structures and buildings on lands, depicted on the maps prepared pursuant to subsection (c) of this section to the Secretary of the Interior to hold in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

(b) CONDITIONS OF TRANSFER.—

(1) Prior to the transfer of administrative jurisdiction over the lands, the Coast Guard, in its sole discretion, shall execute actions required to comply with applicable environmental and cultural resources law.

(2) Upon such transfer to the Secretary of the Interior, the lands shall be held in trust by the United States for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Oregon, and shall be part of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw's Reservation.

(c) MAP AND LEGAL DESCRIPTION OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file maps entitled "Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Land Transfer Maps", which shall depict and provide a legal description of the parcels to be transferred in Coos County, Oregon, totaling approximately 24.0 acres in the areas commonly known as Gregory Point and Chief's Island, with—

(A) the Senate Committee on Commerce, Science, and Transportation;

(B) the House of Representatives Committee on Transportation and Infrastructure; and

(C) the Secretary of the Interior.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Department of the Interior.

(d) USE OF COAST GUARD AIDS TO NAVIGATION.—The Coast Guard may retain easements, or other property interests as may be necessary, across the property described in subsection (c) for access to aids to navigation located on the lands so long as such aids may be required by the Coast Guard.

(e) MAINTENANCE OF CAPE ARAGO LIGHT STATION.—

(1) The conveyance of Cape Arago Light Station on Chief's Island by the Coast Guard shall be made on condition that the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians shall—

(A) use and make reasonable efforts to maintain the Cape Arago Light Station in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in part 68 of title 36, Code of Federal Regulations, and other applicable laws, and submit any proposed changes to the Cape Arago Light Station for review and approval by the Secretary of the Interior in consultation with the Oregon State Historic Preservation Officer, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations, and the Secretary of the Interior's Standards for Rehabilitation, set forth in part 67.7 of title 36, Code of Federal Regulations;

(B) make the Cape Arago Light Station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(C) not sell, convey, assign, exchange, or encumber the Cape Arago Light Station, any part thereof, or any associated historic artifact conveyed in conjunction with the transfer under this section unless such sale, conveyance, assignment, exchange, or encumbrance is approved by Secretary of the Interior;

(D) not conduct any commercial activities at the Cape Arago Light Station, any part thereof, or in connection with any historic artifact conveyed in conjunction with the transfer under this section in any manner, unless such commercial activities are approved by the Secretary of the Interior; and

(E) allow the United States, at any time, to enter the Cape Arago Light Station without notice, for purposes of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(2) The Cape Arago Light Station, or any associated historic artifact conveyed in conjunction with the transfer under this section, at the option of the Secretary of the Interior, shall revert to the United States and be placed under the administrative control of the Secretary of the Interior if the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians fail to meet any condition described in paragraph (1).

(f) TRIBAL FISHING RIGHTS.—No fishing right of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in existence on the date of enactment of this Act shall be enlarged, impaired, or otherwise affected by the transfer under this section.

SEC. 904. DATA.

In each of fiscal years 2008 through 2010, there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $7,000,000 to acquire through the use of unmanned aerial vehicles data to improve the management of natural disasters, the safety of marine and aviation transportation, and fisheries enforcement.

SEC. 905. EXTENSION.

Section 607 of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking "2007" in subsection (h) and inserting "2012"; and

(2) by striking "terminate" and all that follows in subsection (i) and inserting "terminate on September 30, 2012.".

SEC. 906. FORWARD OPERATING FACILITY.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct or lease hangar, berthing, and messing facilities in the Aleutian Island-Bering Sea operating area. These facilities shall—

(1) support aircraft maintenance, including exhaust ventilation, heat, engine wash system, head facilities, fuel, ground support services, and electrical power; and

(2) shelter for both current helicopter assets and those projected to be located at Air Station Kodiak, Alaska for up to 20 years.

SEC. 907. ENCLOSED HANGAR AT AIR STATION BARBERS POINT, HAWAII.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct an enclosed hangar at Air Station Barbers Point, Hawaii. The hangar shall—

(1) support aircraft maintenance, including exhaust ventilation, heat, engine wash system, head facilities, fuel, ground support services, and electrical power; and

(2) shelter all current aircraft assets and those projected to be located at Air Station Barbers Point, Hawaii, over the next 20 years.

SEC. 908. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least $700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel—

(A) at the place where the vessel is located; and

(B) without cost to the Government.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 909. CONVEYANCE OF THE PRESQUE ISLE LIGHT STATION FRESNEL LENS TO PRESQUE ISLE TOWNSHIP, MICHIGAN.

(a) CONVEYANCE OF LENS AUTHORIZED.—

(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to Presque Isle Township, a township in Presque Isle County in the State of Michigan (in this section referred to as the "Township"), possession of the Historic Fresnel Lens (in this section referred to as the "Lens") from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the "Lighthouse").

(2) CONDITION.—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) CONVEYANCE OF LENS.—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—Upon the making of the certification described in paragraph (3), all active Federal aids to navigation located at the Lighthouse shall cease to be operated and maintained by the United States.

(b) REVERSION.—

(1) REVERSION FOR FAILURE OF AID TO NAVIGATION.—If the Township does not comply with the condition set forth in subsection (a)(2) within the time specified in that subsection, the Township shall, except as provided in paragraph (2), return the Lens to the Commandant at no cost to the United States and under such conditions as the Commandant may require.

(2) EXCEPTION FOR HISTORICAL PRESERVATION.—Notwithstanding the lack of compliance of the Township as described in paragraph (1), the Township may retain possession of the Lens for installation as an artifact in, at, or near the Lighthouse upon the approval of the Commandant. The Lens shall be retained by the Township under this paragraph under such conditions for the preservation and conservation of the Lens as the Commandant shall specify for purposes of this paragraph. Installation of the Lens under this paragraph shall occur, if at all, not later than two years after the date of the transfer of the Lens to the Township under subsection (a)(1).

(3) REVERSION FOR FAILURE OF HISTORICAL PRESERVATION.—If retention of the Lens by the Township is authorized under paragraph (2) and the Township does not install the Lens in accordance with that paragraph within the time specified in that paragraph, the Township shall return the lens to the Coast Guard at no cost to the United States and under such conditions as the Commandant may require.

(c) CONVEYANCE OF ADDITIONAL PERSONAL PROPERTY.—

(1) TRANSFER AND CONVEYANCE OF PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may transfer to the Township any additional personal property of the United States related to the Lens that the Commandant considers appropriate for conveyance under this section. If the Commandant conveys the Lens to the Township under subsection (a)(3), the Commandant may convey to the Township any personal property previously transferred to the Township under this subsection.

(2) REVERSION.—If the Lens is returned to the Coast Guard pursuant to subsection (b), the Township shall return to the Coast Guard all personal property transferred or conveyed to the Township under this subsection except to the extent otherwise approved by the Commandant.

(d) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of the Lens and any personal property under this section shall be without consideration.

(e) DELIVERY OF PROPERTY.—The Commandant shall deliver property conveyed under this section—

(1) at the place where such property is located on the date of the conveyance;

(2) in condition on the date of conveyance; and

(3) without cost to the United States.

(f) MAINTENANCE OF PROPERTY.—As a condition of the conveyance of any property to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees—

(1) to operate the Lens as a Class I private aid to navigation under section 85 of title 14, United States Code, and application regulations under that section; and

(2) to hold the United States harmless for any claim arising with respect to personal property conveyed under this section.

(g) LIMITATION ON FUTURE CONVEYANCE.—The instruments providing for the conveyance of property under this section shall—

(1) require that any further conveyance of an interest in such property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in such property was conveyed without such approval—

(A) all right, title, and interest in such property shall revert to the United States, and the United States shall have the right to immediate possession of such property; and

(B) the recipient of such property shall pay the United States for costs incurred by the United States in recovering such property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyances authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 910. REPEALS.

The following sections are repealed:

(1) Section 689 of title 14, United States Code, and the item relating to such section in the analysis for chapter 18 of such title.

(2) Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title.

SEC. 911. REPORT ON SHIP TRAFFIC.

(a) REPORT.—No later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the volume of foreign flag ships entering waters subject to the jurisdiction of the United States. The report may be submitted in classified format if the Secretary deems it to be necessary for national security.

(b) CONTENTS.—The report shall include a breakdown of the number or percentage of such foreign flag ships that—

(1) enter a United States port or place;

(2) do not enter a United States port or place but pass through the territorial sea of the United States; or

(3) do not enter a United States port or place but pass only through the exclusive economic zone of the United States.

(c) DEFINITIONS.—In this section:

(1) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the Exclusive Economic Zone of the United States established by Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(2) TERRITORIAL SEA.—The term "territorial sea" means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

SEC. 912. SMALL VESSEL EXCEPTION FROM DEFINITION OF FISH PROCESSING VESSEL.

Section 2101(11b) of title 46, United States Code, is amended by striking "chilling." and inserting "chilling, but does not include a fishing vessel operating in Alaskan waters under a permit or license issued by Alaska that—

(A) fillets only salmon taken by that vessel;

(B) fillets less than 5 metric tons of such salmon during any 7-day period.".

SEC. 913. RIGHT OF FIRST REFUSAL FOR COAST GUARD PROPERTY ON JUPITER ISLAND, FLORIDA.

(a) RIGHT OF FIRST REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right of first refusal to select and take without consideration fee simple title to real property within the jurisdiction of the Town comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard operations.

(d) REQUIRED USE.—Any property conveyed under this section shall be used by the Town of Jupiter Island, Florida, solely for conservation of habitat and as protection against damage from wind, tidal, and wave energy.

(e) REVERSION.—Any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Commandant of the Coast Guard, shall revert to the United States Government if the property is used for purposes other than conservation.

(f) IMPLEMENTATION.—The Commandant of the Coast Guard shall upon request by the Town—

(1) promptly take those actions necessary to make property identified under subsection (b) and determined by the Commandant under subsection (c) ready for conveyance to the Town; and

(2) convey the property to the Town subject to subsections (d) and (e).

SEC. 914. SHIP DISPOSAL WORKING GROUP.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group, composed of senior representatives from the Maritime Administration, the Coast Guard, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United States Navy. The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate, and shall consult with appropriate State environmental agencies. The working group shall review and make recommendations on environmental practices for the storage and disposal of obsolete vessels owned or operated by the Federal Government.

(b) SCOPE.—Among the vessels to be considered by the working group are Federally owned or operated vessels that are—

(A) to be scrapped or recycled;

(B) to be used as artificial reefs; or

(C) to be used for the Navy's SINKEX program.

(c) PURPOSE.—The working group shall—

(1) examine current storage and disposal policies, procedures, and practices for obsolete vessels owned or operated by Federal agencies;

(2) examine Federal and State laws and regulations governing such policies, procedures, and practices and any applicable environmental laws; and

(3) within 90 days after the date of enactment of this Act, submit a plan to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Armed Services to improve and harmonize practices for storage and disposal of such vessels, including the interim transportation of such vessels.

(d) CONTENTS OF PLAN.—The working group shall include in the plan submitted under subsection (c)(3)—

(1) a description of existing measures for the storage, disposal, and interim transportation of obsolete vessels owned or operated by Federal agencies in compliance with Federal and State environmental laws in a manner that protects the environment;

(2) a description of Federal and State laws and regulations governing current policies, procedures, and practices for the storage, disposal, and interim transportation of such vessels;

(3) recommendations for environmental best practices that meet or exceed, and harmonize, the requirements of Federal environmental laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(4) recommendations for environmental best practices that meet or exceed the requirements of State laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(5) procedures for the identification and remediation of any environmental impacts caused by the storage, disposal, and interim transportation of such vessels; and

(6) recommendations for necessary steps, including regulations if appropriate, to ensure that best environmental practices apply to all such vessels.

(e) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the head of each Federal department or agency participating in the working group, in consultation with the other Federal departments and agencies participating in the working group, shall take such action as may be necessary, including the promulgation of regulations, under existing authorities to ensure that the implementation of the plan provides for compliance with all Federal and State laws and for the protection of the environment in the storage, interim transportation, and disposal of obsolete vessels owned or operated by Federal agencies.

(2) ARMED SERVICES VESSELS.—The Secretary and the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall each ensure that environmental best practices are observed with respect to the storage, disposal, and interim transportation of obsolete vessels owned or operated by the Department of Defense.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede, limit, modify, or otherwise affect any other provision of law, including environmental law.

SEC. 915. FULL MULTI-MISSION RESPONSE STATION IN VALDEZ, ALASKA.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct a full multi-mission Coast Guard Response Station in Valdez, Alaska. The Station shall include shore and maintenance infrastructure facilities to support all current and projected Coast Guard waterborne security forces to be located in Valdez, Alaska, over the next 20 years.

SEC. 916. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 89 the following:

"§ 89a. Protection and fair treatment of seafarers

"(a) AUTHORITY OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary is authorized—

"(A) to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of title 46 if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, provided that corporate sureties underwriting any such bonds be certified by the Department of the Treasury to write Federal bonds under sections 9304 and 9305 of title 31;

"(B) at the discretion of the Secretary, to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

"(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

"(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

"(C) at the sole discretion of the Secretary, to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) of this paragraph and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

"(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of title 46 is applicable to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

"(3) LIMITATIONS.—Nothing in this section shall be construed—

"(A) to create a right, benefit, or entitlement to necessary support; or

"(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

"(b) FUND.—

"(1) IN GENERAL.—There is established in the Treasury a special fund known as the 'Support of Seafarers Fund'.

"(2) AVAILABILITY.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation—

"(A) to pay necessary support, pursuant to subsection (a)(1)(B) of this section; and

"(B) to reimburse a shipowner for necessary support, pursuant to subsection (a)(1)(C) of this section.

"(3) RECEIPTS.—Notwithstanding any other provision of law, the Fund shall be authorized to receive—

"(A) amounts reimbursed or recovered pursuant to subsection (c) of this section;

"(B) amounts appropriated to the Fund pursuant to subsection (f) of this section; and

"(C) appropriations available to the Secretary for transfer.

"(4) LIMITATION ON CERTAIN CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than $5,000,000.

"(5) REPORT REQUIRED.—

"(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President's budget submission for that fiscal year, a report that describes—

"(i) the amounts credited to the Fund, pursuant to paragraph (3) of this section, for the preceding fiscal year;

"(ii) a detailed description of the activities for which amounts were charged; and

"(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

"(I) on-going activities; and

"(II) new cases, derived from historic data.

"(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

"(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

"(A) ensure the visibility and accountability of transactions utilizing the Fund;

"(B) prepare the report required pursuant to paragraph (5) of this subsection; and

"(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

"(c) REIMBURSEMENTS—

"(1) RECOVERY.—Any shipowner—

"(A)(i) who, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication, and

"(ii) against whom a criminal penalty is subsequently imposed, or

"(B) who, under any circumstance, abandons a seafarer in the United States, as determined by the Secretary,

shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 per cent of such total amount.

"(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

"(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

"(B) withhold or revoke the clearance, required by section 60105 of title 46, of any vessel of the shipowner wherever such vessel is found.

"(3) CLEARANCE.—Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

"(d) DEFINITIONS.—In this section:

"(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means a shipowner's unilateral severance of ties with a seafarer or the shipowner's failure to provide necessary support of a seafarer;

"(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

"(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

"(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

"(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

"(D) facilitate service of correspondence and legal papers;

"(E) enter an appearance in Federal district court;

"(F) comply with directions regarding payment of funds;

"(G) name an agent in the United States for service of process;

"(H) make stipulations as to the authenticity of certain documents in Federal district court;

"(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

"(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

"(K) provide for any other appropriate measures as the Secretary deems necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

"(3) FUND.—The term 'Fund' means the Support of Seafarers Fund, established by subsection (b);

"(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate;

"(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States;

"(6) SHIPOWNER.—The term 'shipowner' means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States;

"(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the same meaning it has in section 70502(c) of title 46, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

"(e) REGULATIONS.—The Secretary is authorized to promulgate regulations to implement this subsection.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $1,500,000 for each of fiscal years 2009, 2010, and 2011.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of such title is amended by inserting after the item relating to section 89 the following:

"89a. Protection and fair treatment of seafarers".

SEC. 917. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall acquire or construct 2 polar icebreakers for operation by the Coast Guard in addition to its existing fleet of polar icebreakers.

(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures, including the provision of necessary operation and maintenance funding, to ensure that—

(1) the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions; and

(2) any such vessels that are not fully operational are brought up to, and maintained at full operational capability.

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 to the Secretary of the department in which the Coast Guard is operating such sums as may be necessary to acquire the icebreakers authorized by subsection (a), as well as maintaining and operating the icebreaker fleet as authorized in subsection (b).

SEC. 918. FUR SEAL ACT AUTHORIZATION.

Section 206(c)(1) of the Fur Seal Act of 1966 (16 U.S.C. 1166(c)(1)) is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

SEC. 919. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term "Sector Buffalo" means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) STUDY AREA.—The term "study area" means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) STUDY.—

(1) IN GENERAL.—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) LIMITATION.—Nothing in this section shall affect the current administration and management of the study area.

SEC. 920. INSPECTOR GENERAL REPORT ON COAST GUARD DIVE PROGRAM.

(a) INSPECTOR GENERAL REPORT.—Within 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the circumstances surrounding the accidental death of Coast Guard crew members on a training dive while serving aboard the Coast Guard icebreaker HEALY on August 17, 2006. The Inspector General shall include in the report—

(1) a description of programmatic changes made by the Coast Guard in its dive program in response to the accident;

(2) an evaluation of whether those changes are effective and are sufficient to prevent similar accidents; and

(3) recommendations for further improvement in the safety of the dive program.

(b) HILL-DUQUE COAST GUARD DIVE PROGRAM REPORT.—Within 6 months after the date of enactment of this Act, the Inspector General shall submit an interim report to the Committees describing the progress made in preparing the report required by subsection (a).

Ms. SNOWE. Mr. President, as Ranking Member on the Coast Guard's oversight subcommittee, I am pleased today to co-sponsor the Coast Guard Authorization Act for fiscal year 2008.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our nation. Last year alone, the Coast Guard responded to over 28,000 calls for assistance, and saved nearly 5,300 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 287,000 pounds of cocaine, including over 20 tons in a single interdiction action, the largest drug bust ever recorded. They also stopped nearly 8,000 illegal migrants from reacting our shores. In addition they conducted 6,100 boardings to protect our vital fisheries stocks and they responded to 4,400 pollution incidents.

In today's post-9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation's coastline, waterways, and ports. This rapid escalation of the Coast Guard's homeland security mission catalogue continues today. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

The bill we introduce today would authorize funding at $8.3 billion for fiscal year 2008. This authorization will continue to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security. It also includes funding to allow the service to continue replacing its rapidly aging assets so it can increase efficiency of its actions and reap the benefits of advances of modern technology and engineering.

The Coast Guard's rapid operational escalation has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis, putting additional strain on vessels that already collectively comprise the world's third oldest navel fleet. The Coast Guard is now 5 years into the acquisition phase of a program designed to recapitalize its aging infrastructure the Integrated Deepwater Program. In recent months, we have heard a litany of bad news regarding Deepwater, from the decommissioning of eight 123-foot patrol boats following a failed effort to extend them, to reports that Deepwater's flagship, the National Security Cutter, will not meet the specifications required by the Coast Guard. The service has taken numerous steps to rectify contractual shortcomings that have led to many of these problems, but much work remains to be done before the Coast Guard can regain the confidence of its overseers and the American public. This bill authorizes nearly $1 billion for Coast Guard acquisitions programs, a large sum to be sure. But Senator CANTWELL and I, and the rest of the Coast Guard's oversight subcommittee will closely monitor developments with the program to ensure that the mistakes of Deepwater's past are not carried over into its future.

This bill also includes a provision to increase the Coast Guard's ability to prosecute those engaged in illegal alien smuggling in the maritime environment. Under current law and practice, individuals have to be seriously injured or die in a maritime migrant smuggling event before the smugglers are faced with meaningful legal penalties. This allows organized groups of experienced smugglers to operate with near impunity, facilitating the entry of thousands of illegal immigrants annually. The Maritime Alien Smuggling Law Enforcement Act, contained within this bill would close this serious loophole at the frontline of our homeland security efforts.

The bill also contains provisions vital to navigation security, including a requirement that the Coast Guard continue to operate the LORAN-C navigation system. Though advances in Global Positioning System technology have allowed our mariners to receive accurate, timely positioning data, many seafarers, particularly in the northern latitudes where GPS signals are less strong, still rely on LORAN signals as a back-up to their more modern systems, or in some cases, as a primary navigation aid.

The service men and women of the Coast Guard do yeoman's work in support of our homeland security and to ensure the safety of the maritime domain, and this bill also contains provisions to help them in numerous ways. Provisions ensure the Government is providing adequate access to medical care for those stationed on remote islands; grants Coast Guard servicemen and women access to the armed forces retirement homes; and authorizes funding for additional facilities to improve their quality of life.

In sum, this bill contains provisions too numerous to mention individually that support the Coast Guard's missions and enhance its ability to safeguard our homeland, our environment, and our maritime operations. I thank Senator CANTWELL and the rest of my fellow co-sponsors for all their hard work on this bill, and I ask my colleagues in this body to join me in expressing support for the valiant men and women of the Coast Guard and this bill that will facilitate execution of their appointed missions.

By Mr. BAUCUS:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; from the Committee on Finance; placed on the calendar.

Mr. BAUCUS. Mr. President, I ask unanimous consent the following material regarding today's introduction of S. 1893, the Children's Health Insurance Program Reauthorization Act of 2007, be included in the RECORD, July 26, 2007 letter from the Congressional Budget Office; and Technical Summary of the Children's Health Insurance Program Reauthorization Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.

Hon. MAX BAUCUS,
Chairman Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) have prepared the attached cost estimate for the Children's Health Insurance Program Reauthorization Act of 2007, based on the legislative language (ERN07632) that was provided by the Committee on Finance on July 26, 2007.

CBO estimates that enacting this legislation would increase federal direct spending by $35.2 billion over the 2008-2012 period and by $71.0 billion over the 2008-2017 period. CBO and JCT estimate that net revenues would increase under the bill by $36.1 billion over the next five years and $72.8 billion over the 10-year period. A portion of that increase would be in off-budget revenues: $0.8 billion for the 2008-2012 period and $1.1 billion over the 2008-2017 period. On balance, the spending and revenue changes would reduce federal on-budget deficits by $0.1 billion through 2012 and $0.8 billion for the 2008-2017 period. The two attached tables provide estimates of year-by-year changes and a summary of the estimated change in enrollment of children under the State Children's Health Insurance Program (SCHIP) and Medicaid.

Projected spending would exceed estimated on-budget revenue increases beginning in fiscal year 2015. Pursuant to section 203 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, CBO estimates that the changes in direct spending and revenues would cause an increase in the on-budget deficit greater than $5 billion in at least one of the 10-year periods between 2018 and 2057.

CBO has reviewed the non-tax provisions of the bill—titles I through VI, excluding section 411, and title VII—for mandates and determined that they contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would affect the way states administer SCHIP and Medicaid, but because of the flexibility in those programs, the new requirements would not be intergovernmental mandates as UMRA defines that term. In general, state, local, and tribal governments would benefit from the continuation of existing SCHIP grants, the creation of new grant programs, and broader flexibility and options in some programs.

According to JCT, the tax provisions of the bill contain no intergovernmental mandates as defined in UMRA. JCT has determined that the tax provisions of the bill contain a private-sector mandate, as defined in UMRA, by increasing the excise tax rate on cigarettes and other tobacco products. The costs of that mandate would be similar to the estimated budget effects of the provision (as shown in the attached table), and thus would significantly exceed the threshold established in UMRA for private-sector mandates in each year (the threshold is $131 million in 2007, and is adjusted annually for inflation).

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Eric Rollins and Jeanne De Sa.

Sincerely,

PETER R. ORSZAG,
Director.

CBO'S ESTIMATE OF THE EFFECTS ON DIRECT SPENDING AND REVENUES OF THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

[Based on the legislative language ERN07632, provided by the Senate Committee on Finance on July 26, 2007]

Figures are outlays, by fiscal year, in billions of dollars. Costs or savings of less than $50 million are shown with an asterisk. Components may not sum to totals because of rounding.

Section	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008–12	2008–17
CHANGES IN DIRECT SPENDING												
SCHIP outlays from the funding provided in sections 101, 103, 104, and 105 of the bill:												
Benefits and administration costs	2.2	3.8	5.5	6.5	7.4	−0.4	−1.8	−1.8	−1.7	−1.6	25.4	18.1
Incentive payments	0	0.4	0.6	0.8	0.9	1.0	1.1	1.2	1.2	1.3	2.7	8.4
Subtotal	2.2	4.1	6.1	7.2	8.4	0.6	−0.7	−0.6	−0.4	−0.3	28.1	26.5
Medicaid outlays due to interactions with the SCHIP outlays shown above	−0.3	0.3	1.2	1.6	1.8	4.5	6.0	7.1	7.7	8.4	4.7	38.4
Other changes in direct spending that are not included with the SCHIP and Medicaid totals above:												
104 Additional administrative funding for territories	*	*	*	*	*	*	*	*	*	*	0.1	0.1
105 Funding for improved reporting of Medicaid enrollment	*	*	0	0	0	0	0	0	0	0	*	*
108 Contingency fund	0	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.3	1.1
201 Grants for outreach and enrollment	*	*	*	*	0.1	*	*	*	*	*	0.2	0.4
203 Express Lane demonstration project	*	*	*	*	*	0	0	0	0	0	*	*
301 Revise requirement to document citizenship	0	0.3	0.3	0.4	0.4	0.4	0.4	0.5	0.5	0.6	1.4	3.7
501 Development of quality measures for child health	*	0.1	0.1	0.1	0.1	*	*	*	*	*	0.3	0.4
604 Additional funding for Current Population Survey	*	*	*	*	*	*	*	*	*	*	0.1	0.1
608 Dental health grants	*	0.1	0.1	0.1	*	0	0	0	0	0	0.2	0.2
609 Transition grants for payment of FQHC / RHC services	*	*	0	0	0	0	0	0	0	0	*	*
Subtotal	0.1	0.5	0.6	0.6	0.6	0.7	0.7	0.7	0.8	0.8	2.4	6.1
Total changes in direct spending	2.1	5.0	7.9	9.4	10.8	5.8	6.0	7.2	8.0	8.9	35.2	71.0
CHANGES IN REVENUES												
On-budget revenues:												
701 Increased taxes on tobacco products	6.2	7.6	7.4	7.3	7.3	7.2	7.1	7.1	7.0	6.9	35.7	71.1
703 Changed timing of corporate estimated tax payments	0	0	0	0	−0.9	−0.9	0	0	0	0	−0.9	0
Effect of SCHIP provisions on on-budget revenues	*	0.1	0.1	0.1	0.1	0.1	*	*	*	*	0.5	0.7
Subtotal	6.2	7.7	7.5	7.4	6.5	8.2	7.2	7.1	7.0	7.0	35.3	71.7
Off-budget revenues (due to SCHIP provisions)	0.1	0.2	0.2	0.2	0.2	0.1	*	*	*	0.1	0.8	1.1
Total changes in revenues	6.3	7.8	7.7	7.6	6.7	8.3	7.2	7.1	7.1	7.0	36.1	72.8
Net budgetary effect of legislation:												
Direct spending and on-budget revenues	−4.2	−2.7	0.4	2.0	4.3	−2.4	−1.2	0.1	1.0	1.9	−0.1	−0.8
Direct spending and all revenues	−4.3	−2.8	0.2	1.3	4.1	−2.5	−1.2	*	0.9	1.8	−0.9	−1.8
Memorandum:												
SCHIP outlays under CBO's baseline	5.4	5.4	5.5	5.5	5.6	5.5	5.3	5.3	5.2	5.1	27.4	53.8
Additional SCHIP outlays under proposal	2.3	4.3	6.2	7.4	8.5	0.7	−0.6	−0.5	−0.3	−0.2	28.6	27.9
Total SCHIP outlays under proposal	7.7	9.7	11.7	12.9	14.1	6.2	4.7	4.8	4.9	5.0	56.1	81.7

CBO's ESTIMATE OF CHANGES IN SCHIP AND MEDICAID ENROLLMENT OF CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

(Based on the legislative language ERN07632, provided by the Senate Committee on Finance on July 26, 2007)

All figures are average monthly enrollment, in millions of individuals. Components may not sum to totals because of rounding.

	SCHIP [a]				Medicaid [b]				SCHIP/Medicaid total		
	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in private coverage	Total	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in private coverage	Total	Reduction in the uninsured	Reduction in private coverage	Total
Fiscal Year 2012:											
CBO's baseline projections				3.3				25.0			28.3
Effect of providing funding to maintain current SCHIP programs	0.6	0.8	0.5	1.9	−0.6	n.a.	n.a.	−0.6	0.8	0.5	1.3
Effect of additional SCHIP funding and other provisions:											
Additional enrollment within existing eligibility groups [c,d]	n.a.	0.9	0.6	1.5	n.a.	1.7	0.4	2.2	2.7	1.0	3.7
Expansion of SCHIP eligibility to new populations	n.a.	0.6	0.6	1.1	n.a.	n.a.	n.a.	n.a.	0.6	0.6	1.1
Subtotal	n.a.	1.5	1.2	2.6	n.a.	1.7	0.4	2.2	3.2	1.6	4.8
Total proposed changes	0.6	2.2	1.7	4.5	−0.6	1.7	0.4	1.5	4.0	2.1	6.1
Estimated enrollment under proposal				7.9				26.5			34.4

Notes:

[a] The figures in this table include the program's adult enrollees, who account for less than 10 percent of total SCHIP enrollment.

[b] The figures in this table do not include children who receive Medicaid because they are disabled.

[c] For simplicity of display, the Medicaid figures in this line include the additional children enrolled as a side effect of expansions of SCHIP eligibility.

[d] The Medicaid figures and SCHIP/Medicaid totals in this line include about 100,000 adults who would gain eligibility under section 301 of the bill.

n.a. = not applicable

TECHNICAL SUMMARY OF THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS

Current Law

No provision.

Explanation of Provision

This act may be cited as the "Children's Health Insurance Program (CHIP) Reauthorization Act of 2007." Unless otherwise noted, this act amends, or repeals provisions of the Social Security Act. When this act references: "CHIP" it is referring to the State Children's Health Insurance Program established under Title XXI; "MEDICAID" it is referring to the program for medical assistance established under title XIX; "Secretary" it is referring to the Secretary of Health and Human Services.

Title I—Financing of CHIP

SECTION 101. EXTENSION OF CHIP

Current Law

Title XXI of the Social Security Act specifies the following national appropriation amounts in §2104(a) from FY 1998 to FY2007 for SCHIP:

$4,295,000,000 in FY1998;
$4,275,000,000 in FY 1999;
$4,275,000,000 in FY2000;
$4,275,000,000 in FY 2001;
$3,150,000,000 in FY 2002;
$3,150,000,000 in FY2003;
$3,150,000,000 in FY2004;
$4,050,000,000 in FY2005;
$4,050,000,000 in FY2006; and
$5,000,000,000 in FY2007.

These amounts are alloted to states, including the District of Columbia, except for (1) 0.25% of the total annual amount is alloted to the territories and commonwealths (hereafter referred to simply as "the territories"), and (2) from FY1998 to FY2002, $60 million was set aside annually for special diabetes grants (Public Health Service Act §330B and §330C), which are now funded by direct appropriations. the territories are also alloted the following appropriation amounts in §2104(c)(4)(B):

$32,000,000 in FY1999;
$34,200,000 in FY2000;
$34,200,000 in FY2001;
$25,200,000 in FY2002;
$25,200,000 in FY2003;
$25,200,000 in FY2004;
$32,400,000 in FY2005;
$32,400,000 in FY2006; and
$40,000,000 in FY2007.

Explanation of Provision

The following national appropriation amounts are specified for CHIP in §2104(a):

$9,125,000,000 in FY 2008;
$10,675,000,000 in FY2009;
$11,850,000,000 in FY 2010;
$13,750,000,000 in FY 2001; and
$3,500,000,000 in FY2012.

SECTION 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA

Current Law

The annual SCHIP appropriation available to states, including the District of Columbia, is the amount of the total appropriation remaining after amounts set aside for the territories and, for FY1998 to FY2002, the special diabetes grants. Each state's share, or percentage, of the available appropriation is determined by a formula using the state's "number of children," as adjusted for geographic variation in health costs and subject to certain floors and a ceiling.

Beginning with the FY2001 SCHIP allotment, the "number of children" is equal to (1) 50 percent of the number of children in the state who are low income (with "low income" defined as having family income below 200% of the federal poverty threshold), plus (2) 50 percent of the number of *uninsured* low-income children in the state. The source of data is the average of the number of such children, as reported and defined in the three most recent Annual Social and Economic (ASEC) Supplements (formerly known as the March supplements) to the Census Bureau's Current Population Survey (CPS) before the beginning of the calendar year in which the applicable fiscal year begins. For example, in determining the FY2007 allotments, the three most recent supplements available before January 1, 2006, were used. Thus, states' FY2007 allotments were based on the "number of children" using data that covered calendar years 2002, 2003 and 2004.

The adjustment for geographic variations in health costs is 85% of each state's variation from the national average in its average wages in the health services industry. The source of data is the average wages from mandatory reports filed quarterly by every employer on their unemployment insurance contributions and provided to the Department of Labor's Bureau of Labor Statistics (BLS). A three-year average of these data is also required in the statute.

Each state's "number of children," as adjusted for geographic variation in health costs, is calculated as a percentage of the national total. This is the state's preliminary proportion of the available SCHIP appropriation, against which the floors and ceiling are compared.

Since the beginning of SCHIP, no state's share of the available appropriation could result in an allotment of less than $2 million. No state has ever been affected by this floor. Beginning with the FY2000 allotment, two additional floors also applied: (1) no state's share could be less than 90% of last year's share, and (2) no state's share could be less than 70% of its FY1999 share. (Each state's FY1999 share was identical to its FY1998 share, per P.L. 105–277.)

A ceiling has also applied beginning with the FY2000 allotment: No state's share can exceed 145% of its FY1999 share.

Once the floors and ceiling are applied to affected states to produce their adjusted proportion, the other states' shares are adjusted proportionally to use exactly 100% of the available appropriation. Each state's adjusted proportion multiplied by the appropriation available to states for a fiscal year results in each state's federal SCHIP allotment for that fiscal year.

Explanation of Provision

The annual CHIP funds available to states, including the District of Columbia—that is, the available national allotment—is the amount of the total appropriation remaining after amounts allotted to the territories.

For FY2008, a state's allotment is calculated as 110% of the greatest of the following four amounts: (1) the state's FY2007 federal CHIP spending multiplied by the annual adjustment; (2) the state's FY2007 federal CHIP allotment multiplied by the annual adjustment; (3) for states that were determined in FY2007 to have exhausted their own federal CHIP allotments (and therefore designated a shortfall state for FY2007), the state's FY2007 projected spending as of November 2006 (or as of May 2006, for a state whose May 2006 projection was $95 million to $96 million higher than its November 2006 projection) multiplied by the annual adjustment; and (4) the state's FY2008 federal CHIP projected spending as of August 2007 and certified by the state to the Secretary not later than September 30, 2007.

The annual adjustment for health care cost growth and child population growth is the product of (1) 1 plus the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for the fiscal year over the prior fiscal year, and (2) 1.01 plus the percentage increase in the child population (under age 19) in each state as of July 1 of the fiscal year over the prior fiscal year's, based on the most timely and accurate published estimates from the Census Bureau.

For FY2009 to FY2012, a state's allotment is calculated as 110% of its projected spending for that year, as submitted to CMS no later than August 31 of the preceding fiscal year.

For FY2008, if the state allotments as calculated exceed the available national allotment, the allotments are reduced proportionally. For FY2009 to FY2012, if the state allotments as calculated exceed the available national allotment, then the available national allotment is distributed to each state according to its percentage calculated as the sum of the following four factors:

Each state's projected federal CHIP expenditures for that fiscal year (as certified by the state to the Secretary no later than the August 31 of the preceding fiscal year), calculated as a percentage of the national total, multiplied by 75%;

Each state's number of low-income children (based on the most timely and accurate published estimates from the Census Bureau), calculated as a percentage of the national total, multiplied by 12½%;

Each state's projected federal CHIP expenditures for the preceding fiscal year (as certified by the state to the Secretary in November of the fiscal year), calculated as a percentage of the national total, multiplied by 7½%; and

Each state's actual federal CHIP expenditures for the second preceding fiscal year, as determined by the Secretary, calculated as a percentage of the national total, multiplied by 5%.

If a state's projected CHIP expenditures for FY2009 to FY2012 are at least 10% more than the last year's allotment (excluding any reduction in states' allotments due to insufficient available national allotment) then, unless the state received approval in the prior year of a state plan amendment or waiver to expand CHIP coverage or the state received a payment from the CHIP Contingency Fund, the state must submit to the Secretary by August 31 before the fiscal year information relating to the factors that contributed to the need for the increase in the state's allotment, as well as any other information that the Secretary may require for the state to demonstrate the need for the increase in the state's allotment. The Secretary shall notify the state in writing within 60 days after receipt of the information that (1) the projected expenditures are approved or disapproved (and if disapproved, the reasons for disapproval); or (2) specified additional information is needed. If the Secretary disapproved the projected expenditures or determined additional information is needed, the Secretary shall provide the state with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year. If a determination has not determined by September 30 whether the state has demonstrated the need for the increase in its allotment, the Secretary shall provide the state with a provisional allotment for the fiscal year equal to 110% of last year's allotment (excluding any reduction in states' allotments due to insufficient available national allotment). Once the Secretary makes a determination, the Secretary may adjust the state's allotment (and the allotments of other states) accordingly, but not later than November 30 of the fiscal year.

For FY2008 allotment factors based on CHIP expenditures, the Secretary of Health and Human Services (HHS) shall use the most recent FY2007 expenditure data available to the Secretary before the start of FY2008. The Secretary may adjust the FY2008 allotments based on the actual expenditure data reported to CMS no later than November 30, 2007; the Secretary may not make adjustments after December 31, 2007.

For purposes of determining a state's allotment, the state's projected expenditures shall include payments projected using §2105(g) (discussed in Section 110) and for certain CHIP-enrolled parents and childless adults (discussed in Section 105).

SECTION 103. ONE-TIME APPROPRIATION FOR FY2012

Current Law

No provision.

Explanation of Provision

In FY 2012, a one-time appropriation of $12,500,000,000 shall be made to the Secretary of Health and Human Services to add to the funds already provided under section 2104(a) for that year only. Such funds shall be distributed by the Secretary in a manner consistent with and under the same terms and conditions of section 102 of this Act.

SECTION 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID

Current Law

The territories were to receive 0.25 percent of the total appropriations provided in §2104(a). Later legislation added specific appropriations for the territories in FY1999 to FY2007:

$32,000,000 in FY 1999;
$34,200,000 in FY 2000;
$34,200,000 in FY 2001;
$25,200,000 in FY 2002;
$25,200,000 in FY 2003;
$25,200,000 in FY 2004;
$32,400,000 in FY 2005;
$32,400,000 in FY 2006; and
$40,000,000 in FY 2007.

For FY 1999, the $32 million represented approximately 0.75 percent of the total appropriations in §2104(a). For FY2000 to FY2007, the additional appropriation equaled 0.8 percent of the total appropriations in §2104(a). Combined with the 0.25 percent available through the original enacting legislation, the territories were allotted 1.05% of the total appropriations in §2104(a) from FY2000 to FY2007.

The amounts set aside for the territories were distributed according to the following percentages provided in statute: Puerto Rico, 91.6 percent; Guam, 3.5 percent; the Virgin Islands, 2.6 percent; American Samoa, 1.2 percent; and the Northern Mariana Islands, 1.1 percent.

Medicaid (and SCHIP) programs in the territories are subject to spending caps specified in statute. The federal Medicaid matching rate, which determines the share if Medicaid expenditures paid for by the federal government, is statutorily set at 50 percent of the territories. Therefore, the federal government pays 50% of the cost of Medicaid items and services in the territories up to the spending caps. For the 50 states and DC, certain administrative functions have a higher federal match. For example, startup expenses for specified computer systems are matched at 90%, and there is a 100% match for the implementation and operation of immigration status verification systems.

Explanation of Provision

From the national CHIP appropriation, the allotments to the territories are calculated as follows. For FY2008, each territory's allotment is its highest annual federal CHIP spending between FY1998 and FY2007, plus the annual adjustment for health care cost growth and national child population growth. FY2007 spending will be determined by the Secretary based on the most timely and accurate published estimates of the Census Bureau. For FY2009 through FY2012, each territory's allotment is the prior year's allotment, plus the annual adjustment for health care cost growth and national child population growth.

For FY2008 and each fiscal year thereafter, federal matching payments for specified data reporting systems (i.e., the design, development, and operations of claims processing systems and citizenship documentation data systems in each of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa would be subject to the 90% federal match rate for the startup expenses associated with such systems and the 75% federal match rate for the operation of such systems without regard to the specified spending caps.

The provision would require the Government Accountability Office (GAO) to submit a report to the appropriate committees of Congress not later than September 30, 2009, with regard to the territories' eligible Medicaid and CHIP populations, their historical and projected spending and the ability of capped funding streams to address such needs, the extent to which the federal poverty level is used for determining Medicaid and CHIP eligibility in the territories, and the extent to which the territories participate in data collection and reporting with regard to Medicaid and CHIP and specifically the extent to which they participate in the Current Population Survey versus the American Community Survey, which are federal surveys that estimate the number of low-income children in the states. The report is also to provide recommendations for improving Medicaid and CHIP funding to the territories.

SECTION 105. INCENTIVE BONUSES FOR STATES

Current Law

No provision.

Explanation of Provision

Incentive Pool

A CHIP Incentive Bonuses Pool is established in the U.S. Treasury. The Incentive Pool receives deposits from an initial appropriation in FY2008 of $3 billion, along with transfers from six different potential sources, with the currently available but not immediately required funds invested in interest-bearing U.S. securities that provide additional income into the Incentive Pool. The six sources for deposits are as follows:

On December 1, 2007, the amount by which states' FY2006 and FY2007 allotments not expended by September 30, 2007, exceed 50% of the federal share of the FY2008 allotment, as determined by the Secretary by not later than October 1, 2007;

On each December 1 from 2008 to 2012, any of the annual CHIP appropriation not used by the states;

On October 1 of fiscal years 2009 to 2012, the amount by which the unspent funds from the prior year's allotment exceeds the applicable percentage of that allotment. The applicable percentage is 20% for FY2009, and 10% for FY2010, FY2011, and FY2012;

Any original allotment amounts not expended by the end of their second year of availability;

On October 1, 2009, any amounts set aside for transition off of CHIP coverage for childless adults that are not expended by September 30, 2009; and

On October 1 of FY2009 through FY2012, any amounts in the CHIP Contingency Fund in excess of the fund's aggregate cap, as well as any Contingency Fund payments provided to a state that are unspent at the end of the fiscal year following the one in which the funds were provided.

Funds from the Incentive Pool are payable in FY2008 to FY2012 to states that have increased their Medicaid and CHIP enrollment among low-income children above a defined baseline, with associated payments as follows (reduced proportionally if necessary). (For purposes of Incentive Pool policies, a "child" enrolled in Medicaid means an individual under age 19—or age 20 or 21, if a state has so elected under its Medicaid plan; and "low-income children" means children in families with incomes at 200% of federal poverty or below.) Beginning in FY2009, a state may receive a payment from the Incentive Pool if its average monthly enrollment of low-income children in CHIP and Medicaid for the coverage period (which is defined as the last two quarters of the preceding fiscal year and the first two quarters of the fiscal year, except that for FY2009 it is based only on the first two quarters of FY2009) exceeds the baseline monthly average.

For FY2009, the baseline monthly average is each state's average monthly enrollment in the first two quarters of FY2007 enrollment (as determined over a 6-month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS) multiplied by the sum of 1.02 and the percentage increase in the population of low-income children in the state from FY2007 to FY2009, as determined by the Secretary based on the most recent published estimates from the Census Bureau before the beginning of FY2009. For FY2010 onward, the baseline monthly average is the prior year's baseline monthly average multiplied by the sum of 1.01 and the percentage increase in the population of low-income children in the state over the preceding fiscal year, as determined by the Secretary based on the most recent published estimates from the Census Bureau before the beginning of the fiscal year.

A state eligible for a bonus shall receive in the last quarter of the fiscal year the following amount, depending on the "excess" of the state's enrollment above the baseline monthly average: (i) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess; (ii) if such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2 percent, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess; and (iii) if such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess. For FY2010 onward, these dollar amounts are to be increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for the calendar year beginning on January 1 of the coverage period over that of the preceding coverage period.

Payments from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

Redistribution of FY2005 Allotments

An appropriation of $5,000,000 is provided to the Secretary for FY2008 for improving the timeliness of MSIS and to provide guidance to states with respect to any new reporting requirements related to such improvements. Amounts appropriated are available until expended. The resulting improvements are to be designed and implemented so that beginning no later than October 1, 2008, Medicaid and CHIP enrollment data are collected and analyzed by the Secretary within six months of submission.

FY2005 original CHIP allotments unspent at the end of FY2007 are to be redistributed on a proportional basis to states that were projected at any point in FY2007 to exhaust their federal CHIP allotments.

SECTION 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP, CONDITIONS FOR COVERAGE OF PARENTS

Current Law

Section 1115 of the Social Security Act gives the Secretary of HHS broad authority to modify virtually all aspects of the Medicaid and SCHIP programs. Under Section 1115, the Secretary may waive requirements in Section 1902 (usually, freedom of choice of provider, comparability, and statewideness). For SCHIP, no specific sections or requirements are cited as "waive-able." SCHIP statute simply states that Section 1115, pertaining to research and demonstration projects, applies to SCHIP. States may obtain waivers that allow them to provide services to individuals not traditionally eligible for SCHIP, or limit benefit packages for certain groups as long as the Secretary determines that these programs further the goals of SCHIP.

Approved SCHIP Section 1115 waivers are deemed to be part of a state's SCHIP state plan for purposes of federal reimbursement. Costs associated with waiver programs are subject to each state's enhanced-FMAP. Under SCHIP Section 1115 waivers, states must meet an "allotment neutrality test" where combined federal expenditures for the state's regular SCHIP program and for the state's SCHIP demonstration program are capped at the state's individual SCHIP allotment. This policy limits federal spending to the capped allotment levels.

Under current law, including 1115 waiver authority, states cover pregnant women, parents of Medicaid and SCHIP eligible children and childless adults in their SCHIP programs.

The Deficit Reduction Act of 2005 prohibited the approval of new demonstration programs that allow federal SCHIP funds to be used to provide coverage to nonpregnant childless adults, but allowed for the continuation and renewal of such existing Medicaid or SCHIP waiver projects affecting federal SCHIP funds that were approved under the Section 1115 waiver authority before February 8, 2006.

Explanation of Provision

Childless Adults

The provision would prohibit the approval or renewal of Section 1115 demonstration waivers that allow federal CHIP funds to be used to provide coverage to nonpregnant childless adults (hereafter referred to as applicable existing waivers) on or after the date of enactment of this Act. Beginning on or after October 1, 2008, rules regarding the period to which an applicable existing waiver would apply, individuals eligible for coverage under such waivers, and the amount of federal payment available for such coverage would be subject to the following requirements: (1) no federal CHIP funds would be available for coverage of nonpregnant childless adults under an applicable existing waiver after September 30, 2008, (2) State-requested extensions of applicable existing waivers that would otherwise expire before October 1, 2008, would be granted by the Secretary but only through September 30, 2008, and (3) coverage to a nonpregnant childless adult under applicable existing waivers provided during FY2008 will be reimbursed at the CHIP enhanced FMAP rate.

States with applicable existing waivers (that are otherwise terminated under this provision) would be permitted to extend coverage, through FY2009, to individual nonpregnant childless adults who received coverage under the applicable existing waiver at any time during FY2008 (regardless of whether the individual lost coverage at any time during FY2008 and was later provided benefit coverage under the waiver in that fiscal year) subject to the following restrictions: (1) for each such State, the Secretary would be required to set aside an amount as part of a separate allotment equal to the federal share of the State's projected FY2008 expenditures (as certified by the state and submitted to the Secretary by August 31, 2008) for providing coverage under the waiver to such individuals in FY2008 increased by the annual adjustment for per capita health care growth (described in Section 102 of this bill), (2) the Secretary may adjust the set aside amount based on State-reported FY2008 expenditure data (reported on CMS Form 64 or CMS Form 21 not later than November 30, 2008), but in no case shall the Secretary adjust such amount after December 31, 2008, and (3) the Secretary would pay an amount equal to the federal Medicaid matching rate for expenditures related to such coverage (provided during FY2009) up to the set-aside spending cap.

States with existing CHIP waivers to extend coverage to nonpregnant childless adults (that are otherwise terminated under this provision) would be permitted to submit a request to CMS (not later than June 30, 2009) for a Medicaid nonpregnant childless adult waiver. For such states, the Secretary would be required to make a decision to deny or approve such application within 90 days of the date of submission. For such states, if no CMS decision to approve or deny such request has been made as of September 30, 2009, the provision would allow such application to be deemed approved.

States with applicable existing waivers that request a Medicaid nonpregnant childless adult waiver under this provision would be required to meet the following "budget neutrality" requirements. For fiscal year 2010, allowable waiver expenditures for such populations would not be permitted to exceed the total amount payments made to the State (as specified above) for FY2009, increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for fiscal year 2010 over fiscal year 2009). In the case of any succeeding fiscal year, allowable waiver expenditures for such populations would not be permitted to exceed each such State's set aside amount (described above) for the preceding fiscal year, increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for such fiscal year over the prior fiscal year.

Parents

The provision would also prohibit the approval of additional Section 1115 demonstration waivers that allow federal CHIP funds to be used to provide coverage to parent(s) of a targeted low-income child(ren) (hereafter referred to as applicable existing CHIP parent coverage waiver) on or after the date of enactment of this Act. Beginning on or after October 1, 2009, rules regarding the period to which an applicable existing CHIP parent coverage waiver extends coverage to eligible populations, and the amount of federal payment available for coverage to such populations under the waiver would be subject to the following requirements: (1) State-requested extensions of applicable existing CHIP-financed Section 1115 parent coverage waivers that would otherwise expire before October 1, 2009, would be granted by the Secretary but only through September 30, 2009, and (2) the CHIP enhanced FMAP rate would apply for such coverage to such eligible populations during FY2008 and FY2009.

States with existing CHIP waivers to extend coverage to parent(s) of targeted low-income child(ren) would be permitted to continue such assistance during each of fiscal years 2010, 2011, and 2012 subject to the following requirements: (1) for each such State and for each such fiscal year, the Secretary would be required to set aside an amount as part of a separate allotment equal to the federal share of 110% of the State's projected expenditures (as certified by the state and submitted to the Secretary by August 31 of the preceding fiscal year) for providing waiver coverage to such individuals enrolled in the waiver in the applicable fiscal year, and (2) the Secretary would pay the State from the set aside amount (specified above) for each such fiscal year an amount equal to the applicable percentage for expenditures in the quarter to provide coverage as specified under the waiver to parent(s) of targeted low-income child(ren).

In fiscal year 2010 only, costs associated with such parent coverage would be subject to each such state's CHIP enhanced FMAP for States that meet one of the outreach or coverage benchmarks (listed below) in FY2009, or each such state's Medicaid FMAP rate for all other states. The provision would prohibit federal matching payments for the payment of services beyond the set-aside spending cap.

For fiscal year 2011 or 2012, costs associated with such parent coverage would be subject to: (1) Each such state's Reduced Enhanced Matching Assistance Percentage (REMAP) (i.e., a percentage which would be equal to the sum of (a) each such state's FMAP percentage and (b) the number of percentage points equal to one-half of the difference between each such state's FMAP rate and each such state's enhanced FMAP rate) if the state meets one of the coverage benchmarks (listed below) for FY2010 or FY2011 (as applicable), or (2) each such state's FMAP rate if the state failed to meet any of the coverage benchmarks (listed below) for the applicable fiscal year. The provision would prohibit federal matching payments for the payment of services beyond the setaside spending cap.

FY2010 outreach and coverage benchmarks include: (1) The state implemented a significant child outreach campaign including (a) the state was awarded an outreach and enrollment grant (under Section 201 of this bill) for fiscal year 2009, (b) the state implemented 1 or more process measures for that fiscal year, or (c) the state has submitted a specific plan for outreach for such fiscal year, (2) the state ranks in the lowest 1/3 of the States in terms of the State's percentage of low-income children without health insurance based on timely and accurate published estimates of the Bureau of the Census, or (3) the State qualified for a payment from the Incentive Fund for the most recent coverage period.

FY2011 and 2012 coverage benchmarks include: (1) The state ranks in the lowest ⅓ of the States in terms of the State's percentage of low-income children without health insurance based on timely and accurate published estimates of the Bureau of the Census, and (2) the State qualified for a payment from the Incentive Fund for the most recent coverage period.

A rule of construction clarifies that states are not prohibited from submitting applications for 1115 waivers to provide medical assistance to a parent of a targeted low-income child.

The General Accountability Office would be required to conduct a study to determine if the coverage of a parent, caretaker relative, or legal guardian of a targeted low-income child increases the enrollment of or quality of care for children, and if such parents, relatives, and legal guardians are more likely to enroll their children in CHIP or Medicaid. Results of the study (and report recommended changes) would be reported to appropriate committees of Congress 2 years after the date of enactment.

SECTION 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT

Current Law

Under SCHIP, states can cover pregnant women ages 19 and older in one of two ways: (1) via a special waiver of program rules (through Section 1115 authority), or (2) by providing coverage as permitted through regulation. In the latter case, coverage includes prenatal and delivery services only.

In general, SCHIP allows states to cover targeted low-income children with family income that is above applicable Medicaid eligibility levels in a given state. States can set the upper income level up to 200% FPL, or if the applicable Medicaid income level was at or above 200% FPL before SCHIP, the upper income limit may be raised an additional 50 percentage points above that level. Other SCHIP eligibility restrictions include (1) the child must be uninsured, (2) the child must be otherwise ineligible for regular Medicaid, and (3) the child cannot be an inmate of a public institution or a patient in an institution for mental disease, or eligible for coverage under a state employee health plan. States may provide SCHIP coverage to children who are covered under a health insurance program that has been in operation since before July 1, 1997 and that is offered by a state that receives no federal funds for this program. States may use enrollment restrictions such as capping total program enrollment, creating waiting lists, and instituting a minimum period of no insurance (e.g., 6 months) before being eligible.

Under regular Medicaid, states must provide coverage for pregnant women with income up to 133% FPL, and at state option, may extend such coverage to pregnant women with income up to 185% FPL. States must also provide coverage to first-time pregnant women with income that meets former cash assistance program rules (which were generally well below 100% FPL). The period of coverage for these mandatory and optional pregnant women is during pregnancy through the end of the month in which the 60 days postpartum period ends. In addition, waiver authority may be used to cover pregnant women at even higher income levels and for extended periods of time (e.g., 18 or 24 months postpartum).

Under regular Medicaid, states may temporarily enroll pregnant women whose family income appears to be below Medicaid income standards for up to 2 months until a final formal determination of eligibility is made. Entities that may qualify to make such presumptive eligibility determinations for pregnant women include Medicaid providers that are outpatient hospital departments, rural health clinics and certain other clinics, and other entities including certain primary care health centers and rural health care programs funded under Sections 330 and 330A of the Public Health Service Act, grantees under the Maternal and Child Health Block Grant Program, entities receiving funds under the Health Services for Urban Indians program, and entities that participate in WIC, the Commodity Supplemental Food Program, a state perinatal program (as designated by the state), or in the Indian Health Service or a health program or facility operated by tribes or tribal organizations under the Indian Self Determination Act.

Mandatory Medicaid eligibility applies to children under age 6 in families with income at or below 133% FPL. In addition, states may cover newborns under age 1 up to 185% FPL under Medicaid. Children born to Medicaid-eligible pregnant women must be deemed to be eligible for Medicaid from the date of birth up to age 1 so long as the child is a member of the mother's household, and the mother remains eligible for Medicaid (or would remain eligible if pregnant). During this period of deemed eligibility for the newborn, for claiming and payment purposes, the Medicaid identification (ID) number of the mother must also be used for the newborn, unless the state issues a separate ID number for the child during this period. In general, newborns may also be enrolled in SCHIP if they meet the applicable financial standards in a given state, which build on top of Medicaid's rules.

For families with income below 150% FPL, premiums cannot exceed nominal amounts specified in Medicaid regulations, and service-related cost-sharing is limited to nominal Medicaid amounts for the subgroup under 100% FPL and slightly higher amounts in SCHIP regulations for the subgroup with income between 100–150% FPL.

For families with income above 150% FPL, premiums and cost-sharing may be imposed in any amount as long as such costs for higher-income children are not less than the costs for lower-income children. Total premiums and cost-sharing incurred by all SCHIP children cannot exceed 5% of annual family income.

Other cost-sharing protections also apply. Applicable premium and cost-sharing amounts cannot favor children from families with higher income over children in families with lower income. No cost-sharing may be applied to preventive services.

Explanation of Provision

The provision would allow states to provide optional coverage under CHIP to pregnant women, through a state plan amendment, if certain conditions are met, including (1) the state has established an income eligibility level of at least 185% FPL for mandatory, welfare-related qualified pregnant women and optional poverty-related pregnant women under Medicaid, (2) the state does not apply an effective income level under the state plan amendment for pregnant women that is lower than the effective income level (expressed as a percent of poverty and accounting for applicable income disregards) for mandatory, welfare-related qualified pregnant women and optional poverty-related pregnant women under Medicaid on the date of enactment of this provision to be eligible for Medicaid as pregnant women, (3) the state does not provide coverage for pregnant women with higher family income without covering such pregnant women with a lower family income, (4) the state provides pregnancy-related assistance (defined below) for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the state provides child health assistance for targeted low-income children under the state CHIP plan, and in addition to providing child health assistance for such women, (5) the state does not apply any exclusion of benefits for pregnancy-related assistance based on any pre-existing condition or any waiting period (including waiting periods to ensure that CHIP does not substitute for private insurance coverage), and (6) the state must provide the same cost-sharing protections to pregnant women as applied to CHIP children, and all cost-sharing incurred by targeted low-income pregnant women under CHIP would be capped at 5% of annual family income.

States that elect this new optional coverage for pregnant women under CHIP and that meet all the above conditions associated with this option, may also elect to provide presumptive eligibility for pregnant women, as defined in the Medicaid statute, to targeted low-income pregnant women under CHIP.

Pregnancy-related assistance would include all the services covered as child health assistance under the state's CHIP program, and includes medical assistance that would be provided to a pregnant woman under Medicaid, during pregnancy through the end of the month in which the 60 day postpartum period ends. The upper income limit for coverage of targeted low-income pregnant women under CHIP could be up to the level for coverage of targeted low-income children in the state. As with targeted low-income children under CHIP, the new group of targeted low-income pregnant women must be determined eligible, be uninsured, and must not be an inmate of a public institution or a patient in an institution for mental disease or eligible for coverage under a state employee health benefit plan. Also as with targeted low-income children, pregnant women may include those covered under a health insurance program that has been in operation since before July 1, 1997 and that is offered by a state that receives no federal funds for this program.

The provision would also deem children born to the new group of targeted low-income pregnant women under CHIP to be eligible for Medicaid or CHIP, as applicable.

Such newborns would be covered from birth to age 1. During this period of eligibility, the mother's identification number must also be used for filing claims for the newborn, unless the state issues a separate identification number for that newborn.

The provision would also address States that provide assistance through other options. The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide (A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations, or (B) pregnancy-related services through the application of any other waiver authority (as in effect on June 1, 2007).

Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

A rule of construction clarifies that nothing in this subsection shall be construed to (A) infer the congressional intent regarding the legality or illegality of the content of sections of title 42, Code of Federal Regulations, specified in paragraph (1)(A), or (B) modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).

For the new group of targeted low-income pregnant women, additional conforming amendments would prohibit cost-sharing for pregnancy-related services and waiting periods prior to enrollment or for the purpose of preventing crowd-out of private health insurance.

SECTION 108. CHIP CONTINGENCY FUND

Current Law

No provision.

Explanation of Provision

A CHIP Contingency Fund is established in the U.S. Treasury. The Contingency Fund receives deposits through a separate appropriation. For FY2009, the appropriation to the Fund is equal to 12.5% of the available national allotment for CHIP. For FY2010 through FY2012, the appropriation is such sums as are necessary for making payments to eligible states for the fiscal year, as long as the annual payments do not exceed 12.5% of that fiscal year's available national allotment for CHIP. Balances that are not immediately required for payments from the Fund are to be invested in U.S. securities that provide addition income to the Fund, as long as the annual payments do not cause the Fund to exceed 12.5% of the available national allotment for CHIP. Amounts in excess of the 12.5% limit shall be deposited into the Incentive Pool. For purposes of the CHIP Contingency Fund, amounts set aside for block grant payments for transitional coverage of childless adults shall not count as part of the available national allotment.

Payments from the Fund are to be used only to eliminate any eligible state's shortfall (that is, the amount by which a state's available federal CHIP allotments are not adequate to cover the state's federal CHIP expenditures, on the basis of the most recent data available to the Secretary or requested from the state by the Secretary).

The Secretary shall separately compute the shortfalls attributable to children and pregnant women, to childless adults, and to parents of low-income children. No payment from the Contingency Fund shall be made for nonpregnant childless adults. Any payments for shortfalls attributable to parents shall be made from the Fund at the relevant matching rate. Contingency funds are not transferable among allotments.

Eligible states, which cannot be a territory, for a month in FY2009 to FY2012 are those that meet any of the following criteria:

The state's available federal CHIP allotments are at least 95% but less than 100% of its projected federal CHIP expenditures for the fiscal year (i.e., less than 5% shortfall in federal funds), without regard to any payments provided from the Incentive Fund; or

The state's available federal CHIP allotments are less than 95% of its projected federal CHIP expenditures for the fiscal year (i.e., more than 5% shortfall in federal funds) and that such shortfall is attributable to one or more of the following: (1) One or more parishes or counties has been declared a major disaster and the President has determined individual and public assistance has been warranted from the federal government pursuant to the Stafford Act, or a public health emergency was declared by the Secretary pursuant to the Public Health Service Act; (2) the state unemployment rate is at least 5.5% during any 13 consecutive week period during the fiscal year and such rate is at least 120% of the state unemployment rate for the same period as averaged over the last three fiscal years; (3) the state experienced a recent event that resulted in an increase in the percentage of low-income children in the state without health insurance (as determined on the basis of the most timely and accurate published estimates from the Census Bureau) that was outside the control of the state and warrants granting the state access to the Fund, as determined by the Secretary.

The Secretary shall make monthly payments from the Fund to all states determined eligible for a month. If the sum of the payments from the Fund exceeds the amount available, the Secretary shall reduce each payment proportionally.

If a state was determined to be eligible in a given fiscal year, that does not make the state eligible in the following fiscal year. In the case of an event that occurred after July 1 of the fiscal year that resulted in the declaration of a Stafford Act or public health emergency that increased the number of uninsured low-income children as described above, any related Contingency Fund payment shall remain available until the end of the following fiscal year.

The Secretary shall provide annual reports to Congress on the Contingency Fund, the payments from it, and the events that caused states to apply for payment.

SECTION 109. 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS

Current Law

SCHIP allotments (currently through FY2007) are available for three years. Allotments unspent after three years are available for reallocation. For example, the FY2004 allotment was available through the end of FY2006; any remaining balances at the end of FY2006 were redistributed to other states.

Explanation of Provision

CHIP allotments through FY2006 are available for three years. CHIP allotments made for FY2007 through FY2012 are available for two years.

Payments to states from the Incentive Pool are available until expended by the state. Payments for a month from the Contingency Fund are available through the end of the fiscal year, except in the case of an event that occurred after July 1 of the fiscal year that resulted in the declaration of a Stafford Act or public health emergency that increased the number of uninsured low-income children.

States' federal CHIP expenditures on or after October 1, 2007, shall be counted first against the Contingency Funds from the earliest available month in the earliest fiscal year, then against the earliest available allotments.

A State may elect, but is not required, to count CHIP expenditures against any incentive bonuses paid to the State.

Expenditures for coverage of nonpregnant childless adults in FY2009 and of parents of targeted low-income children in FY2010 through FY2012 shall be counted only against the amount set aside for such coverage

SECTION 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE

Current Law

The federal medical assistance percentage (FMAP) is the rate at which states are reimbursed for most Medicaid service expenditures. It is based on a formula that provides higher reimbursement to states with lower per capita incomes relative to the national average (and vice versa); it has a statutory minimum of 50% and maximum of 83%. There are statutory exceptions to the FMAP formula for the District of Columbia (since FY1998) and Alaska (for FY1998-FY2007). In addition, the territories have FMAPs set at 50% and are subject to federal spending caps.

The enhanced FMAP (E-FMAP) for SCHIP equals a state's Medicaid FMAP increased by the number of percentage points that is equal to 30% multiplied by the number of percentage points by which the FMAP is less than 100%. For example, in states with an FMAP of 60%, the E-FMAP equals the FMAP increased by 12 percentage points (60% + [30% multiplied by 40 percentage points] = 72%). The E-FMAP has a statutory minimum of 65% and maximum of 85%.

Explanation of Provision

For child health assistance or health benefits coverage furnished in any fiscal year inning with FY2008 to a targeted low-income child whose effective family income would exceed 300% of the federal poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income, states would be reimbursed using the FMAP instead of the E-FMAP for services provided to that child. An exception would be provided for states that, on the date of enactment of the Children's Health Insurance Program (CHIP) Reauthorization Act of 2007 has an approved State plan amendment or waiver or has enacted a State law to submit a State plan amendment to provide child health assistance or health benefits under their state child health plan or its waiver of such plan to children above 300% of the poverty line.

SECTION 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN CURRENT LAW

Current Law

Section 2105(g) of the Social Security Act permits qualifying states to apply federal SCHIP funds toward the coverage of certain children already enrolled in regular Medicaid (that is, not SCHIP-funded expansions of Medicaid). Specifically, these federal SCHIP funds are used to pay the difference between SCHIP's enhanced Federal Medical Assistance Percentage (FMAP) and the Medicaid FMAP that the state is already receiving for these children. Funds under this provision may only be claimed for expenditures occurring after August 15, 2003.

Qualifying states are limited in the amount they can claim for this purpose to the lesser of the following two amounts: (1) 20% of the state's original SCHIP allotment amounts (if available) from FY1998, FY1999, FY2000, FY2001, FY2004, FY2005, FY2006, and FY2007 (hence the "terms "20% allowance" and "20% spending"); and (2) the state's available balances of those allotments. If there is no balance, states may not claim Section 2105(g) spending.

The statutory definitions for qualifying states capture most of those that had expanded their upper-income eligibility levels for children in their Medicaid programs to 185% of the federal poverty level or higher prior to the enactment of SCHIP. Based on statutory definitions, 11 states were determined to be qualifying states: Connecticut, Hawaii, Maryland, Minnesota, New Hampshire, New Mexico, Rhode Island, Tennessee, Vermont, Washington and Wisconsin.

SCHIP spending under §2105(g) can be used by qualifying states only for Medicaid enrollees (excluding those covered by an SCHIP-funded expansion of Medicaid) who are under age 19 and whose family income exceeds 150% of poverty, to pay the difference between the SCHIP enhanced FMAP and the regular Medicaid FMAP.

Explanation of Provision

Qualifying states under §2105(g) may also use available balances from their CHIP allotments from FY2008 to FY2012 to pay the difference between the regular Medicaid FMAP and the CHIP enhanced FMAP for Medicaid enrollees under age 19 (or age 20 or 21, if the state has so elected in its Medicaid plan) whose family income exceeds 133% of poverty.

TITLE II—A OUTREACH AND ENROLLMENT

SECTION 201. GRANTS FOR OUTREACH AND ENROLLMENT

Current Law

The federal and state governments share in the costs of both Medicaid and SCHIP, based on formulas defining the federal contribution in federal law. States are responsible for the non-federal share, using state tax revenues, for example, but can also use local government funds to comprise a portion of the non-federal share. Generally, the non-federal share of costs under Medicaid and SCHIP cannot be comprised of other federal funds.

Under Medicaid, there are no caps on administrative expenses that may be claimed for federal matching dollars. Title XXI specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance, which meets certain requirements. Apart from these benefit payments; SCHIP payments for 4 other specific health care activities can be made, including: (1) Other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of SCHIP children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, payments for other specific health care activities cannot exceed 10% of the total amount of expenditures for SCHIP benefits and other specific health care activities combined.

Explanation of Provision

The provision would establish a new grant program under CHIP to finance outreach and enrollment efforts that increase participation of eligible children in both Medicaid and CHIP. For the purpose of awarding grants, the provision would appropriate $100 million for fiscal years 2008 through 2012. These amounts would be in addition to amounts appropriated for CHIP allotments to states (as per Section 2104 of the CHIP statute) and would not be subject to restrictions on expenditures for outreach activities under current law.

For each fiscal year, the provision would require that ten percent of the funds appropriated for this new grant would be set aside to finance a national enrollment campaign (described below), and an additional 10 percent would be set-side to be used by the Secretary to award grants to Indian Health Service providers and Urban Indian Organizations that receive funds under title V of the Indian Health Care Improvement Act for outreach to, and enrollment of, children who are Indians.

The provision would require the Secretary to develop and implement a national enrollment campaign to improve the enrollment of under-served child populations in Medicaid and CHIP. Such a campaign may include: (1) The establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the programs each Secretary administers that often serve the same children, (2) the integration of information about Medicaid and CHIP in public health awareness campaigns administered by the Secretary, (3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all states participate in such hotlines, (4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy, (5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency, and (6) such other outreach initiatives as the Secretary determines would increase public awareness of Medicaid and CHIP.

In awarding grants, the Secretary would be required to give priority to entities that propose to target geographic areas with high rates of eligible but not enrolled children who reside in rural areas, or racial and ethnic minorities and health disparity populations, including proposals that address cultural and linguistic barriers to enrollment, and which submit the most demonstrable evidence that (1) the entity includes members with access to, and credibility with, ethnic or low-income populations in the targeted communities, and (2) the entity has the ability to address barriers to enrollment (e.g., lack of awareness of eligibility, stigma concerns, punitive fears associated with receipt of benefits) as well as other cultural barriers to applying for and receiving coverage under CHIP or Medicaid.

To receive grant funds, eligible entities would be required to submit an application to the Secretary in such form and manner, and containing such information as the Secretary chooses. As noted above, such applications must include evidence that the entity (a) includes members with access to, and credibility with, ethnic or low-income populations in the targeted communities, and (b) has the ability to address barriers to enrollment (e.g., lack of awareness of eligibility, stigma concerns, punitive fears associated with receipt of benefits) as well as other cultural barriers to applying for and receiving CHIP or Medicaid benefits. The applicable must also include specific quality or outcome performance measures to evaluate the effectiveness of activities funded by the grant. In addition, the applicable must contain an assurance that the entity will (1) conduct an assessment of the effectiveness of such activities against the performance measures, (2) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessment, and (3) in the case of an entity that is not a state, provide the state with enrollment data and other information necessary for the state to make projections of eligible children and pregnant women. The Secretary would be required to make publicly available the enrollment data and information collected and reported by grantees, and would also be required to submit an annual report to Congress on the funded outreach and enrollment activities conducted under the new grant.

Seven types of entities would be eligible to receive grants, including (1) a state with an approved CHIP plan, (2) a local government, (3) an Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act, or an Indian Health Service provider, (4) a federal health safety net organization, (5) a national, local, or community-based public or nonprofit organization, including organizations that use community health workers or community-based doula programs, (6) a faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with requirements of section 1955 of the Public Health Service Act relating to a grant award to non-governmental entities, or (7) an elementary or secondary school.

Federal health safety net organizations include a number of different types of entities, including for example: (1) Federally qualified health centers, (2) hospitals that receive disproportionate share hospital (DSH) payments, (3) entities described in Section 340B(a)(4) of the Public Health Service Act (e.g., certain family planning projects, certain grantees providing early intervention services for HIV disease, certain comprehensive hemophilia diagnostic treatment centers, and certain Native Hawaiian health centers), and (4) any other entity or consortium that serves children under a federally-funded program, including the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Head Start programs, school lunch programs, and elementary or secondary schools.

The provision defines "community health worker" as an individual who promotes health or nutrition within the community in which the individual resides by (1) serving as a liaison between communities and health care agencies, (2) providing guidance and social assistance to residents, (3) enhancing residents' ability to effectively communicate with health care providers, (4) providing culturally and linguistically appropriate health or nutrition education, (5) advocating for individual and community health or nutrition needs, and (6) providing referral and follow-up services.

In the case of a State that is awarded an Outreach and Enrollment grant, the State would be required to meet a maintenance of effort requirement with regard to the state share of funds spent on outreach and enrollment activities under the CHIP state plan. For such states, the funds spent on outreach and enrollment under the state plan for a fiscal year would not permitted to be less than the State share of funds spent in the fiscal year preceding the first fiscal year for which the grant is awarded.

The provision would add translation and interpretation services to the specific health care activities that can be reimbursed under CHIP. Translation or interpretation services in connection with the enrollment and use of services under CHIP by individuals for whom English is not their primary language (as found by the Secretary for the proper and efficient administration of the state plan) would be matched at either 75% or the sum of the enhanced FMAP for the state plus five percentage points, whichever is higher.

In addition, the 10% limit on payments for other specific health care activities in current CHIP statute would not apply to expenditures for outreach and enrollment activities funded under this section.

SECTION 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS

(a) Agreements with States for Medicaid and CHIP Outreach on or Near Reservations to Increase the Enrollment of Indians in Those Programs

Current Law

No provision in the Social Security Act.

Section 404(a) of the IHCIA requires the Secretary to make grants or enter into contracts with Tribal Organizations for establishing and administering programs on or near federal Indian reservations and trust areas and in or near Alaska Native villages. The purpose of the programs is to assist individual Indians to enroll in Medicare, apply for Medicaid and pay monthly premiums for coverage due to financial need of such individuals. Section 404(b) of the IHCIA directs the Secretary, through the IHS, to set conditions for any grant or contract. The conditions include, but are not limited to: (1) Determining the Indian population that is, or could be, served by Medicare and Medicaid; (2) assisting individual Indians to become familiar with and use benefits; (3) providing transportation to Indians to the appropriate offices to enroll or apply for medical assistance; and (4) developing and implementing both an income schedule to determine premium payment levels for coverage of needy individuals and methods to improve Indian participation in Medicare and Medicaid. Section 404(c) of the IHCIA authorizes the Secretary, acting through the IHS, to enter into agreements with tribes, Tribal Organizations, and Urban Indian Organizations to receive and process applications for medical assistance under Medicaid and benefits under Medicare at facilities administered by the IHS, or by a tribe, Tribal Organization or Urban Indian Organization under the Indian Self-Determination Act.

Explanation of Provision

The provision would amend Section 1139 of the Social Security Act (replacing the current Section 1139 provision dealing with an expired National Commission on Children).

The provision would encourage states to take steps to provide for enrollment of Indians residing on or near a reservation in Medicaid and CHIP. The steps could include outreach efforts such as: Outstationing of eligibility workers; entering into agreements with the IHS, Indian Tribes (ITs), Tribal Organizations (TOs), and Urban Indian Organizations (UIOs) to provide outreach; education regarding eligibility, benefits, and enrollment; and translation services. The provision would not affect the arrangements between states and Indian Tribes, Tribal Organizations, and Urban Indian Organizations to conduct administrative activities under Medicaid and CHIP.

The provision would require the Secretary, acting through CMS, to take such steps as necessary to facilitate cooperation with and agreements between states, and the IHS, ITs, TOs, or UIOs relating to the provision of benefits to Indians under Medicaid and CHIP.

The provision would specify that the following terms have the meanings given to these terms in Section 4 of the Indian Health Care Improvement Act: Indian, Indian Tribe, Indian Health Program, Tribal Organization, and Urban Indian Organization.

(b) Nonapplication of 10 Percent Limit On Outreach and Certain Other Expenditures

Current Law

Title XXI of the Social Security Act provides states with annual federal SCHIP allotments based on a formula set in law. State SCHIP payments are matched by the federal government at an enhanced rate that builds on the base rate applicable to Medicaid. The SCHIP statute also specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance that meets certain requirements. States may also provide benefits to SCHIP children, called targeted low-income children, through enrollment in Medicaid. Apart from these benefit payments, SCHIP payments for four other specific health care activities can be made, including: (1) Other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of targeted low-income children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, SCHIP statute specifies that payments for these four other specific health care activities cannot exceed 10% of the total amount of expenditures for benefits (excluding payments for services rendered during periods of presumptive eligibility under Medicaid) and other specific health care activities combined.

Explanation of Provision

The provision would exclude from the 10% cap on CHIP payments for the four other specific health care activities described above: (1) expenditures for outreach activities to families of Indian children likely to be eligible for CHIP or Medicaid, or under related waivers, and (2) related informing and enrollment assistance activities for Indian children under such programs, expansions, or waivers, including such activities conducted under grants, contracts, or agreements entered into under Section 1139 of this Act.

SECTION 203. OPTION FOR STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP

Current Law

Medicaid law and regulations contain requirements regarding determinations of eligibility and applications for assistance. Generally, the Medicaid agency must determine the eligibility of each applicant no more than 90 days from the date of application for disability-based applications and 45 days for all other applications. The agency must assure that eligibility for care and services under the plan is determined in a manner consistent with the best interests of the recipients.

In limited circumstances outside agencies are permitted to determine eligibility for Medicaid. For example, when a joint TANF-Medicaid application is used the state TANF agency may make the Medicaid eligibility determination, or the Secretary may enter into an agreement with a given state to allow the Social Security Administration (SSA) to determine Medicaid eligibility of aged, blind, or disabled individuals in that state.

Applicants must attest to the accuracy of the information submitted on their Medicaid applications, and sign application forms under penalty of perjury. Each state must have an income and eligibility verification system under which (1) applicants for Medicaid and several other specified government programs must furnish their Social Security numbers to the state as a condition for eligibility, and (2) wage information from various specified government agencies is used to verify eligibility and to determine the amount of available benefits. Subsequent to initial application, states must request information from other federal and state agencies, to verify applicants' income, resources, citizenship status, and validity of Social Security number (e.g., income from the Social Security Administration (SSA), unearned income from the Internal Revenue Service (IRS), unemployment information from the appropriate state agency, qualified aliens must present documentation of their immigration status, which states must then verify with the Immigration and Naturalization Service, and the state must verify the SSN with the Social Security Administration). States must also establish a Medicaid eligibility quality control (MEQC) program designed to reduce erroneous expenditures by monitoring eligibility determinations. State Medicaid overpayments made on behalf of individuals due to an error in determining eligibility may not exceed 3% of the State's total Medicaid expenditures in a given fiscal year. Erroneous excess payments that exceed the 3% error rate will not be matched with Federal Medicaid funds.

With regard to criteria for State Personnel Administration and Offices, current law requires each state plan to establish and maintain methods of personnel administration in accordance with the Administration of the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F. States must assure compliance with the standards by local jurisdictions; assure that the U.S. Civil Service Commission has reviewed and determined the adequacy of state laws, regulations, and policies; obtain statements of acceptance of the standards by local agencies; submit materials to show compliance with these standards when requested by HHS; and have in effect an affirmative action plan, which includes specific action steps and timetables, to assure equal employment opportunity.

SCHIP defines a targeted low-income child as one who is under the age of 19 years with no health insurance, and who would not have been eligible for Medicaid under the rules in effect in the state on March 31, 1997. Federal law requires that eligibility for Medicaid and SCHIP be coordinated when states implement separate SCHIP programs. In these circumstances, applications for SCHIP coverage must first be screened for Medicaid eligibility.

Under Medicaid presumptive eligibility rules, states are allowed to temporarily enroll children whose family income appears to be below Medicaid income standards for up to 2 months until a final formal determination of eligibility is made. Entities qualified to make presumptive eligibility determinations for children include Medicaid providers, agencies that determine eligibility for Head Start, subsidized child care, or the Special Supplemental Food Program for Women, Infants and Children (WIC). BIPA 2000 added several entities to the list of those qualified to make Medicaid presumptive eligibility determinations. These include agencies that determine eligibility for Medicaid or the State Children's Health Insurance Program (SCHIP); certain elementary and secondary schools; state or tribal child support enforcement agencies; certain organizations providing food and shelter to the homeless; entities involved in enrollment under Medicaid, TANF, SCHIP, or that determine eligibility for federally funded housing assistance; or any other entity deemed by a state, as approved by the Secretary of HHS. These Medicaid presumptive eligibility rules for children also apply to SCHIP.

Explanation of Provision

The provision would create a three year demonstration program that would allow up to 10 states to use Express Lane at Medicaid and SCHIP enrollment and renewal. The demonstration would provide $44 million for systems upgrades and implementation (not coverage costs) and $5 million for an independent evaluation of the demonstration at the end of three years and a report on the demonstration's effectiveness to Congress. The report would be due one year after completion of the demonstration.

The Demonstration would allow states the option to rely on a finding made by an Express Lane Agency within the preceding 12 months to determine whether a child under age 19 (or at state option age 20, or 21) has met one or more of the eligibility requirements (e.g., income, assets or resources, citizenship, or other criteria) necessary to determine an individual's initial eligibility, eligibility redetermination, or renewal of eligibility for medical assistance under Medicaid (including the waiver of requirements of this title).

If a finding from an Express Lane agency results in a child not being found eligible for Medicaid or CHIP, the State would be required to determine Medicaid or CHIP eligibility using its regular procedures. The provision does not relieve states of their obligation to determine eligibility for medical assistance under Medicaid, or prohibit state options intended to increase enrollment of eligible children under Medicaid or CHIP. In addition, the provision requires states to inform the families (especially those whose children are enrolled in CHIP) that they may qualify for lower premium payments or more comprehensive health coverage under Medicaid if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and at the family's option they can seek a regular Medicaid eligibility determination.

The provision would allow States to rely on an Express Lane Agency finding that a child is a qualified alien as long as the Agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens, and verifications of immigration status (that meet the requirements of Section 301 of this bill).

States that opt to use an Express Lane Agency to determine eligibility for Medicaid or CHIP may meet the CHIP screen and enroll requirements by using any of the following requirements: (1) Establishing a threshold percentage of the Federal poverty level that is 30 percentage points (or such other higher number of percentage points) as the state determines reflects the income methodologies of the program administered by the Express Lane Agency and the Medicaid State plan, (2) providing that the child satisfies all income requirements for Medicaid eligibility, or (3) providing that such child has a family income that exceeds the Medicaid income eligibility threshold that serves as the lower income eligibility threshold for CHIP.

The provision would allow states to provide for presumptive eligibility under CHIP for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under CHIP. During the period of presumptive eligibility, the State may determine the child's eligibility for CHIP based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

A State may initiate a Medicaid eligibility determination (and determine program eligibility) without a program application based on data obtained from sources other than the child (or the child's family), but such child can only be automatically enrolled in Medicaid (or CHIP) if the family affirmatively consented to being enrolled through affirmation and signature on an Express Lane agency application. The provision requires the State to have procedures in place to inform the individual of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the individual must take to maintain enrollment and renew coverage. For children who consent to enrollment in the State plan, the provision would allow the State to waive signature requirements on behalf of such child.

States that participate in the Express Lane Eligibility Demonstration would not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid eligibility determination. A participating state may rely on information from an Express Lane agency when evaluating a child's eligibility for Medicaid or SCHIP without a separate, independent confirmation of the information at the time of enrollment.

An Express Lane agency must be a public agency determined by the State agency to be capable of making the determinations described in the provisions of this section and is identified in the state plan under this title or Title XXI. Express Lane Agencies would include: (1) A public agency that determines eligibility for assistance under a State program funded under part A of title IV, a program funded under Part D of title IV, a State child health plan under title XXI, the Food Stamp Act of 1977, the Head Start Act, the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, or the Child Care and Development Block Grant, the Steward B. McKinney Homeless Assistance Act, the United States Housing Act of 1937, the Native American Housing Assistance and Self-Determination Act of 1996, (2) a state specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings, and (3) a public agency that is subject to an interagency agreement limiting the disclosure and use of such information for eligibility determination purposes.

Programs run through Title XX (SSBG) are not eligible Express Lane agencies. Private for-profit organizations are not eligible Express Lane agencies. Current law applies regarding the ability of Medicaid to contract with non-profit and for-profit agencies to administer the Medicaid application process with clarifying language that nothing in this demonstration exempts states from the merit-based system for Medicaid employees. A rule of construction would also clarify that states may not use the Express Lane option as a means of avoiding current merit-based employment requirements for Medicaid determinations.

In addition, the provision would require such agencies to notify the child's family (1) of the information that will be disclosed under this provision, (2) that the information will be used solely for the purposes of determining eligibility under Medicaid and CHIP, (3) that the family may elect not to have the information disclosed for such purposes. The Express Lane agency must also enter into or be subject to an interagency agreement to limit the disclosure and use of such information.

As part of the demonstration, signatures under penalty of perjury would not be required on a Medicaid application form attesting to any element of the application for which eligibility is based on information received from a source other than an applicant. The provision would provide that any signature requirement for a Medicaid application may be satisfied through an electronic signature.

States participating in the Demonstration will have to code which children are enrolled in Medicaid or CHIP by way of Express Lane for the duration of the demonstration. States must take a statistically valid sample, approved by CMS, of the children enrolled via Express Lane annually for full Medicaid eligibility review to determine eligibility error rate. States submit the error rate to CMS and if the error rate exceeds 3% either of the first two years, the state must show CMS what corrective actions are in place to improve upon their error rate and will be required to reimburse erroneous excess payments that exceed the allowable error rate of 3%. However, CMS does not have the authority to apply the error rate derived from the Express Lane sample to the entire Express Lane or Medicaid child population, or to take other punitive action against a state based on the error rate. States that participate in the Express Lane demonstration will continue to be subject to existing requirements under Medicaid requiring states to reimburse erroneous excess payments that exceed the allowable error rate of 3% consistent with 1903(u).

SECTION 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURE TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS

Current Law

Each state must have an income and eligibility verification system under which (1) applicants for Medicaid and several other specified government programs must furnish their Social Security numbers to the state as a condition for eligibility, and (2) wage information from various specified government agencies is used to verify eligibility and to determine the amount of available benefits. Subsequent to initial application, states must request information from other federal and state agencies, to verify applicants' income, resources, citizenship status, and validity of Social Security number (e.g., income from the Social Security Administration (SSA), unearned income from the Internal Revenue Service (IRS), unemployment information from the appropriate state agency, qualified aliens must present documentation of their immigration status, which states must then verify with the Immigration and Naturalization Service, and the state must verify the SSN with the Social Security Administration). States must also establish a Medicaid eligibility quality control (MEQC) program designed to reduce erroneous expenditures by monitoring eligibility determinations.

Explanation of Provision

The provision would authorize federal or State agencies or private entities with potential data sources relevant for the determination of eligibility under Medicaid (e.g., eligibility files, vital records about births, etc.) to share such information with the Medicaid agency if: (1) The child (or such child's parent, guardian, or caretaker relative) has provided advanced consent to disclosure, and has not objected to disclosure, (2) such data are used solely for the purpose of identifying, enrolling, and verifying potential eligibility for Medicaid medical assistance, and (3) an interagency agreement prevents the unauthorized use, disclosure, or modification of such data, and otherwise meets federal standards for safeguarding privacy and data security, and requires the State agency to use such data for the purposes of child enrollment in Medicaid. The provision would impose criminal penalties for persons who engage in unauthorized activities with such data.

For purposes of the Express Lane Demonstration only, the provision would also authorize the Medicaid and CHIP programs to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under such program from (1) the National New Hires Database, (2) the National Income Data collected by the Commissioner of Social Security, or (3) data about enrollment in insurance that may help to facilitate outreach and enrollment under Medicaid, CHIP and certain other programs.

Title III—Removal of Barriers to Enrollment

SECTION 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP

Current Law

To be eligible for the full range of benefits offered under Medicaid, an individual must be a citizen or national of the United States or a qualified alien. Nonqualified aliens can only receive limited emergency Medicaid benefits. Noncitizens who apply for full Medicaid benefits have been required since 1986 to present documentation that indicates a "satisfactory immigration status."

Due to recent changes in federal law, citizens and nationals also must present documentation that proves citizenship and documents personal identity in order for states to receive federal Medicaid reimbursement for services provided to them. This citizenship documentation requirement was included in the Deficit Reduction Act of 2005 (DRA, P.L. 109–171) and modified by the Tax Relief and Health Care Act of 2006 (P.L. 109–432). Before the DRA, states could accept self-declaration of citizenship for Medicaid, although some chose to require additional supporting evidence.

The citizenship documentation requirement is outlined under Section 1903(x) of the Social Security Act and applies to Medicaid eligibility determinations and redeterminations made on or after July 1, 2006. The law specifies documents that are acceptable for this purpose and exempts certain groups from the requirement, including people who receive Medicare benefits, Social Security benefits on the basis of a disability, Supplemental Security Income benefits, child welfare assistance under Title IV–B of the Social Security Act, or adoption or foster care assistance under Title IV–E of the Social Security Act. An interim final rule on the requirement was issued in July 2006, and a final rule was issued in July 2007.

The citizenship documentation requirement does not apply to SCHIP. However, some states use the same enrollment procedures for all Medicaid and SCHIP applicants. As a result, it is possible that some SCHIP enrollees would be asked to present evidence of citizenship.

Explanation of Provision

As part of its Medicaid state plan and with respect to individuals declaring to be U.S. citizens or nationals for purposes of establishing Medicaid eligibility, a state would be required to provide that it satisfies existing Medicaid citizenship documentation rules under Section 1903(x) or new rules under Section 1902(dd). The Secretary would not be allowed to waive this requirement.

Under a new Section 1902(dd), a state could meet its Medicaid state plan requirement for citizenship documentation by: (1) Submitting the name and Social Security number (SSN) of an individual to the Commissioner of Social Security as part of a plan established under specified rules and (2) in the case of an individual whose name or SSN is invalid, providing the individual with an opportunity to cure the invalid determination with the Social Security Administration, followed by 90 days to present evidence of citizenship as defined in Section 1903(x) and disenrolling the individual within 30 days after the end of the 90-day period if evidence is not provided.

A state opting for name and SSN validation would be required to establish a program under which it submits each month to the Commissioner of Social Security for verification of the name and SSN of each individual enrolled in Medicaid that month who has attained the age of 1 before the date of the enrollment. In establishing its program, a state could enter into an agreement with the Commissioner to provide for the electronic submission and verification of name and SSN before an individual is enrolled in Medicaid.

At such times and in such form as the Secretary may specify, states would be required to provide information on the percentage of invalid names and SSNs submitted each month. If the average monthly percentage for any fiscal year is greater than 7%, the state shall develop and adopt a corrective plan and pay the Secretary an amount equal to total Medicaid payments for the fiscal year for individuals who provided invalid information multiplied by the ratio of the number of individuals with invalid information in excess of the 7% limited divided by the total number of individuals with invalid information. The Secretary could waive, in certain limited cases, all or part of such payment if a state is unable to reach the allowable error rate despite a good faith effort by the state. This provision shall not apply to a State for a fiscal year, if there is an agreement with the Commissioner to provide for the electronic submission and verification of name and SSN before an individual is enrolled in Medicaid, as of the close of the fiscal year.

States would receive 90% reimbursement for costs attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement name and SSN validation, and 75% for the operation of such systems.

The provision would also clarify requirements under the existing Section 1903(x). It would add "a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe" to the list of documents that provide satisfactory documentary evidence of citizenship or nationality, except for tribes located within states having an international border whose membership includes noncitizens, who would only be allowed to use such documents until the Secretary of HHS issues regulations authorizing the presentation of other evidence. It would require states to provide citizens with the same reasonable opportunity to present evidence that is provided under Section 1137(d)(4)(A) to noncitizens who must present evidence of satisfactory immigration status. Groups that are exempt from the Section 1903(x) citizenship documentation requirement would remain the same as under current law, except for the inclusion of a permanent exemption for children who are deemed eligible for Medicaid coverage by virtue of being born to a mother on Medicaid. The provision would clarify that deemed eligibility applies to children born to noncitizen women on emergency Medicaid, and would require separate identification numbers for children born to these women.

In order to receive reimbursement for an individual who has, or is, declared to be a U.S. citizen or national for purposes of establishing CHIP eligibility, a state would be required to meet the Medicaid state plan requirement for citizenship documentation described above. The 90% and 75% reimbursement for name and SSN validation would be available under SCHIP, and would not count towards a state's CHIP administrative expenditures cap.

Except for technical amendments made by the provision and the application of citizenship documentation to CHIP, which would be effective upon enactment, the provision would be effective as if included in the Deficit Reduction Act of 2005. States would be allowed to provide retroactive eligibility for certain individuals who had been determined ineligible under previous citizenship documentation rules.

SECTION 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT

Current Law

During the implementation of SCHIP states instituted a variety of enrollment facilitation and outreach strategies to bring eligible children into Medicaid and SCHIP. As a result, substantial progress was made at the state level to simplify the application and enrollment processes to find, enroll, and maintain eligibility among those eligible for the program.

Explanation of Provision

The provision would require the State plan to describe the procedures used to reduce the administrative barriers to the enrollment of children and pregnant women in Medicaid and CHIP, and to ensure that such procedures are revised as often as the State determines is appropriate to reduce newly identified barriers to enrollment. States would be deemed to comply with the above-listed requirement if (1) the State's application and renewal forms, and information verification processes are the same under Medicaid and CHIP for establishing and renewing eligibility for children and pregnant women, and (2) the state does not require a face-to-face interview during the application process.

Title IV—Elimination of Barriers to Providing Premium Assistance

Subtitle A—Additional State Option for Providing Premium Assistance

SECTION 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE

Current Law

Under Medicaid, a provision in the Omnibus Budget Reconciliation Act (OBRA) of 1990 created the health insurance premium payment (HIPP) program. The original HIPP provision required state Medicaid programs to pay a Medicaid beneficiary's share of costs for group (employer-based) health coverage for any Medicaid enrollee for whom employer-based coverage is available when that coverage is both comprehensive and cost effective for the state. An individual's enrollment in an employer plan is considered cost effective if paying the premiums, deductibles, coinsurance and other cost-sharing obligations of the employer plan is less expensive than the state's expected cost of directly providing Medicaid-covered services. Under the original provision, states were also required to purchase employer-based health insurance for non-Medicaid eligible family members if such family coverage was necessary for Medicaid-eligible individual to receive coverage, and as long as it was still cost-effective. States were also to provide coverage for those Medicaid covered services that are not included in the private plans. In August 1997, as part of the Balanced Budget Act, Congress amended the mandatory nature of the HIPP provision. Today, states can opt to use Medicaid funds to pay for premiums and other cost-sharing for Medicaid beneficiaries when coverage is available, comprehensive, and cost-effective.

Under SCHIP, the Secretary has the authority to approve funding for the purchase of "family coverage" if it is cost effective relative to the amount paid to cover only the targeted low-income children and does not substitute for coverage under group health plans that would otherwise be provided to the children. While the term "family coverage" is not specifically defined in the statute, it has been interpreted to refer to either coverage for the entire family under an SCHIP program or under an employer-sponsored health insurance plan. In addition, states using SCHIP funds for employer-based plan premiums must ensure that SCHIP minimum benefits are provided and SCHIP cost-sharing ceilings are met.

Because of these requirements, implementation of premium assistance programs under Medicaid and SCHIP are not widespread. States cited difficulty in identifying potential enrollees, determining whether the subsidy would be cost-effective, and obtaining necessary information (e.g., information about the availability of employer-sponsored plans, covered benefits, available contributions, and the remaining costs) as some of the barriers to the implementation of such programs.

In August 2001, the Bush Administration introduced the Health Insurance Flexibility and Accountability (HIFA) Initiative under the Section 1115 waiver authority. Under HIFA, states were to direct unspent SCHIP funds to extend coverage to uninsured populations with annual income less than 200% FPL and to use Medicaid and SCHIP funds to pay premium costs for waiver enrollees who have access to Employer Sponsored Insurance (ESI). This resulted in an increased emphasis on states' use of the Section 1115 waiver authority to offer premium assistance for employer-based health coverage in lieu of full Medicaid and/or SCHIP coverage. ESI programs approved under the Section 1115 waiver authority are not subject to the same current law constraints required under Medicaid's HIPP program or SCHIP's family coverage variance option (i.e., the comprehensiveness and cost-effectiveness tests).

Explanation of Provision

The provision would allow states to offer a premium assistance subsidy for qualified employer sponsored coverage to all targeted low-income children who are eligible for child health assistance and have access to such coverage. Qualified employer sponsored coverage would be defined as a group health plan or health insurance coverage offered through an employer that (1) qualifies as credible health coverage as a group health plan under the Public Health Service Act, (2) for which the employer contributes at least 40 percent toward the cost of the premium, and (3) is non-discriminatory in a manner similar to section 105(h) of the Internal Revenue Code but would not allow employers to exclude workers who had less than 3 years of service. Qualified employer-sponsored insurance would not include (1) benefits provided under a health flexible spending arrangement, (2) a high deductible health plan purchased in conjunction with a health savings account as defined in the Internal Revenue Code of 1986.

The provision would establish a new cost effectiveness test for ESI programs. A group health plan or health insurance coverage offered through an employer would be considered qualified employer sponsored coverage if the state establishes that (1) the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in CHIP, or (2) the State establishes that the aggregate amount of State expenditures for the purchase of all such coverage for targeted low-income children under CHIP (including administrative expenses) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the CHIP state plan for all such children.

Premium assistance subsidies would be considered child health assistance for the purpose of making federal matching payments under the CHIP program, and the state would be considered a secondary payor for any items or services provided under ESI coverage. The provision defines premium assistance subsidies as an amount equal to the difference between the employee contribution for the employee only, and the employee contribution for the employee and CHIP-eligible child, less applicable premium cost sharing imposed under title XXI (including the employee contribution toward the 5 percent total annual aggregate cost-sharing limit under CHIP). States would be permitted to provide a premium assistance subsidy as reimbursement for out-of-pocket expenses directly to an employee, or directly to the employer. At the employer's option, the provision permits the employer to notify the State that it elects to opt out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such notification, the employer would be required to withhold the total amount of the employee contribution required for enrollment of the employee (and the child) in the ESI coverage and then the State would then pay the premium subsidy directly to the employee.

States would be required to provide supplemental coverage for each targeted low income child enrolled in the ESI plan consisting of items or services that are not covered, or are only partially covered, and cost-sharing protections consistent with the requirements of CHIP. States would be permitted to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified ESI coverage and collect all (or any) portion for cost-sharing imposed on the family.

Waiting periods (to prevent crowd-out of private coverage with public coverage) imposed under the CHIP state plan would also apply to premium assistance coverage. Parents would be permitted to disenroll their child(ren) from ESI coverage and enroll them in CHIP coverage effective on the first day of any month for which the child is eligible for such coverage.

States that provide ESI coverage to parents of targeted low-income children, would be permitted to offer a premium assistance subsidy to eligible parents in the same manner as that State offers such subsidy to eligible child(ren). The amount of the premium subsidy would be increased to take into account the cost of enrollment of the parent in the ESI coverage, or at state option, the cost of the enrollment of the child's family (if the states determines that it is cost-effective).

Each state has the option to establish an employer/family premium assistance purchasing pool for employers with less than 250 employees who have at least one CHIP-eligible employee (pregnant woman) or child.

The state, or a state designated entity, will identify and offer access to not less than two privately delivered health products that meet the CHIP benefits benchmark.

States that provide ESI coverage to parents of targeted low-income children, would be permitted to offer a premium assistance subsidy to eligible parents in the same manner as that State offers such subsidy to eligible child(ren). The amount of the premium subsidy would be increased to take into account the cost of enrollment of the parent in the ESI coverage, or at state option, the cost of the enrollment of the child's family (if the states determines that it is cost-effective).

This provision would not limit the state's authority to offer premium assistance under the Medicaid HIPP program, a section 1115 demonstration waiver, or any other authority in effect prior to the enactment of this Act. States would be required to inform parents about the availability of premium assistance subsidies for CHIP eligible children in qualified employer-sponsored insurance, how the family would elect such subsides during the application process and ensure that parents are fully informed of the choices for receiving child health assistance under the CHIP or through the receipt of a premium assistance subsidy.

The provision would also allow States to provide premium assistance subsidies for enrollment of targeted low-income children in coverage under a group health plan or health insurance coverage offered through an employer if it is determined that such coverage is actuarially equivalent to CHIP benchmark benefits coverage, or CHIP benchmark-equivalent coverage. Plans that meet the CHIP benefit coverage requirements would not be required to provide supplemental coverage for benefits and cost-sharing protections as required under CHIP. Such provisions would be applied to Medicaid-eligible children and to the parents of Medicaid-eligible children in the same manner as they are applied to CHIP.

Finally, the provision would require the General Accountability Office to submit a report to the appropriate committees of Congress on cost and coverage issues relating to any State premium assistance programs for which federal matching payments are made under Medicaid, CHIP, or the Section 1115 waiver authority. Such report will be due to Congress no later than January 1, 2009.

SECTION 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE

Current Law

SCHIP states plans are required to include a description of the procedures in place to provide outreach to children eligible for SCHIP child health assistance, or other public or private health programs to (1) inform these families of the availability of SCHIP coverage, and (2) to assist them in enrolling such children in SCHIP. In addition, states are required to provide a description of the state's efforts to ensure coordination between SCHIP and other public and private health coverage.

There is a limit on federal spending for SCHIP administrative expenses, which include activities such as data collection and reporting, as well as outreach and education. For federal matching purposes, a 10% cap applies to state administrative expenses. This cap is tied to the dollar amount that a state draws down from its annual allotment to cover benefits under SCHIP, as opposed to 10% of a state's total annual allotment. In other words, no more than 10% of the federal funds that a state draws down for SCHIP benefit expenditures can be used for administrative expenses.

Explanation of Provision

The provision would require states to include a description of the procedures in place to provide outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under CHIP or a waiver approved under Section 1115. For employers likely to provide qualified employer-sponsored coverage, the state is required to include the specific resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the CHIP state plan. Expenditures for such outreach activities would not be subject to the 10 percent limit on spending for administrative costs associated with the CHIP program.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SECTION 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE

Current Law

Under the Internal Revenue Code, a group health plan is required to provide special enrollment opportunities to qualified individuals. Special enrollment refers to the opportunity given to qualified individuals to enroll in a health plan without having to wait until a late enrollment opportunity or open season. Such individuals must have lost eligibility for other group coverage, or lost employer contributions towards health coverage, or added a dependent due to marriage, birth, adoption, or placement for adoption. In addition, the individual must meet the health plan's substantive eligibility requirements, such as being a full-time worker or satisfying a waiting period. Health plans must give qualified individuals at least 30 days after the qualifying event (e.g., loss of eligibility) to make a request for special enrollment.

The same special enrollment opportunities apply to group health plans and health insurance issuers offering group health insurance under the Employee Retirement Income Security Act.

The Employee Retirement Income Security Act specifies the persons who may bring civil action to enforce the provisions under this statute. Such persons include a plan participant or beneficiary, a fiduciary, the Secretary of Labor, and a State. Current law allows the Secretary to assess a maximum financial penalty against a plan administrator or employer for certain violations, including failure to meet the existing notice requirement.

Explanation of Provision

The provision would require (under the Internal Revenue Code) a group health plan to permit an eligible but not enrolled employee (or dependent(s) of such an employee) to enroll for coverage under the group health plan if either of the following conditions are met: (1) the employee or dependent(s) is/are covered under Medicaid or CHIP, and coverage of the employee or dependent(s) is terminated as a result of loss of eligibility and the employee requests coverage under the group health plan not later than 60 days after the date of coverage termination, or (2) the employee or dependent(s) becomes eligible for assistance, with respect to coverage under the group health plan under Medicaid or CHIP (including under any waiver or demonstration project), if the employee requests coverage under the group health plan no later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

Each employer that maintains a group health plan in a State that provides premium assistance under Medicaid or CHIP would be required to provide each employee a written notice of the potential opportunities for premium assistance available in the State under Medicaid and CHIP. For compliance purposes, the employer may use any State-specific model notice issued by the Secretary of Labor or the Secretary of Health and Human Services in accordance with the model notice requirements established under this section of the bill.

The plan administer of the group health plan would be required to disclose to the State, upon request, information about the benefits available under the group health plan so as to permit the State to make a determination concerning cost-effectiveness, and in order for the State to provide supplemental benefits if required.

The provision includes conforming amendments. A group health plan and a health insurance issuer offering group health insurance (under the Employee Retirement Income Security Act) would be required to permit an eligible but not enrolled employee (or dependent(s) of such an employee) to enroll for coverage under the group health plan if either of the following conditions are met: (1) the employee or dependent(s) is/are covered under Medicaid or CHIP, and coverage of the employee or dependent(s) is terminated as a result of loss of eligibility and the employee requests coverage under the group health plan not later than 60 days after the date of coverage termination, or (2) the employee or dependent(s) becomes eligible for assistance, with respect to coverage under the group health plan under Medicaid or CHIP (including under any waiver or demonstration project), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

Each employer that maintains a group health plan in a State that provides premium assistance under Medicaid or CHIP would be required to provide each employee a written notice of the potential opportunities for premium assistance available in the State under Medicaid and CHIP. Not later than 1 year after the date of enactment, the Secretary of Labor and the Secretary of Health and Human Services (HHS), in consultation with State Medicaid Directors and State CHIP Directors, would be required to develop model notices to enable employers to comply with notice requirements in a timely manner. Model notices would include information regarding how an employee would contact the State for information regarding premium assistance and how to apply for such assistance.

The plan administer of the group health plan would be required to disclose to the State, upon request, information about the benefits available under the group health plan so as to permit the State to make a determination concerning cost-effectiveness, and in order for the State to provide supplemental benefits if required.

The HHS Secretary and the Labor Secretary would be required to jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group not later than 60 days after the date of enactment. The purpose of the Working Group would be to develop the model coverage coordination disclosure form, and to identify the impediments to effective coordination of coverage available to families. The purpose of the disclosure form would be to allow the State to determine the availability and cost-effectiveness of coverage, and allow for coordination of coverage for enrollees of such plans. The forms will include (1) information that will allow for the determination of an employee's eligibility for coverage under the group health plan, (2) the name and contact information of the plan administrator of the group health plan, (3) benefits offered under the plan, (4) premiums and cost-sharing under the plan, and (5) any other information relevant to coverage under the plan.

The Working Group would consist of no more than 30 members and be composed of representatives from the Department of Labor, the Department of Health and Human Services, State directors of Medicaid and CHIP programs, employers (including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals), plan administrations and plan sponsors of group health plans, and children and other beneficiaries of Medicaid and CHIP. Members would be required to serve without compensation. The Department of Health and Human Services and the Department of Labor would be required to jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group would be required to submit the model coverage coordination disclosure form, along with a report containing recommendations for appropriate measures to address impediments to effective coordination of coverage between Medicaid, CHIP and group health plans, to the Labor Secretary and the HHS Secretary no later than 18 months after the date of enactment. The Secretaries shall jointly submit a report regarding the Working Group report recommendations to each chamber of the Congress no later than 2 months after receipt of the report from the Working Group. The Working Group shall terminate 30 days after the issuance of its report.

The Labor Secretary and the HHS Secretary would be required to develop the initial model notices, and the Labor Secretary would provide such notices to employers no later than 1 year after the date of enactment. Each employer would be required to provide initial annual notices to its employees beginning the first year after the date on which the model notices are first issued. The model coverage coordination disclosure form would also apply to requests made by States beginning the first year after the date on which the model notices are first issued.

The provision would amend current law by allowing the Labor Secretary to assess a civil penalty (up to $100 a day) against an employer for failure to meet the new notice requirement established under this section of the bill. Each violation with respect to any employee would be treated as a separate violation. The Labor Secretary would also be allowed to assess a civil penalty (up to $100 a day) against a plan administrator for failure to comply with the new disclosure requirement established under this section of the bill. Each violation with respect to any participant or beneficiary would be treated as a separate violation.

Title V—Strengthening Quality of Care and Health Outcomes of Children

SECTION 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP

Current Law

The Centers for Medicare and Medicaid Services (CMS) and the Agency for Healthcare Research and Quality (AHRQ) are both actively involved in funding and implementing an array of quality improvement initiatives, though only AHRQ has engaged in activities specific to children.

In November 2002, CMS started the Quality Initiative (QI), a multi-faceted effort to improve health care quality. This program includes the Nursing Home Quality Initiative, the Home Health Quality Initiative, the National Voluntary Hospital Quality Reporting Initiative, and the Physician Focused Quality Initiative. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) included provisions for hospitals to report data on quality indicators. In addition, the MMA included a variety of provisions designed to promote quality care, such as demonstrations that focus on improving the treatment of chronic illnesses and on identifying effective approaches for rewarding superlative performance. In 2005, quality reporting was expanded for inpatient hospital services and extended to home health. The development of plans for value-based purchasing in hospitals and home health settings was also required. In 2006, quality reporting was extended to hospital outpatient services and ambulatory service centers. Additionally, the 2007 Physician Quality Reporting Initiative (PQRI) implemented a voluntary quality reporting system for physicians and other eligible professionals with incentive payments for covered professional services tied to the reporting of claims data.

None of the CMS QI programs to date have focused on children. Rather, most have focused on the general population, adults with chronic conditions, or the frail elderly.

AHRQ has made quality improvement for children a priority in recent years. In part, this is because of the high costs incurred by children on Medicaid/SCHIP.

Many AHRQ projects to implement and evaluate improved health care strategies for the care of children are underway. These include:

1. Pediatric Quality Indicators that includes a set of measures that can be used with hospital inpatient discharge data to detect patient safety events and potentially avoidable hospitalizations.

2. The Consumer Assessment of Healthcare Providers and Systems (CAHPS) program is a public-private initiative to develop standardized surveys of patients' experiences with ambulatory and facility-level care. Medicaid uses CAHPS to measure quality of care for children with special health care needs.

3. AHRQ's Child Health Care Quality Toolbox lists tips and tools for evaluating health care quality for children. It is available to providers and consumers at www.ahrq.gov/chtoolbx/index.htm.

Other AHRQ-supported initiatives to improve the quality and safety of health care for children and adolescents, focusing on health care IT, and the development of pediatric electronic medical records, among other quality improvement activities.

Explanation of Provision

(a) Development of Child Health Quality Measures For Children Enrolled in Medicaid or CHIP.

The provision would add a new section to the Social Security Act defining child health quality improvement activities for children enrolled in Medicaid and CHIP. Not later than January 1, 2009, the Secretary would be required to identify and publish for general comment an initial recommended core set of child health quality measures for use by states with respect to Medicaid and CHIP, health insurance issuers and managed care entities that enter into contracts under Medicaid and CHIP, and providers under those two programs.

With consultation with specific groups (identified below), the Secretary must identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time. Based on such measures, the Secretary published an initial core set of child health quality measures that includes, but is not limited to, the following: (1) duration of insurance coverage over a 12-month period, (2) availability of a full range of preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth, and treatments to correct or ameliorate the effects of chronic physical and mental conditions, (3) availability of care in a range of ambulatory and inpatient settings, and (4) measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

Not later than 2 years after the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with the states, must develop a standardized format for reporting information and procedures and approaches that encourage states to use the initial core measurement set to voluntarily report information regarding quality of pediatric care under Medicaid and CHIP.

In addition, the Secretary must disseminate information to states regarding best practices with respect to measuring and reporting quality of care for children, and must facilitate adoption of such best practices. In developing these best practices approaches, the Secretary must give particular attention to state measurement techniques that ensure timeliness and accuracy of provider reporting, encourage provider reporting compliance and encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

Not later than January 1, 2010, and every 3 years thereafter, the Secretary must report to Congress on (1) the status of the Secretary's efforts to improve quality related to the duration and stability of health insurance coverage for children under Medicaid and CHIP, (2) the quality of children's health care under those programs, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions, as well as to aid in growth and development of children, and (3) quality of children's health care, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care. In these reports to Congress, the Secretary must also describe the status of voluntary reporting by states under Medicaid and CHIP utilizing the initial core set of quality measures, and provide any recommendations for legislative changes needed to improve quality of care provided to Medicaid and CHIP children, including recommendations for quality reporting by states. The Secretary must also provide technical assistance to states to assist them in adopting and utilizing core child health quality measures for their Medicaid and CHIP programs.

The provision defines "core set" to mean a group of valid, reliable and evidence-based quality measures for children that provide information regarding the quality of health coverage and health care for children, address the needs of children throughout the developmental age span, and that allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services to correct or ameliorate physical, mental or developmental conditions that could become chronic if left untreated or poorly treated.

(b) Advancing and Improving Pediatric Quality Measures.

The provision would also require the Secretary to establish a pediatric quality measures program not later than January 1, 2010. The purpose of this program would be to (1) improve and strengthen the initial core child health care quality measures, (2) expand on existing pediatric quality measures used by both public and private purchasers and advance the development of new and emerging measures, and (3) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchases of children's health care services, providers and consumers.

At a minimum, the pediatric quality measures developed under this program must be (1) evidence-based and where appropriate, risk-adjusted, (2) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care, (3) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparisons at the state, plan and provider level, (4) periodically adjusted, and (5) responsive to child health needs, services and stability of coverage.

In identifying gaps in existing pediatric quality measures and establishing priorities for the development and use of such measures, the Secretary must consult with a variety of entities, including (1) states, (2) institutional and non-institutional providers that specialize in the care and treatment of children, particularly those with special needs, (3) dental professionals, including pediatric dental professionals, (4) primary care providers for children and families living in medically under-served areas, or who are members of population subgroups at heightened risk for poor health outcomes, (5) national organizations representing consumers and purchasers of children's health care, (6) national organizations and individuals with expertise in pediatric health quality measurement, and (7) voluntary consensus standard setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

In addition, the Secretary must award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality identified above, and must also award grants and contracts for the (1) development of consensus on evidence-based measures for children's health care services, (2) dissemination of such measures to public and private purchasers of health care for children, and (3) updating of such measures as necessary.

Beginning no later than January 1, 2012 and annually thereafter, the Secretary must publish recommended changes to the core measures described above that must reflect the testing, validation, and consensus process for the development of pediatric quality measures also described above.

The term "pediatric quality measure" means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess one or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

(c) Annual State Reports Regarding State-Specific Quality of Care Measures Applied Under Medicaid or CHIP.

Each state with an approved state plan for Medicaid or CHIP must report annually to the Secretary the following: (1) State-specific child health quality measures, including measures of duration and stability of insurance coverage; quality with respect to preventive services and care for acute and chronic conditions as well as services to ameliorate the effects of physical and mental conditions, and to aid in growth and development; clinical quality, health care safety, family experience with health care, care delivered in the most integrated setting, and elimination of racial, ethnic and socioeconomic disparities in health care; and other measures in the initial core quality measurement set identified above, and (2) state-specific information on the quality of care provided to children under Medicaid and CHIP, including information collected through external quality reviews of Medicaid managed care organizations (under Section 1932) and Medicaid benchmark plans (under Section 1937), and CHIP benchmark plans (under Section 2103). Not later than September 30, 2009, and annually thereafter, the Secretary must collect, analyze and make publicly available the information reported by states as described above.

(d) Demonstration Projects for Improving the Quality of Children's Health Care and the Use of Health Information Technology.

During FY2008 through FY2012, the Secretary must award not more than 10 grants to states and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care furnished under Medicaid and CHIP. Such projects would include efforts designed to: (1) experiment with and evaluate new measures of the quality of children's health care (including testing the validity and suitability for reporting of such measures), (2) promote the use of health information technology in care delivery for children, (3) evaluate provider-based models that improve the delivery of services to children, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety and efficiency of health care for children, or (4) demonstrate the impact of the model electronic health record format for children on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

In awarding these grants, the Secretary must ensure that (1) only one demonstration project funded by such a grant shall be conducted in a state, and (2) such demonstration projects must be conducted evenly between states with large urban areas and states with large rural areas. Grants may be conducted on a multi-state basis, as needed.

Of the total amount appropriated for this new grant program for a fiscal year (described below), $20 million must be used to carry out these activities.

(e) Demonstration Projects for Reducing Childhood Obesity

Current Law

Greater awareness of the obesity crisis and its long-term social and economic implications has encouraged policy makers to fund an array of programs aimed at promoting physical activity and appropriate nutrition. While many of these have been state-based efforts, the federal government has actively funded obesity research as well as health promotion campaigns and public health surveillance systems.

Title III of the Public Health Service Act (42 USC) obliges the Secretary of Health and Human Services to "conduct . . . encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, and demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments". In carrying out these responsibilities, the Secretary is authorized to make grants-in-aid to universities, hospitals, laboratories, other public or private institutions, and to individuals for research projects.

The National Academy of Sciences (NAS) recently noted that the fundamental problem plaguing national programs seeking to address the obesity crisis is that these efforts "remain fragmented and small-scale". Moreover, obesity prevention programs remain largely uncoordinated. Although many federal agencies are involved in overseeing different types of obesity-related programs, including the Centers for Disease Control and Prevention (CDC), the Department of Agriculture, the National Institutes of Health, and Department of Health and Human Services, NAS concluded that the lack of a dedicated funding stream for obesity prevention and inadequate coordination between federal agencies has led to inefficient uses of resources or unnecessary redundancies in programmatic efforts.

Another problem is that many federal funding streams available to support healthy lifestyles among children have been very narrowly focused on small target populations or they have only addressed obesity indirectly. Examples of the former include efforts which have exclusively targeted low-income families (usually, Medicaid recipients); by contrast, health education courses aimed at American Indians with Type 2 diabetes exemplify the types of federally-funded efforts which have indirectly served as obesity prevention programs but which have reached very limited numbers of individuals in the aggregate.

Explanation of Provision

The Secretary, in consultation with the Administrator of the Centers for Medicare a Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such a project. The model will (1) identify behavioral risk factors for obesity among children; (2) identify needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors; (3) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and (4) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under CHIP and Medicaid.

Eligible entities include a city, county, or Indian tribe; a local or tribal educational agency; an accredited university, college, or community college; a federally-qualified health center; a local health department; a health care provider; a community-based organization; or any other entity determined appropriate by the Secretary, including a consortium or partnership.

An eligible entity awarded a grant under this provision shall use the funds to (1) carry out community-based activities related to reducing childhood obesity, (2) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, (3) carry out educational, counseling, promotional, and training activities through the local health care delivery systems, and (4) provide, through qualified health professionals, training and supervision for community health workers to engage in educational efforts related to obesity.

Not later than 3 years after the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates beneficiary satisfaction under the project, and includes any other information the Secretary deems appropriate. $25 million is authorized for this purpose.

(f) Development of Model Electronic Health Record Format for Children Enrolled in Medicaid or CHIP.

Not later than January 1, 2009, the Secretary must establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled under state plans for Medicaid or CHIP. Such an electronic health record would be (1) subject to state laws, accessible to parents, caregivers and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, (2) designed to allow interoperable exchanges that conform with federal and state privacy and security requirements, (3) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality, and (4) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records. Of the total amount appropriated for this new grant program for a fiscal year, $5 million must be used to carry out these activities.

(g) Study of Pediatric Health and Health Care Quality Measures.

Not later than July 1, 2009, the Institute of Medicine must study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments to ameliorate or correct physical, mental, and developmental conditions in children. In conducting this study, the IOM must: (1) Consider all the major national population-based reporting systems sponsored by the federal government, including reporting requirements under federal grant programs and national population surveys and estimates conducted directly by the federal government, (2) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information is made widely available through publication, (3) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment, and (4) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality. Of the total amount appropriated for this new grant program, up to $1 million must be used to carry out these activities.

(h) Rule of Construction.

No evidence-based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving assistance under Medicaid or CHIP.

(i) Appropriations.

An appropriation of $45 million for FY2008 through FY2012 would be made for the purpose of carrying out the provisions of this section. Such funds would remain available until expended.

The provision would also use the federal medical assistance percentage (FMAP) applicable to a given state to determine the federal share of costs incurred by states for the development or modification of existing claims processing and retrieval systems as is necessary for the efficient collection and reporting on child health measures.

SECTION 502. IMPROVED INFORMATION REGARDING ACCESS TO OVERAGE UNDER CHIP

Current Law

Under SCHIP, states must assess the operation of the SCHIP state plan in each fiscal Year, including the progress made in reducing the number of uncovered low-income children. They must also report to the Secretary of HHS, by January 1 following the end of the fiscal year, the results of that assessment.

Federal regulations stipulate that each annual report include the following additional information: (1) Progress in meeting strategic objectives and performance goals identified in the state SCHIP plan, (2) effectiveness of policies to discourage the institution of public coverage for private coverage, (3) identification of successes and barriers in state plan design and implementation, and the approaches the state is considering to overcome these barriers, (4) progress in addressing any specific issues (such as outreach) that the state plan proposed to periodically monitor and assess, (5) an updated 3–year budget, including any changes in the sources of non-federal share of state pan expenditures, (6) identification of total state expenditures for family coverage and total number of children and adults, respectively, provided family coverage during the preceding fiscal year, and (7) current income standards and methodologies for its SCHIP Medicaid expansion program, separate SCHIP program, and its regular Medicaid program, as appropriate.

Explanation of Provision

(a) Inclusion of Process and Access Measures in Annual State Reports.

The provision would require each state to include the following information in its annual CHIP report to the Secretary of HHS: (1) Eligibility criteria, enrollment, and retention data (including information on continuity of coverage or duration of benefits), (2) data regarding the extent to which the state uses process measures with respect to determining the eligibility of children, including measures such as 12–months of continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility, (3) data regarding denials of eligibility and redeterminations of eligibility, (4) data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the state CHIP plan, using quality of care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey, (5) if the state provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for CHIP, the range of the monthly amount of such assistance provided on behalf or a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the state CHIP plan to supplement the coverage purchased with such premium assistance, the effective strategies the state engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage under CHIP from substituting for coverage provided under employer-sponsored health insurance offered in the state, and (6) to the extent applicable, a description of any state activities that are designed to reduce the number of uncovered children in the state, including through a state health insurance connector program or support for innovative private health coverage initiatives.

(b) GAG Study and Report on Access to Primary and Specialty Services.

The provision would require GAO to conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including (1) the extent to which providers are willing to treat children eligible for such programs, (2) information on such children's access to networks of care, (3) geographic availability of primary and specialty services under such programs, (4) the extent to which care coordination is provided for children's care under Medicaid and CHIP, and (5) as appropriate, information on the degree of availability of services for children under such programs.

In addition, not later than 2 years after the date of enactment of this Act, GAO must submit a report to the appropriate committees of Congress on this study that includes recommendations for such federal and state legislative and administrative changes as GAO determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SECTION 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP

Current Law

A number of sections of the Social Security Act apply to states under title XXI (SCHIP) in the same manner as they apply to a state under title XIX (Medicaid). These include:

Section 1902(a)(4)(C) (relating to conflict of interest standards).

Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

Section 1903(w) (relating to limitations on provider taxes and donations).

Section 1920A (relating to presumptive eligibility for children).

Explanation of Provision

The provision would add the same requirements for CHIP managed care entities as currently exist under Medicaid. Specifically, the provision would add reference to Medicaid's statutory requirements on: The process for plan enrollment, termination, and change of enrollment; the type of information provided to enrollees and potential enrollees on providers, covered services, enrollee rights, and other forms of information; beneficiary protections; quality assurance standards; protections against fraud and abuse; and sanctions against managed care plans for noncompliance.

Title VI—Miscellaneous

SECTION 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID

Current Law

States may provide SCHIP through an expansion of their Medicaid programs. Expenditures for such populations of targeted low-income children are matched at the enhanced FMAP rate and are paid out of SCHIP allotments.

Explanation of Provision

With respect to expenditures for Medicaid for fiscal years 2007 and 2008 only, a state may elect (1) to cover optional poverty-related children and, may apply less restrictive income methodologies to such individuals (via authority in Section 1902(r) or through Section 1931 (b)(2)(C)), for which the regular Medicaid FMAP, rather than the enhanced FMAP applicable to CHIP, would be used to determine the federal share of such expenditures, or (2) to receive the regular Medicaid FMAP, rather than the enhanced CHIP FMAP, for CHIP children under an expansion of the state's Medicaid program. This provision would be repealed as of October 1, 2008 (i.e., the beginning of fiscal year 2009). States electing these options would be "held harmless" for related expenditures in FY2007 and FY2008, once this repeal takes effect.

SECTION 602. PAYMENT ERROR RATE MEASUREMENT ("PERM")

Current Law

P.L. 107–300 requires the heads of Federal agencies annually to review programs they oversee that are susceptible to significant erroneous payments, and to estimate the amount of improper payments, to report those estimates to Congress, and to submit a report on actions the agency is taking to reduce erroneous expenditures.

The Center for Medicare and Medicaid Services (CMS), the federal agency within HHS that administers the Medicaid and SCHIP programs, issued an interim final rule with comment period on August 28, 2006, regarding Payment Error Rate Measurement (PERM) for the Medicaid and SCHIP programs. This rule was effective on October 1, 2006. In addition to P.L. 107–300, this regulation points to Sections 1102, 1902(a)(6) and 2107(b)(1) of the Social Security Act which contains the Secretary's general rulemaking authority and obligation of the states to provide information, as the Secretary may require, to monitor program performance. Section 1902(a)(27)(B) also requires states to require providers to furnish State Medicaid Agencies and the Secretary with information regarding payments claimed by Medicaid providers for furnishing Medicaid services. Payment error rates will be calculated for fee-for-service (FFS) claims, managed care claims and for eligibility determinations. The preamble to this regulation notes that CMS will hire Federal contractors to review Medicaid and SCHIP FFS and managed care claims and to calculate the state-specific and national error rates for both programs. States will calculate the state-specific eligibility error rates. Based on those rates, the Federal contractor will calculate the national eligibility error rate for each program. CMS plans to sample a subset of states each year rather than measure every state every year.

With respect to Medicaid and SCHIP eligibility reviews under PERM, states selected for review in a given year must conduct reviews of a statistically valid random sample of beneficiary claims to determine if improper payments were made based on errors in the state agency's eligibility determinations. States must have a CMS-approved sampling plan. In addition to reporting error rates, states must also submit a corrective action plan based on its error rate analysis, and must return overpayments of federal funds.

Medicaid Eligibility Quality Control (MEQC) is operated by State Medicaid agencies to monitor and improve the administration of its Medicaid program. The traditional MEQC program is based on State reviews of Medicaid beneficiaries identified through a statistically reliable statewide sample of cases selected from the eligibility files. These reviews are conducted to determine whether the sampled cases meet applicable Title XIX eligibility requirements and to determine if a State has made erroneous excess payments in its program. "Erroneous excess payments for medical assistance" reflect: a) payments made on behalf of ineligible individuals and families, and b) overpayments on behalf of eligible individuals and families by reason of error in determining the amount of expenditures for medical care required of an individual or family as a condition of eligibility.

The SCHIP statute specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance that meets certain requirements. States may also provide benefits to SCHIP children, called targeted low-income children, through enrollment in Medicaid. Apart from these benefit payments, SCHIP payments for four other specific health care activities can be made, including: (1) other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of targeted low-income children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, SCHIP statute specifies that payments for these four other specific health care activities cannot exceed 10% of the total amount of expenditures for benefits (excluding payments for services rendered during periods of presumptive eligibility under Medicaid) and other specific health care activities combined.

Explanation of Provision

The provision would apply a federal matching rate of 90 percent to expenditures related to administration of PERM requirements applicable to CHIP.

The provision would also exclude from the 10% cap on CHIP administrative costs all expenditures related to the administration of PERM requirements applicable to CHIP in accordance with P.L. 107–300, existing regulations, and any related or successor guidance or regulations.

In addition, the Secretary must not calculate or publish any national or state-specific error rate based on the application of PERM requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements (described below) is in effect for all states. Any calculation of a national error rate or a state specific error rate after such a final rule is in effect for all states may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

The final rule implementing the PERM requirements must include: (1) clearly defined criteria for errors for both states and providers, (2) a clearly defined process for appealing error determinations by review contractors, and (3) clearly defined responsibilities and deadlines for states in implementing any corrective action plans.

After the final PERM rule is in effect for all states, a state for which the PERM requirements were first in effect under an interim final rule for FY2007 may elect to accept any payment error rate determined in whole or in part for the state on the basis of data for that fiscal year or may elect to not have an payment error rate determined on the basis of such data and, instead, must be treated as if FY2010 were the first year for which the PERM requirements apply to the state.

If the final PERM rule is not in effect for all states by July 1, 2008, a state for which the PERM requirements were first in effect under an interim final rule for FY2008 may elect to accept any payment error rate determined in whole or in part for the state on the basis of data for that fiscal year, or may elect to not have any payment error rate determined on the basis of such data and, instead, must be treated as if FY2011 were the first fiscal year for which the PERM requirements apply to the state.

In addition, the provision would require the Secretary to review the Medicaid Eligibility Quality Control (MEQC) requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies. A state may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the state under MEQC, to substitute data resulting from the application of PERM requirements after the final PERM rule is in effect for all states for the data used for the MEQC requirements.

The Secretary must also establish state-specific sample sizes for application of the

PERM requirements with respect to CHIP for FY2009 and thereafter, on the basis of information as the Secretary determines is appropriate. In establishing such sample sizes, the Secretary must, to the greatest extent possible (1) minimize the administrative cost burden on states under Medicaid and CHIP, and (2) maintain state flexibility to manage these programs.

SECTION 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT

Current Law

Under Medicaid presumptive eligibility rules, states are allowed to temporarily enroll (for up to 2 months) children whose family income appears to be below applicable Medicaid income standards, until a formal determination of eligibility is made. Payments on behalf of Medicaid children during periods of presumptive eligibility are matched at the regular Medicaid FMAP, but are paid out of state SCHIP allotments.

Explanation of Provision

The provision would strike the language in existing CHIP statute that sets the federal share of costs incurred during periods of presumptive eligibility for children at the Medicaid FMAP rate, and also strikes the language that allows payment out of CHIP allotments for Medicaid benefits received by Medicaid children during periods of presumptive eligibility.

SECTION 604. IMPROVING DATA COLLECTION

Current Law

As discussed in Section 102, the percentage of the SCHIP appropriation that is allotted to individual states is based primarily on state-level estimates of (1) the number of low-income children and (2) the number of uninsured low-income children, based on a three-year average of the Annual Social and Economic (ASEC) Supplements (formerly known as the March supplements) to the Census Bureau's Current Population Survey (CPS). Based on these CPS estimates, some states' share of the available national allotment in the second year of SCHIP (FY1999) was going to differ markedly from the prior year's (e.g., a share of the available national allotment in FY1999 that would have been approximately 40% lower or higher than in FY1998). As a result, legislation was enacted to base the FY1999 SCHIP allotments on the states' share of the available national allotment as calculated for FY1998.

Separate legislation was also enacted to add two new floors and a ceiling to ensure that a state's share of the available national allotment did not change by more than certain amounts, as compared to the state's prior-year share and the state's FY1998/FY1999 share.

Another piece of legislation was also enacted that required appropriate adjustments to the CPS (1) to produce statistically reliable annual state data on the number of low-income children who do not have health insurance coverage, so that real changes in the uninsurance rates of children can reasonably be detected; (2) to produce data that categorizes such children by family income, age, and race or ethnicity; and (3) where appropriate, to expand the sample size used in the state sampling units, to expand the number of sampling units in a state, and to include an appropriate verification element. For this purpose, $10 million was appropriated annually, beginning in FY2000. Because of this legislation, the number of sampled households in the ASEC CPS increased by about 50% (34,500 households). Even with the sample expansion, the margins of error of the state-level estimates of the number of low-income children, and particularly the estimates of low-income children without health insurance, can be relatively high, especially in smaller states.

Explanation of Provision

Besides the $10 million provided annually for the CPS since FY2000, an additional $10 million (for a total of $20 million additionally) is appropriated. In addition to the current-law requirements of the additional appropriation, for data collection beginning in FY2008, in appropriate consultation with the HHS Secretary, the Secretary of Commerce shall do the following:

Make appropriate adjustments to the CPS to develop more accurate state-specific estimates of the number of children enrolled in CHIP or Medicaid;

Make appropriate adjustments to the CPS to improve the survey estimates used to compile the state-specific and national number of low-income children without health insurance for purposes of determining annual CHIP allotments, and for making payments to states from the CHIP Incentive Pool, the CHIP Contingency Fund, and, to the extent applicable to a State, from the block grant set aside for CHIP payments on behalf of parents in FY2010 through FY2012;

Include health insurance survey information in the American Community Survey (ACS) related to children;

Assess whether ACS estimates, once such survey data are first available, produce more reliable estimates than the CPS for CHIP allotments and payments;

On the basis of that assessment, recommend to the HHS Secretary whether ACS estimates should be used in lieu of, or in some combination with, CPS estimates for CHIP purposes; and

Continue making the adjustments to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

If the Commerce Secretary recommends to the HHS Secretary that ACS estimates should be used instead of, or in combination with, CPS estimates for CHIP purposes, the HHS Secretary may provide a transition period for using ACS estimates, provided that the transition is implemented in a way that avoids adverse impacts on states.

SECTION 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTION

State Flexibility in Benefit Packages.

Current Law

Under the Early and Periodic, Screening, Diagnostic and Treatment (EPSDT) benefit under Medicaid, most children under age 21 receive comprehensive basic screening services (i.e., well-child visits including age-appropriate immunizations) as well as dental, vision and hearing services. In addition, EPSDT guarantees access to all federally coverable services necessary to treat a problem or condition among eligible individuals.

Under Medicaid, categorically needy (CN) eligibility groups include families with children, the elderly, certain individuals with disabilities, and certain other pregnant women and children who meet applicable financial eligibility standards. Some CN eligibility groups must be covered while others are optional. Medically needy (MN) groups include the same types of individuals, but different, typically higher financial standards apply. All MN eligibility groups are optional.

The Deficit Reduction Act of 2005 (DRA; P.L. 109–171) gave states the option to provide Medicaid to state-specified groups through enrollment in benchmark and benchmark-equivalent coverage which is nearly identical to plans available under SCHIP (described above). For any child under age 19 in one of the major mandatory and optional CN eligibility groups (defined in Section 1902(a)(10)(A)), wrap-around benefits to the DRA benchmark and benchmark-equivalent coverage includes EPSDT (described above). In traditional Medicaid, EPSDT is available to individuals under age 21 in CN groups, and may be offered to individuals under 21 in MN groups.

DRA identifies a number of groups as exempt from mandatory enrollment in benchmark or benchmark equivalent plans. One such exempted group is children in foster care receiving child welfare services under Part B of title IV of the Social Security Act and children receiving foster care or adoption assistance under Part E of such title.

Explanation of Provision

The provision would require that EPSDT be covered for any individual under age 21 who is eligible for Medicaid through the state plan under one of the major mandatory and optional CN groups and is enrolled in benchmark or benchmark-equivalent plans authorized under DRA. The provision would also give states flexibility in providing coverage of EPSDT services through the issuer of benchmark or benchmark-equivalent coverage or otherwise.

The provision would also make a correction to the reference to children in foster care receiving child welfare services.

Finally, not later than 30 days after the date the Secretary approves a state plan amendment to provide benchmark or benchmark-equivalent coverage under Medicaid, the Secretary must publish in the Federal Register and on the internet website of CMS, a list of the provisions in Title XIX that the Secretary has determined do not apply in order to enable the state to carry out such a state plan amendment and the reason for each such determination.

The amendments made by this provision would become effective as if included in Section 6044(a) of the DRA (i.e., March 31, 2006).

SECTION 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES

Current Law

P.L. 106–113 directed the Secretary of HHS or any other Federal officer or employee, with respect to references to the program under Title XXI of the Social Security Act, in any publication or official communication to use the term "SCHIP" instead of "CHIP" and to use the term "State children's health insurance program" instead of "children's health insurance program."

Explanation of Provision

The provision would repeal the section in P.L 106–113 providing the program references to "SCHIP" and "State children's health insurance program" for official publication and communication purposes.

SECTION 607. MENTAL HEALTH PARITY IN CHIP PLANS

Current Law

In 1996, Congress passed the Mental Health Parity Act (MHPA) that established new federal standards for mental health coverage offered by group health plans, most of which are employment-based. Under provisions included in the 1997 Balanced Budget Act (P.L. 105–33), Medicaid managed care plans and SCHIP programs must comply with the requirements of MHPA.

Medicaid expansions under SCHIP follow Medicaid rules. Thus, when such expansions provide for enrollment in Medicaid managed care plans, the MHPA applies. Separate state programs under SCHIP follow SCHIP rules that have broader application than the Medicaid rules. In separate state SCHIP programs, to the extent that a health insurance issuer offers group health insurance coverage, which can include, but is not limited to managed care, the MHPA applies.

Under MHPA, Medicaid and SCHIP plans may define what constitutes mental health benefits (if any). The MHPA prohibits group plans from imposing annual and lifetime dollar limits on mental health coverage that are more restrictive than those applicable to medical and surgical coverage. Full parity is not required, that is, group plans may still impose more restrictive treatment limits (e.g., with respect to total number of outpatient visits or inpatient days) or cost-sharing requirements on mental health coverage compared to their medical and surgical services.

Under Medicaid managed care, state Medicaid agencies contract with managed care organizations (MCOs) to provide a specified set of benefits to enrolled beneficiaries. These MCOs may be paid under a variety of arrangements, but are frequently reimbursed on the basis of a pre-determined monthly fee (called a capitation rate) for each enrolled beneficiary. The contracted benefits may include all, some, or none of the mandatory and optional mental health services covered under the state Medicaid plan. When Medicaid managed care plans do not include all covered mental health benefits, these additional services are sometimes "carved out" to a separate, specialized behavioral health managed care entity (usually subject to its own prepaid capitation rates), or may be provided in the fee-for-service setting, in which Medicaid providers are paid directly by the state Medicaid agency for each covered service delivered to a Medicaid beneficiary. All prepaid Medicaid managed care contracts that cover medical/surgical benefits and mental health benefits must comply with the MHPA without exemptions. The MHPA does not apply to fee-for-service arrangements because state Medicaid agencies do not meet the definition of a group health plan.

With respect to covered benefits, separate SCHIP programs tend to look more like private insurance models than like Medicaid. That is, these programs are more likely to cover traditional benefits (e.g., inpatient hospital services, physician services) that would be found in employer-based health insurance plans than certain service categories that are largely unique to Medicaid (e.g., EPSDT, residential treatment facilities, intermediate care facilities for the mentally retarded or ICF/MRs, and institutions for mental disease or IMDs). Most separate SCHIP programs also provide services through managed care plans, although this situation varies by state. Again, all or some covered mental health services may be included in MCO contracts, or carved out to specialized behavioral health managed care plans, or may be provided on a fee-for-service basis.

Under CHIP, states may provide coverage under their Medicaid programs (MXP), create a new separate SCHIP program (SSP), or both. Under SSPs, states may elect any of three benefit options: (1) A benchmark plan, (2) a benchmark-equivalent plan, or (3) any other plan that the Secretary of HHS deems would provide appropriate coverage for the target population (called Secretary-approved benefit plans). Benchmark plans include (1) the standard Blue Cross/Blue Shield preferred provider option under FEHBP, (2) the coverage generally available to state employees, and (3) the coverage offered by the largest commercial HMO in the state.

Benchmark-equivalent plans must cover basic benefits (i.e., inpatient and outpatient hospital services, physician services, lab/x-ray, and well-child care including immunizations), and must include at least 75% of the actuarial value of coverage under the selected benchmark plan for specific additional benefits (i.e., prescription drugs, mental health services, vision care and hearing services).

Explanation of Provision

This section prohibits discriminatory limits on mental health care in separate CHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. It also eliminates a current law provision that authorizes states to reduce the mental health coverage provided to 75 percent of the coverage provided in CHIP benchmark plans.

SECTION 608. DENTAL HEALTH GRANTS

Current Law

Under SCHIP, states may provide coverage under their Medicaid programs (MXP), create a new separate SCHIP program (SSP), or both. Under SSPs, states may elect any of three benefit options: (1) A benchmark plan, (2) a benchmark-equivalent plan, or (3) any other plan that the Secretary of HHS deems would provide appropriate coverage for the target population (called Secretary-approved benefit plans). Benchmark plans include (1) the standard Blue Cross/Blue Shield preferred provider option under FEHBP, (2) the coverage generally available to state employees, and (3) the coverage offered by the largest commercial HMO in the state.

Benchmark-equivalent plans must cover basic benefits (i.e., inpatient and outpatient hospital services, physician services, lab/x-ray, and well-child care including immunizations), and must include at least 75% of the actuarial value of coverage under the selected benchmark plan for specific additional benefits (i.e., prescription drugs, mental health services, vision care and hearing services).

SCHIP regulations specify that, regardless of the type of SCHIP health benefits coverage, states must provide coverage of well-baby and well-child care (as defined by the state), age-appropriate immunizations based on recommendations of the Advisory Committee on Immunization Practices (ACIP), and emergency services.

Explanation of Provision

This section provides up to $200 million in federal grants for states to improve the availability of dental services and strengthen dental coverage for children covered under CHIP. States that receive grants would be required to maintain prior levels of spending for dental services provided under CHIP.

SECTION 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS

Current Law

Under current Medicaid law, federally-qualified health centers (FQHCs) and rural health clinics (RHCs) are paid based on a prospective payment system. Beginning in FY2001, per visit payments were based on 100% of average costs during 1999 and 2000 adjusted for changes in the scope of services furnished. (Special rules applied to entities first established after 2000). For subsequent years, the per visit payment for all FQHCs and RHCs equals the amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services, and adjusted for any changes in the scope of services furnished during that fiscal year. In managed care contracts, states are required to make supplemental payments to the facility equal to the difference between the contracted amount and the cost-based amounts.

Explanation of Provision

This section would establish a prospective payment system in CHIP for FQHCs and RHCs similar to the payment system established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) applicable under Medicaid law. States that operate separate or combination CHIP programs would be required to reimburse FQHCs and RHCs based on the Medicaid Prospective Payment System, starting in FY 09. A one-time appropriation of $5 million will be made available to the Secretary of HHS to be provided to affected states to enable them to transition to the new payment system on the affected states. The Secretary would be required to monitor the impact of the application of the payment system on states and report to Congress within two years of implementation on any effect on access to benefits, provider payment rates, or scope of benefits offered by affected states.

Title VII—Revenue Provisions

Title VIII—Effective Date

SECTION 801. EFFECTIVE DATE

Current Law

No provision.

Explanation of Provision

The effective date of this bill except with respect to section 301 would be October 1, 2007, whether or not final regulations to carry out provisions in the bill have been promulgated by that date. In the case of both current state CHIP and Medicaid plans, if the Secretary of HHS determines that a state must pass new state legislation to implement the requirements of this bill, the state's existing CHIP and/or Medicaid plans, if applicable, would not be considered to be out of compliance solely on the basis of its failure to meet such requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the state legislature that begins after the date of enactment of this bill. In the case of a state that has a 2-year legislative session, each year of such session must be considered to be a separate regular session of the state legislature. With respect to section 301, the effective date will be October 1, 2008.

By Mr. REID (for Mr. DODD (for himself, Mr. NELSON of Nebraska, Mr. KENNEDY, Mr. REED, and Mr. LIEBERMAN)):

S. 1894. A bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to introduce the Support for Injured Servicemembers Act of 2007. This bill will implement one of the key recommendations of the President's Commission on Care for America's Returning Wounded Warriors. First of all, I commend former Senator Bob Dole, former Secretary of Health and Human Services Donna Shalala, and the distinguished members of the Commission for their thoughtfulness and thorough work on this critically important matter.

More than 20 years ago, I began the effort to bring job protection to hard-working Americans so they wouldn't have to choose between the family they love and the job they need. This effort, after more than seven years, three presidents, and two vetoes, eventually led to the enactment of the Family Medical Leave Act, FMLA, which provides 12 weeks of unpaid leave for eligible employees to care for a newborn or adopted child, their own serious illness or that of a loved one. Since its passage, I have worked to expand this act to cover more workers and to provide for wage replacement, so that more employees can afford to take leave when necessary.

Mr. President, it is essential that we do everything possible to support our troops and to allow their loved ones to be with them as they recover from a combat-related injury or illness. That is why we must expand and improve leave benefits to those caring for our injured or ill servicemembers. The bill I introduce today provides up to 6 months of FMLA leave for primary caregivers of servicemembers who suffer from a combat-related injury or illness. FMLA currently provides for 3 months of unpaid leave to a spouse, parent or child acting as a caregiver for a person with a serious illness. However, some of those injured in service to our country rely on other family members or friends to care for them as they recover. This legislation allows these other primary caregivers, such as siblings, cousins, friends or significant others to take leave from their employment when our returning heroes need them most.

Our troops are giving their all on the battlefield. The very least our Government owes them is its total support for their family and medical needs. While FMLA has provided critical support to more than 50 million American families, I will not rest until we are able to modernize this statute to cover our wounded warriors. Plain and simple, the loved ones of these brave men and women should be allowed to care for them without the fear of losing their job.

I am pleased that I am joined today by Senators BEN NELSON, KENNEDY, REED and LIEBERMAN in introducing the Support for Injured Servicemembers Act of 2007 and ask for the support of all my colleagues for this critically important effort to care for our returning wounded warriors and their loved ones.

I ask unanimous consent that the text of the bill be printed in the RECORD.•

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Injured Servicemembers Act of 2007".

SEC. 2. SERVICEMEMBER FAMILY LEAVE.

(a) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) COMBAT-RELATED INJURY.—The term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.

"(15) SERVICEMEMBER.—The term 'servicemember' means a member of the Armed Forces.".

(b) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 workweeks of leave during any 12-month period to care for the servicemember.

"(4) COMBINED LEAVE TOTAL.—An eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3).".

(c) REQUIREMENTS RELATING TO LEAVE.—

(1) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(A) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule"; and

(B) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(2) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(A) in paragraph (1)—

(i) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(ii) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(B) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(3) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SERVICEMEMBER FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(4) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(5) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(A) in paragraph (2)(B)(i), by inserting "or section 102(a)(3)" before the semicolon; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "or" at the end;

(ii) in clause (ii), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) a certification issued by the health care provider of the person for whom the employee is the primary caregiver, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(6) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(7) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or section 102(a)(3)" after "section 102(a)(1)".

SEC. 3. SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) the term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war; and

"(8) the term 'servicemember' means a member of the Armed Forces.".

(b) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 administrative workweeks of leave during any 12-month period to care for the servicemember.

"(4) An employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3).".

(c) REQUIREMENTS RELATING TO LEAVE.—

(1) SCHEDULE.—Section 6382(b) of such title is amended—

(A) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."; and

(B) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(2) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(3) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(4) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 281—CONGRATULATING CAL RIPKEN JR. FOR HIS INDUCTION INTO THE BASEBALL HALL OF FAME, FOR AN OUTSTANDING CAREER AS AN ATHLETE, AND FOR HIS CONTRIBUTIONS TO BASEBALL AND TO HIS COMMUNITY

Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas Cal Ripken, Jr. was born and raised in Maryland;

Whereas Cal Ripken, Jr. was elected to the Baseball Hall of Fame on January 9, 2007, his first year of eligibility, for his outstanding accomplishments during his 21-year career in Major League Baseball;

Whereas Cal Ripken, Jr. will be inducted into the Baseball Hall of Fame on July 29, 2007, along with fellow baseball legend Tony Gwynn;

Whereas Cal Ripken, Jr. was nearly unanimously elected to the Baseball Hall of Fame with the highest number of votes ever received for a regular position player;

Whereas Cal Ripken, Jr. is widely considered the "Iron Man" of baseball, having earned this moniker by playing in 2,632 consecutive games, a feat unmatched in professional sports;

Whereas Cal Ripken, Jr. was the American League Rookie of the Year in 1982;

Whereas Cal Ripken, Jr. had 3,184 career hits and 431 home runs and received 8 Silver Slugger Awards for his superior offensive play;

Whereas Cal Ripken, Jr. is first among the all-time Baltimore Orioles career leaders in total games played, consecutive games played, at bats, hits, runs, runs batted in, extra base hits, doubles, home runs, total bases, walks, strikeouts, assists, and double plays;

Whereas Cal Ripken, Jr. is first among all Major League Baseball players in the number of consecutive games played and the number of double plays by a shortstop;

Whereas Cal Ripken, Jr. is the all-time leader in Major League Baseball All-Star fan balloting, has made the most Major League Baseball All-Star Game appearances at shortstop, and has made the most consecutive Major League Baseball All-Star Game starts;

Whereas Cal Ripken, Jr. has not only proven to be a great hitter but a great defensive player, winning 2 Gold Glove awards;

Whereas Cal Ripken, Jr. was selected to play on 19 All-Star teams throughout his career and was twice voted All-Star Game Most Valuable Player;

Whereas Cal Ripken, Jr. helped the Baltimore Orioles win the World Series in 1983;

Whereas, in an era when money dominated the game of baseball, Cal Ripken, Jr. chose to play in Baltimore for the Baltimore Orioles when it was believed that he could have earned more money with another team in another city;

Whereas Cal Ripken, Jr. is an example of good sportsmanship who has always conducted himself with dignity;

Whereas Cal Ripken, Jr. is a role model for young people and for all the people of the United States;

Whereas Cal Ripken, Jr., along with his family and the Ripkin Baseball organization, is a philanthropist dedicated to the Cal Ripken Sr. Foundation, which gives underprivileged children the opportunity to attend baseball camps around the country;

Whereas Cal Ripken, Jr. operates baseball camps and designs baseball fields for youth, college, and professional teams;

Whereas Cal Ripken, Jr. gives speeches about his time in baseball and some of the lessons he has learned;

Whereas, in 1992, Cal Ripken, Jr. was awarded Major League Baseball's Roberto Clemente Man of the Year Award and the Lou Gehrig Memorial Award for his community involvement; and

Whereas Cal Ripken, Jr. has been selected for the Major League Baseball All-Century Team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Cal Ripken, Jr. for his election to the Baseball Hall of Fame;

(2) honors Cal Ripkin, Jr. for an outstanding career as an athlete; and

(3) thanks Cal Ripkin, Jr. for his contributions to baseball and to his community.

SENATE RESOLUTION 282—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. KOHL (for himself, Mr. HATCH, submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 282

Whereas polycystic kidney disease (known as "PKD") is 1 of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents for polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the 4th leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the "baby boomers", continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the 3rd week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 9-16, 2007, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease (known as "PKD");

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator Hatch to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide including 10,000 people in my home State of Wisconsin. There is no treatment or cure for PKD. Families and friends struggle to fight this disease and provide unwavering support to their loved ones suffering from PKD.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done and the Government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 9 through 16 be designated as "National Polycystic Kidney Disease Awareness Week." This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, residents gather across the State to take part in this very special walk.

Increasing awareness will help all those affected by this terrible disease. I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I am pleased to introduce today, along with my colleague from Wisconsin, Senator Herb Kohl, a resolution to designate the week of September 9–16, 2007, as "National Polycystic Kidney Disease Awareness Week".

This resolution acknowledges the dangers of Polycystic Kidney Disease, also called PKD, which affects over 600,000 Americans. That is more than three times the population of Salt Lake City.

PKD is the most common, life-threatening genetic disease in the U.S. There is no cure, and it is one of the four leading causes of kidney failure, also called end-stage renal disease; diabetes being number one.

Polycystic kidney disease is characterized by the growth of numerous fluid-filled cysts in the kidney, which slowly reduce the kidney function and can eventually lead to kidney failure. When PKD causes kidneys to fail, the patient requires dialysis or kidney transplantation. About one-half of people with the major type of PKD progress to kidney failure.

PKD is especially personal to me because so many Utahns suffer from this disease. The PKD Foundation claims that approximately 5,000 individuals in Utah live with PKD, and that the incidence of end-stage renal disease in Utah is three times that of the national average. To cure PKD would result in billions of dollars in savings to the military, Medicare, Medicaid, and the Veterans Administration for dialysis, transplantation and related treatments.

Due to the illusiveness of PKD, many people are simply unaware of the nature of this disease. A National Polycystic Kidney Disease Awareness Week will help spread the word about the deadliness of PKD and vast numbers of, not only Utahns, but all Americans affected by this disease. With education comes the ability to know how to help people. Let us make it possible for everyone to know about PKD, so that more people can join the effort in making PKD a disease of the past.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2477. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

SA 2478. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2479. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2480. Mr. GRAHAM (for himself, Mr. PRYOR, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, Mr. CORNYN, Mrs. HUTCHISON, Mr. SPECTER, Mr. COLEMAN, Mrs. LINCOLN, Mr. BYRD, Mr. SALAZAR, Mr. WEBB, Mr. BAUCUS, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. ALEXANDER, Mrs. DOLE, Mr. DOMENICI, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CORKER, Mr. HATCH, Mr. CHAMBLISS, Mr. WARNER, and Mr. INHOFE) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2481. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2482. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2483. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2484. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2485. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2486. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2487. Mrs. CLINTON (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2488. Mr. VITTER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2489. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2448 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2490. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2491. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2492. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2493. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2494. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2495. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2496. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to amendment SA 2488 submitted by Mr. VITTER (for himself and Ms. STABENOW) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2497. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2498. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2499. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2500. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2501. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2502. Mr. PRYOR (for himself, Mr. CRAIG, Mr. SCHUMER, Mr. CHAMBLISS, Mr. ROBERTS, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2503. Mr. MARTINEZ (for himself, Mr. KYL, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2504. Mr. LEVIN (for himself, Mr. TESTER, Ms. STABENOW, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2505. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. BYRD) proposed an amendment to amendment SA 2468 proposed by Ms. LANDRIEU to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2506. Mr. NELSON, of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2507. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2508. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2509. Mrs. MCCASKILL (for herself, Mr. OBAMA, Mr. PRYOR, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2510. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2511. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2512. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2513. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2514. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2515. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2516. Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2517. Mr. GRASSLEY (for himself, Mr. THUNE, Mr. VITTER, Mr. COBURN, Mr. CRAPO, Mr. HAGEL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2518. Mr. KYL (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2519. Mr. OBAMA (for himself, Mr. COBURN, Mr. CASEY, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2520. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2521. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2522. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2523. Mr. KERRY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2524. Mr. COLEMAN (for himself, Mr. ALLARD, Ms. KLOBUCHAR, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2525. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2526. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2527. Mrs. MURRAY (for Ms. LANDRIEU) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

TEXT OF AMENDMENTS

SA 2477. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 40, line 15, after "Security" insert "and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups,".

SA 2478. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION.

Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and non-managers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

SA 2479. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005), or any amendments reaching results similar to such proposed rulemaking.

SA 2480. Mr. GRAHAM (for himself, Mr. PRYOR, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, Mr. CORNYN, Mrs. HUTCHISON, Mr. SPECTER, Mr. COLEMAN, Mrs. LINCOLN, Mr. BYRD, Mr. SALAZAR, Mr. WEBB, Mr. BAUCUS, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. ALEXANDER, Mrs. DOLE, Mr. DOMENICI, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CORKER, Mr. HATCH, Mr. CHAMBLISS, Mr. WARNER, and Mr. INHOFE) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows;

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Border Security First Act of 2007".

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109-367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States, and for reimbursement of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 2481. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

SA 2482. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. _____. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

"(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

"(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

"(2) Commerce, Justice, Science, and Related Agencies.

"(3) Defense.

"(4) Energy and Water Development.

"(5) Financial Services and General Government.

"(6) Homeland Security.

"(7) Interior, Environment, and Related Agencies.

"(8) Labor, Health and Human Services, Education, and Related Agencies.

"(9) Legislative Branch.

"(10) Military Construction, Veterans' Affairs, and Related Agencies.

"(11) State, Foreign Operations, and Related Programs.

"(12) Transportation, Housing and Urban Development, and Related Agencies.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations".

SA 2483. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) and 206.438(d) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2484. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

SA 2485. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 33, strike line 25 and all that follows through page 34, line 4, and insert the following: "Affairs, $117,400,000; of which $20,817,000 is for salaries and expenses; of which $2,400,000 is for the implementation of Homeland Security Presidential Directive/HSPD-9 (relating to the defense of United States Agriculture and Food) and for other food defense activities; and of which $94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain available until September 30, 2009: *Provided*, That amounts appropriated under the subheading 'Automation Modernization' under the heading 'U.S. Immigration and Customs Enforcement' be reduced by $2,400,000: *Provided further*, That".

SA 2486. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30, line 17, before the period insert the following: "*Provided*, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network".

SA 2487. Mrs. CLINTON (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. The Administrator of the Transportation Security Administration shall prohibit any butane lighters from being taken into an airport sterile area or onboard an aircraft until the Administrator provides to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General of the United States shall report on its assessment of the report submitted by the Transportation Security Administration within 180 days of the date the report is submitted. The Administrator shall not take action to allow butane lighters into an airport sterile area or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2488. Mr. VITTER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(B) only imports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2489. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2448 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 13 of the amendment, insert the following:

SEC. 537. FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by section 536, is further amended by adding at the end the following:

"(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

"(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

"(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

"(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".

SEC. 538. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) DOMESTIC NURSING ENHANCEMENT ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

"(2) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), and deposited into the account established under paragraph (1) shall be used by the Secretary of Health and Human Services to carry out section 832 of the Public Health Service Act. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".

SEC. 539. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a masters degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

"(i) the physical facilities at the school involved limit the school from enrolling additional students; or

"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than September 30, 2010, a final report on such results.

"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 286(w) of the Immigration and Nationality Act, there are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 540. GLOBAL HEALTH CARE COOPERATION.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

"(d) PUBLICATION.—The Secretary of State shall publish—

"(1) a list of candidate countries not later than 6 months after the date of the enactment of this section, and annually thereafter; and

"(2) an amendment to the list described in paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,".

(2) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(3) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) NATURALIZATION.—Section 319(b) of such Act (8 U.S.C. 1430(b)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country under section 317A" before "and (C)".

(5) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing health care in developing countries".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to United States Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 541. ATTESTATION BY HEALTH CARE WORKERS.

(a) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE; APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—Not later than the effective date described in paragraph (1), the Secretary shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SA 2490. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT ON URBAN AREA SECURITY INITIATIVE.

Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

SA 2491. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICATION FOR TRANSPORT WORKER IDENTIFICATION CREDENTIAL.

(a) IN GENERAL.—The Secretary shall allow an employer to use Homeport, a website maintained by the Coast Guard, to conduct an initial screening for interim work authority for employment aboard a vessel under section 104(c) of the SAFE Port Act (46 U.S.C. 70105 note).

(b) TIME LIMITATION.—The Secretary shall allow an applicant who has passed an initial screening for interim work authority to be employed aboard a vessel for up to 180 days before requiring the employee to apply for a Transportation Worker Identification Credential.

(c) LIMITATION ON USE OF FUNDS.—No funds appropriated under this Act may be used to require an employee to apply for a Transportation Worker Identification Credential before the Secretary makes available on Homeport the security screening for interim work authority for employment aboard a vessel required under section 104(c) of the SAFE Port Act (46 U.S.C. 70105 note).

SA 2492. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005), or any amendments reaching results similar to such proposed rulemaking.

SA 2493. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 11, strike "$100,000,000" and insert "$98,000,000".

On page 45, between lines 23 and 24, insert the following:

GRANTS FOR COMMUNITY WILDFIRE PREPAREDNESS AND EDUCATION

For necessary expense for programs administered Assistant Administrator for the United States Fire Administration to educate communities about the dangers of wildfires and provide information and resources to assist community preparedness for wildfires, $2,000,000: *Provided*, That such programs shall be targeted to provide education to communities growing into the wildland urban interface and in areas at risk for wildfire: *Provided further*, That such programs shall be administered as part of the larger mission of the United States Fire Administration within the Federal Emergency Management Agency to reduce life and economic losses due to fire and related emergencies, through leadership, advocacy, coordination, and support.

SA 2494. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) and section 206.438(d) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection is $1,170,000,000 provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2495. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as "emergency spending" in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2).in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SA 2496. Mr COCHRAN (for himself and Mr. BYRD) proposed an amendment to amendment SA 2488 submitted by Mr. VITTER (for himself and Ms. STABENOW) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following:

None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2497. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. ____. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SA 2498. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

SA 2499. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title II for necessary expenses for the U.S. Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections under the heading "SALARIES AND EXPENSES" is increased by $30,000,000 to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange.

(b) The amount appropriated by title IV under the heading "SYSTEMS ACQUISITION" is reduced by $30,000,000.

SA 2500. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of agricultural and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of United States Customs and Border Protection shall submit a report to Congress that describes the training of United States Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

SA 2501. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning in line 15, strike "*Provided*," and insert "*Provided*," That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*",.

SA 2502. Mr. PRYOR (for himself, Mr. CRAIG, Mr. SCHUMER, Mr. CHAMBLISS, Mr. ROBERTS, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30, line 14, strike "by title II" and all that follows through "2009." on line 17 and insert the following "by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act, $527,099,000, of which $497,099,000 shall remain available until September 30, 2009, and of which, $2,000,000 shall be to carry out subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act.".

On page 69, after line 24, add the following:

SEC. 536. SECURE HANDLING OF AMMONIUM NITRATE.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

"In this subtitle:

"(1) AMMONIUM NITRATE.—The term 'ammonium nitrate' means—

"(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

"(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

"(2) AMMONIUM NITRATE FACILITY.—The term 'ammonium nitrate facility' means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

"(3) AMMONIUM NITRATE PURCHASER.—The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

"(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

"(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

"(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

"(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

"(A) owns an ammonium nitrate facility is required to register with the Department; and

"(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

"(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—

"(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

"(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

"(C) such other information as the Secretary may determine is appropriate.

"(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

"(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

"(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

"(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

"(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

"(A) the name, address, and telephone number of the applicant; and

"(B) the intended use of ammonium nitrate to be purchased by the applicant.

"(e) RECORDS.—

"(1) MAINTENANCE OF RECORDS.—The owner of an ammonium nitrate facility shall—

"(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

"(B) include in such record the information described in paragraph (2).

"(2) SPECIFIC INFORMATION REQUIRED.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

"(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate, in a manner prescribed by the Secretary;

"(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person described in subparagraph (A), at the point of sale;

"(C) record the date and quantity of ammonium nitrate sold or transferred; and

"(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

"(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

"(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license issued under chapter 40 of title 18, United States Code.

"(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

"(h) DATA CONFIDENTIALITY.—

"(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

"(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

"(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

"(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

"(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

"(1) REGISTRATION PROCEDURES.—

"(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

"(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period described in section 899F(e).

"(2) CHECK OF TERRORIST SCREENING DATABASE.—

"(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears in the terrorist screening database of the Department.

"(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the identifying information of a person seeking to register with the Department under subsection (c) or (d) appears in the terrorist screening database of the Department, the Secretary may deny issuance of a registration number under this subtitle.

"(3) EXPEDITED REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—Following the six-month period described in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

"(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

"(4) EXPEDITED APPEALS PROCESS.—

"(A) REQUIREMENT.—

"(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

"(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

"(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

"(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

"(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

"(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

"(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

"(6) REGISTRATION INFORMATION.—

"(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

"(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

"(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

"(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

"(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

"SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

"The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

"SEC. 899D. ADMINISTRATIVE PROVISIONS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary—

"(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

"(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

"(b) DELEGATION.—

"(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

"(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

"(3) FUNDING.—Subject to the availability of appropriations, if the Secretary delegates functions to a State under this subsection, the Secretary shall provide to that State sufficient funds to carry out the delegated functions.

"(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

"(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—

"(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

"(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

"(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

"(ii) notifying appropriate law enforcement entities; and

"(C) additional subjects determined appropriate by to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

"(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

"(3) NOTIFICATION MATERIALS.—

"(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

"(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

"(i) the record-keeping requirements under section 899B; and

"(ii) the penalties for violating such requirements.

"SEC. 899E. THEFT REPORTING REQUIREMENT.

"Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

"SEC. 899F. PROHIBITIONS AND PENALTY.

"(a) PROHIBITIONS.—

"(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

"(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, or is not an agent of a person registered under subsection (c) or (d) of that section.

"(3) OTHER PROHIBITIONS.—No person shall—

"(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

"(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

"(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

"(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

"(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

"(1) the nature and circumstances of the violation;

"(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

"(3) any other matter that the Secretary determines that justice requires.

"(d) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

"(e) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues of a final rule implementing this subtitle.

"SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

"(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

"(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

"SEC. 899H. PREEMPTION OF OTHER LAWS.

"(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

"(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

"SEC. 899I. DEADLINES FOR REGULATIONS.

"The Secretary—

"(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and

"(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

"SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) $2,000,000 for fiscal year 2008; and

"(2) $10,750,000 for each of fiscal years 2009 through 2012.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 899 the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"Sec. 899A. Definitions.
"Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
"Sec. 899C. Inspection and auditing of records.
"Sec. 899D. Administrative provisions.
"Sec. 899E. Theft reporting requirement.
"Sec. 899F. Prohibitions and penalty.
"Sec. 899G. Protection from civil liability.
"Sec. 899H. Preemption of other laws.
"Sec. 899I. Deadlines for regulations.
"Sec. 899J. Authorization of appropriations.".

SA 2503. Mr. MARTINEZ (for himself, Mr. KYL, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. (a) USE OF BIOMETRIC SOCIAL SECURITY CARDS TO ESTABLISH EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)) is amended—

(1) in clause (ii)(III), by striking "use." and inserting "use; or"; and

(2) by adding at the end the following:

"(iii) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 536(c) of the Department of Homeland Security Appropriations Act, 2008, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 536(e)(1) of such Act.".

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

"(I) As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.".

(c) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(d) DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—The Commissioner of Social Security—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) shall, in consultation with the Secretary of Homeland Security, issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(e) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)), should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (c)(1) of this section, and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 2504. Mr. LEVIN (for himself, Mr. TESTER, Ms. STABENOW, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of United States Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56);

(2) section 331 of the Trade Act of 2002 (Public Law 107-210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

SA 2505. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. BYRD) proposed an amendment to amendment SA 2468 proposed by Ms. LANDRIEU to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 536. (a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture or killing, or information leading to the capture or death, of Osama bin Laden.".

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

SA 2506. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 24, strike "to be allocated" and all that follows through "3714)" on line 26 and insert the following: "of which, each State shall be allocated not less than 0.75 percent of the total amount appropriated in this paragraph, except that the Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated not less than 0.25 percent of the total amount appropriated in this paragraph".

SA 2507. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as fóllows:

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the "program").

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms "air carrier" and "foreign air carrier" have the meaning given such terms in section 40102 of title 49, United States Code.

SA 2508. Mr. LIEBERMAN (for herself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 15, strike "costs." and insert the following: "costs: *Provided further*, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.".

On page 5, line 3, strike "expenses." and insert the following: "expenses: *Provided*, That the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.".

SA 2509. Mrs. MCCASKILL (for herself, Mr. OBAMA, Mr. PRYOR, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 5, line 20, before the period, insert the following: ": *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations".

On page 35, line 15, before the period, insert the following: ": *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency".

On page 40, line 24, before the period, insert the following: ": *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: *Provided further*, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: *Provided further*, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: *Provided further*, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: *Provided further*, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: *Provided further*, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

SA 2510. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall improve the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to—

(1) respond to inquiries made by participating employers through the Internet to help confirm an individual's identity and determine whether the individual is authorized to be employed in the United States;

(2) maximize the reliability and ease of use of the basic pilot program by employers, while insulating and protecting the privacy and security of the underlying information;

(3) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed in the United States;

(4) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(5) allow for auditing the use of the system to detect fraud and identify theft, and to preserve the security of the information collected through the basic pilot program, including—

(A) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(B) the development and use of algorithms to detect misuse of the system by employers and employees; and

(C) the development of capabilities to detect anomalies in the use of the basic pilot program that may indicate potential fraud or misuse of the program.

(b) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of Homeland Security, in consultation with appropriate State and local officials, shall—

(1) ensure that State and local programs have sufficient access to the Federal Government's Employment Eligibility Verification System and ensure that such system has sufficient capacity to—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(2) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(c) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—In order to prevent identity theft, protect employees, and reduce the burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(1) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, identity theft, or affect the proper functioning of the basic pilot program;

(2) work to correct any errors identified under paragraph (1); and

(3) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(d) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the basic pilot program and the efficiency, accuracy, and security of such program.

(e) FUNDING.—Of the amounts appropriated for border security under section 1003, $60,000,000 shall be used to carry out this section, including the expansion and base operations of the Employment Eligibility Verification Basic Pilot Program.

SA 2511. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000 for the Department of Defense.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 shall be available for Operation Jump Start in order to maintain a significant durational force of

National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 2512. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 17, insert "*Provided further*, That of the total amount provided under this heading, at least $236,843,596 shall be used to increase, to the maximum extent possible, the number of detention beds available to accommodate aliens detained by the United States Border Patrol, and in acquiring such detention beds, the Secretary of Homeland Security shall consider the use of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).".

SA 2513. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit television systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security, Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SA 2514. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2638 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 22, beginning in line 17, strike "*Provided*," and insert "*Provided*, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*,".

SA 2515. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available to the U.S. Customs and Border Protection may be expended or obligated to compensate personnel in the position of Agricultural Specialist to perform work that is not related to agricultural inspection, agricultural pest interception, or other duties germane to the mission of agricultural inspection.

SA 2516. Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—Notwithstanding any provision in this Act, the President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

SA 2517. Mr. GRASSLEY (for himself, Mr. THUNE, Mr. VITTER, Mr. COBURN, Mr. CRAPO, Mr. HAGEL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 24, after "House of Representatives" insert "and any Member of

Congress representing any affected State or district''.

SA 2518. Mr. KYL (for himself, Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

SA 2519. Mr. OBAMA (for himself, Mr. COBURN, Mr. CASEY, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than 5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SA 2520. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DISASTER RELIEF FUND.

Notwithstanding any other provision of this Act, funds appropriated under this Act for the Disaster Relief Fund may only be used for programs and activities authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

SA 2521. Mr. ROBERTS (for himself and Ms. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.____. (a) In this section:

(1) The term "covered funds" means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term "professional municipal services" means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

SA 2522. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 536. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University shall be included as a member institution of such Center.

SA 2523. Mr. KERRY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.

(a) SHORT TITLE.—This section may be cited as the "Arts Require Timely Service Act" or the "ARTS Act".

(b) AMENDMENT.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "(D) Any person" and inserting the following:

"(D)(i) Except as provided under clause (ii), any person"; and

(B) by adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien who has extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

SA 2524. Mr. COLEMAN (for himself and Mr. ALLARD, Ms. KLOBUCHAR, and

Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ____. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 2525. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. EVACUATION AND SHELTERING.

(a) REGIONAL EVACUATION AND SHELTERING PLANS.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, States, local governments, and appropriate nongovernmental organizations, shall develop and submit to Congress, regional evacuation and sheltering plans that—

(A) are nationally coordinated;

(B) incorporate all appropriate modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus;

(C) clearly define the roles and responsibilities of Federal, State, and local governments in the evacuation plan; and

(D) identify regional and national shelters capable of housing evacuees and victims of an emergency or major disaster in any part of the United States.

(2) IMPLEMENTATION.—After developing the plans described in paragraph (1), the Administrator of the Federal Emergency Management Agency and the head of any Federal agency with responsibilities under those plans shall take necessary measures to be able to implement those plans, including conducting exercises under such plans as appropriate.

(b) NATIONAL SHELTERING DATABASE.—The Administrator of the Federal Emergency Management Agency, in coordination with States, local governments, and appropriate nongovernmental entities, shall develop a national database inventorying available shelters, that can be shared with States and local governments.

(c) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in consultation with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, shall conduct an analysis comparing the costs, benefits, and health and safety concerns of evacuating individuals with special needs during an emergency or major disaster, as compared to the costs, benefits, and safety concerns of sheltering such people in the area they are located when that emergency or major disaster occurs.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) areas with populations of not less than 20,000 individual needing medical assistance or lacking the ability to self evacuate;

(B) areas that do not have an all hazards resistance shelter; and

(C) the health and safety of individuals with special needs.

(3) TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall, as appropriate, provide technical assistance to States and local governments in developing and exercising evacuation and sheltering plans, which identify and use regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

(d) DEFINITIONS.—In this section, the terms "emergency" and "major disaster" have the meanings given those terms in section 102 of ther Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SA 2526. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert:

Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H-1B Visa Program.

SA 2527. Mrs. MURRAY (for Ms. LANDRIEU) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. IN-LIEU CONTRIBUTION.

The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, July 26, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to explore U.S. readiness for and the consumer impact of the nationwide transition from analog television broadcasting to digital television broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 26, 2007 at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Examining the Case for the California Waiver: An Update from EPA."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, July 26, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The hearing will focus on proposed efforts to improve the safety of the Nation's railroads through targeting highway-rail grade crossing safety, reducing employee hours of service and fatigue, and developing and using new rail safety technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance meet during the session of the Senate on Thursday, July 26, 2007, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to consider S. 1607, the "Currency Exchange Rate Oversight Reform Act of 2007," with a substitute amendment, and to consider favorably reporting pending nominees who have responded to all written questions and been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, 2007, at 9:30 a.m. to hold a hearing on Extraordinary Rendition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Thursday, July 26, 2007, at 2:30 p.m. to hold a hearing on the United Nations Human Rights Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, July 26, 2007 at 9:30 a.m. in SR-325. We will be considering the following:

Agenda

1. S. 625, Family Smoking Prevention and Tobacco Control Act
2. S. 1183, Christopher and Dana Reeve Paralysis Act
3. S. 579, Breast Cancer and Environmental Research Act of 2007
4. S. 898, Alzheimer's Breakthrough Act of 2007
5. S. 1858, Newborn Screening Saves Lives Act of 2007
6. The following nominations:

Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet Thursday, July 26, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim to be Director of the Indian Health Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President I ask uanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, July 26, 2007, at 10 a.m. in SD-226.

Agenda

I. Bills: S.——, School Safety and Law Enforcement Improvements Act (Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin); S. 453, Deceptive Practices and Voter Intimidation Prevention Act of 2007 (Obama, Schumer, Leahy, Cardin, Feingold, Feinstein, Kennedy, Whitehouse); and S. 1692, A bill to grant a Federal Charter to Korean War Veterans Association (Cardin, Isakson, Kennedy).

II. Nomination: Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

The PRESIDING OFFICER. Without objection,it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, July 26, 2007 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Jeffrey Watters, a fellow in Senator CANTWELL's office, be given floor privileges for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 30, 2007

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, July 30; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate resume consideration of the motion to proceed to H.R. 976, and that the time until 5:30 p.m. be equally divided and controlled between the Chair and ranking member of the Finance Committee or their designees; that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 976.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 30, 2007, at 2 P.M.

Mr. LIEBERMAN. Mr. President, if there is no further business this morning, I wish everyone within hearing a good morning and ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:29 a.m., adjourned until Monday, July 30, 2007, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 2007:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BENJAMIN ERIC SASSE, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MICHAEL O'GRADY, RESIGNED.

DEPARTMENT OF STATE

BARRY LEON WELLS, OF OHIO, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

EXTENSIONS OF REMARKS

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. LAMPSON. Madam Speaker, as you heard, Congresswoman BIGGERT and I had planned to offer an amendment today that would have designated $34 million for the National Center for Missing and Exploited Children. However, we weren't able to do so, because $34 million exceeds the Center's current authorization.

This gives me an opportunity to discuss the importance of the work of the National Center and the need for increasing funding for the Center.

Since its creation in 1984, the Center has played a critical role in locating and protecting children. The Center is a primary component of the Missing and Exploited Children's Program and employs over 300 employees at its Alexandria, VA headquarters and regional offices in California, Florida, Kansas, New York, and South Carolina. These regional offices provide case management and technical support in their geographic areas. An Austin, TX office is scheduled to open this summer.

The Center provides activities and services concerning (1) missing children, including those abducted to or from the United States; (2) exploited children; (3) training and technical assistance; (4) families of missing children; and (5) partnerships with State clearinghouses, the private sector, and children's organizations. In addition to funding through the missing and exploited children's program, the center is funded through contributions and the United States Secret Service, pursuant to Public Law 103–322.

As two of the four cochairs of the Congressional Missing and Exploited Children's Caucus, we hope that our colleagues will join us in cosponsoring H.R. 2517, the Protecting Our Children Comes First Act of 2007, to reauthorize the center from 2008 through 2013. Authorization for appropriations for the Center, under our bill, would increase from $20 million to $50 million, while funding for the Missing and Exploited Children program would remain constant.

Again, the importance of the work performed by folks at the National Center cannot be underestimated.

INTRODUCTION OF THE "ARAPAHO-ROOSEVELT NATIONAL FOREST LAND EXCHANGE ACT OF 2007"

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the "Arapaho-Roosevelt National Forests Land Exchange Act of 2007".

This bill will facilitate a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder, CO, between the Forest Service and the Sugar Loaf Fire District. The Fire District is seeking this exchange so that they can maintain and upgrade their fire stations serving the Sugar Loaf community and other nearby communities and properties—areas that are in the wildland/urban interface and thus at risk of wildfires. In fact, these fire stations serve the area that was burned in the Black Tiger Fire in 1989. That fire was the motivation for the Sugar Loaf community to invest more strongly in fire protection. The Fire District has grown a lot over the years, and will be celebrating its 40th anniversary this August.

The bill relates to two fire stations. Station 1 was acquired by the Fire District through an original mining claim under the 1872 mining laws. In 1967, a public meeting was held on this property to establish a fire district and modify the old school building on the site into a firehouse to hold a fire truck and other firefighting equipment. On May 14, 1969, the U.S. Forest Service approved a special use permit, which allowed the fire department to use both the firehouse and approximately 5 acres of the property under it. The special use permit was reissued on August 11, 1994, with a life of 10 years.

In 1970, the fire department applied for a special use permit to operate and maintain a second firehouse—station 2—on Sugar Loaf Road. The original permit was approved on in 1970, and had an expiration date of December 31, 1991. The permit boundary included 2 acres.

The special use permit issued in 1994 combined the two permits for stations 1 and 2 into one. The new permit for station 2 reduced the permit area to one acre, because the area of impact and existing improvements did not exceed one acre.

The Fire District entered into discussions with the Forest Service about a land swap. In August 1997, the Fire District filed an application to acquire the property under stations 1 and 2 pursuant to the Small Tracts Act (STA). The STA allows for transfers of small mineral fractions by the sale of property for market value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service's concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years, and, if they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the Arapaho-National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

Madam Speaker, this is a relatively minor bill but one that is important to the Fire District and the people it serves. I think it deserves enactment without unnecessary delay.

IN SPECIAL RECOGNITION OF JIM "BO" BOWMAN ON HIS RETIREMENT FROM THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to Mr. Jim "Bo" Bowman—a good friend to me and to many of our colleagues—who is retiring after nearly 50 years in various capacities at the United States Air Force Academy.

Jim Bowman's career and the history of the Air Force Academy athletics, in many ways, is one and the same. He has witnessed 49 graduating classes. During his tenure at the Air Force Academy, he has worked with 16 Superintendents, 22 Commandants of Cadets, 8 Deans of the Faculty, 8 Directors of Intercollegiate Athletics, 10 Directors of Admissions, and hundreds of coaches and assistant coaches.

Jim's contributions to our great country and to the preeminent Air Force in the world will be felt for decades to come, through the future accomplishments of more than 14,000 cadet student athletes who received appointments to the Academy with his assistance.

Service academy life is as difficult as it is rewarding. Four years of stringent academic work intertwined with the demands of intercollegiate athletic competition, followed by a 5 year service commitment can be an ominous choice for a high school student. Jim Bowman's mentorship began at first contact with these candidates. His honesty and integrity would not permit him to sugar-coat the challenge he offered to these young men and women.

As physical education instructor, as coach and as Associate Athletic Director, Jim Bowman used the discipline and competitive spirit of athletics to inspire character in the face of adversity, personal development, and ultimately, lives dedicated to national service.

Jim Bowman's positive impact on the lives of those who are privileged to know him cannot be overstated. His life's work is the embodiment of the Air Force core values of: Integrity first, Service before self, and Excellence in all we do.

Madam Speaker, few people can claim the title of "legend." Jim Bowman's work in identifying, mentoring and encouraging the past, present and future leaders of the United States Air Force has earned him that title for as long as Air Force Academy cadets engage in intercollegiate athletic competition.

I ask each of my colleagues to join me in wishing Jim and his wonderful wife, Mae, many years of good health and much happiness as they begin this exciting new chapter in the their lives together.

INTRODUCTION OF THE WHISTLEBLOWER RECOVERY ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Whistleblower Recovery Act of 2007.

This bill is in response to a recent U.S. Supreme Court decision involving a claim under the False Claims Act by Mr. James Stone, who had worked at Rocky Flats when that Colorado site was a nuclear weapons facility of the Department of Energy.

The decision not only denied his claim but also interpreted the law in a way that had the effect of narrowing the definition of potential "whistleblowers." To correct this narrow interpretation, this bill would make it clear that potential "whistleblowers" can include those who divulge knowledge of an alleged wrongdoing—even though such a whistleblower may not have had knowledge of the direct way in which the wrongdoing progressed—as long as the "whistleblower" disclosed the allegation and that the wrongdoing would not have been discovered and fines assessed were it not for the disclosure of the whistleblower.

The False Claims Act, codified in title 31, United States Code, was established to encourage the disclosure of wrongdoing by Federal agencies or those contracting with or otherwise working on behalf of Federal agencies by allowing so-called "whistleblowers" to recover a portion of any awards recovered from judicial proceedings from such disclosures.

On March 27, 2007, the United States Supreme Court, in Rockwell International Corp. v. United States, ruled Mr. Stone, a former employee at the Rocky Flats nuclear weapons plant of the United States Department of Energy, was not entitled to recovery under the False Claims Act regarding the failure of a component of the cleanup of this site.

The Court found that even though Mr. Stone was an "independent source" of allegations regarding the failure of the cleanup activity—and of the public disclosure of those allegations—he could not recover because he did not have direct knowledge of the precise way that the failure occurred and was determined at trial. As a result, the Court concluded that it did not have jurisdiction to determine whether Mr. Stone was entitled to recovery.

The Court's ruling may have the undesired effect of discouraging "whistleblowers", as it could make it harder for them to gain access to the Court in order to prove that they may be entitled to recovery as an "original source" under the False Claims Act. By requiring that purported "whistleblowers" must know of the precise way in which an allegation or transaction of wrongdoing occurs, the Court set a high and potentially insurmountable hurdle for "whistleblowers" to meet.

In the best interest of public policy—and to encourage people to come forward and disclose allegations of wrongdoing—it's necessary to make it clear that "whistleblowers" need only have direct knowledge of the public disclosure of the allegations or transactions and not of the precise way in which the wrongdoing occurs.

In other words, if an action would not have been brought and an award granted under the False Claims Act but for the public disclosures of the "whistleblower," that "whistleblower" should be allowed an award under the False Claims Act.

Madam Speaker, this bill cannot help Mr. Stone. Not only did he lose his legal effort to recover as a "whistleblower," regrettably, he died shortly after the Supreme Court issued its decision in his case. A short obituary from the Rocky Mountain News appears below.

But the bill's purpose is to properly respect and encourage the efforts of "whistleblowers" like Mr. Stone who call out possible fraud, waste and abuse of taxpayer money. We should not find ways to keep them from the courthouse door, but rather should find ways to keep that door open—and even responsibly widen it—so that "whistleblowers" can have their day in court and seek the compensation they deserve. This bill will help in that regard, and it is a fitting way to remember and honor the courageous efforts of Mr. Stone and others like him.

[From the Rocky Mountain News, Apr. 12, 2007]

ROCKY FLATS WHISTLE-BLOWER DIES AT 82

JAMES STONE RECENTLY LOST BID FOR $1 MILLION

(By Laura Frank and Ann Imse)

James Stone was an engineer to the core. And that made it impossible for him to leave a problem until it was solved.

His hardscrabble life in a Depression-era orphanage and his hard-won engineering degree led to his career-defining challenge: Being the chief whistle-blower on environmental crimes at the Rocky Flats nuclear weapons site near Denver.

"He would work on a problem round the clock," son Bob said. "That's what got him in trouble at Rocky Flats. He wanted to solve the problems, not ignore them."

Stone, who suffered from Alzheimer's, died Wednesday at the Julia Temple Center in Englewood. He was 82.

Stone, who worked at Rocky Flats from 1980 to 1986, was the first Flats insider to go to the FBI with details of the radioactive pollution released by the site contractor, Rockwell International.

Rockwell pleaded guilty to 10 environmental crimes and paid $18.5 million in fines.

Stone filed a whistle-blower fraud case against Rockwell and won $4.2 million in damages for the federal government. Just two weeks ago, after an 18-year fight, the U.S. Supreme Court denied him a $1 million share in those damages.

"He died with nothing more than the clothes on his back and the love of his family and friends," Bob Stone said. "I know if he had it to do all over again, even knowing how it turned out, he would have done it just the same."

Stone was born in 1924. His parents couldn't afford to keep him during the Depression, his son said, so he went to a Catholic orphanage in St. Louis. As a young teen, a family with a coal business took him in.

Barred from World War II because of a hearing problem, he worked on engineering jobs in Alaska, on the Air Force Academy chapel and on the Brown Palace heating system. He worked on missile silos in Idaho and Wyoming, and surveyed a pipeline across Greenland. He also invented a sewage treatment system for rural mountain homes and a municipal trash incinerator.

Stone helped design Rocky Flats before it opened in 1952, and he warned against the location "because Denver was downwind a few miles away," said his longtime attorney and friend Hartley Alley.

Jon Lipsky, the FBI agent who led the 1989 raid on Rocky Flats, said Stone "was the first one who worked at the plant to talk to me."

Stone's job was to identify problems at the plant and recommend solutions. So he was able to give the FBI a road map, Alley said.

Alley said Stone was the source of a key allegation in the FBI search warrant—that Rockwell was incinerating radioactive waste in secret at night. That charge was dropped when Rockwell settled the criminal case, and prosecutors said it wasn't true. But Alley says he had two other clients who witnessed it.

Stone's motivation for filing the whistleblower lawsuit in 1989 was patriotic, Alley said. "He felt the people who operated Rocky Flats in the 1980s were guilty of treason" by building nuclear weapons that wouldn't explode, Alley said.

In the fraud suit, Stone alleged that Rockwell was defrauding the government by taking money for building faulty weapons while polluting the environment. Proving faulty production was impossible because the evidence was classified, Alley said.

Jim Stone "wasn't afraid of jumping into anything," his son said. "The world is a better place with people like him."

Stone is survived by his wife Virginia, sons Bob, of Lakewood, and Randy, of Wheat Ridge, five grandchildren and 13 great-grandchildren. He was preceded in death by his eldest son, James Stone Jr.

TRIBUTE TO BRUNA MICHAUX

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Bruna Michaux for her 43 years of service to the City of Buffalo. Ms. Michaux has provided exemplary service to the city and has consistently demonstrated leadership and notable dedication and professionalism to the Department of Assessment and Taxation.

I would like to briefly touch on the many areas of service that Bruna has been involved with since she was hired by the city in 1964 as a stenographer in the audit department. As a senior tax administrator from 1977 to 1987, she initiated and implemented significant changes to the internal structure of the Tax Division that have ultimately resulted in improved service to the public.

Bruna always fulfilled her duties with integrity and upheld standards in the community. After urging city officials that Buffalo wasn't holding property owners responsible for unpaid taxes, Bruna was able to take part in the creation of the city's first property foreclosure auction in March 1981. This accomplishment greatly helped to facilitate and increase tax collections. Five years later in 1986, Bruna had an integral role in getting the city committed to a reassessment process that mandates each parcel is reviewed every 6 years. The reassessment process corrects inequities in tax assessments.

Bruna also served as director of parking enforcement from 1987 until 1994, a position that her father had held years earlier. As in all other roles, Bruna held the position with dignity and commitment.

Ms. Michaux eventually returned to the Department of Assessment and Taxation in January of 1994. In 2003, she was named commissioner, and since then has continued to promote public trust and maintain the professionalism and integrity of the department.

Madam Speaker, I am proud to say that the City of Buffalo is a better place thanks to the years of selfless commitment and sense of justice brought forth by Bruna Michaux. I ask that you join me in applauding Bruna for her great accomplishments while serving the City and wish her the best of luck in her retirement.

LIVING WORD MINISTRIES INTERNATIONAL

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize the significant contributions made by the Living Word Ministries International Church under the leadership of Bishop John Brannon to the Colorado Springs community. As they near their 4-year anniversary on August 27, 2007, I commend Bishop Brannon and his congregation for their courageous and tireless efforts to reach all of God's people and provide for them the skills to likewise teach others about the life-altering power of the Gospel.

As a non-denominational church, Living Word Ministries International, LWMI, is devoted to bridging the gaps that keep God's people separate and alienated from one another. Through scriptural study, comprehensive prayer, dynamic worship, and focused group ministries, LWMI has successfully created a body of believers capable of reaching the un-churched in the Colorado Springs region and beyond. Currently, Brannon's church is involved in missions in more than seven States and four foreign countries. This is truly a church without walls.

They also seek to provide a comfortable and functional location for the base of their ministries and their weekly church services. On July 22, my wife and I had the privilege of attending the dedication ceremony for their new church building. I was touched and impressed by the sincerity of their efforts to reach ever higher toward the glory of God.

Today, I offer my sincere congratulations to LWMI for all they have achieved since 2003 to the benefit of my constituents in Colorado Springs. I trust and pray that their ministry will only continue to expand in size and effectiveness over the years to come so that they may share their joy and passion with even more of our local and global community.

TRIBUTE TO AMHERST POLICE CHIEF JOHN J. MOSLOW, JR.

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation I rise today to honor a dedicated and highly respected law enforcement officer who for more than 32 years steadfastly served and protected the people of Amherst, NY.

Amherst Police Chief John J. Moslow Jr. has led a life deeply committed to service, to justice, to making his community a better place. In charge of the region's largest suburban police force for 8 years, Chief Moslow rolled up countless accomplishments, winning awards for his law enforcement initiatives and accolades for his deft management of high-profile cases. But more than awards and accolades can attest, during his 32 years on the force Chief Moslow has earned the utmost respect of area leaders, local officials and his fellow officers. With his straightforward and effective leadership, Chief Moslow indeed has left the Amherst Police Department stronger than he found it.

Chief Moslow joined the department in 1975 shortly after serving his country in another capacity, as a soldier in the Vietnam War. After serving as patrolman for 6 years, Chief Moslow began his steady rise in the force when he was promoted to patrol lieutenant in 1981. Known for his discipline and professionalism, Chief Moslow was made captain starting in 1989, serving in several different capacities for 10 years before being promoted to chief in 1999.

During his tenure, Chief Moslow led the department through times of unprecedented challenges and met each one head on. Whether it was adapting to the new security realities of a post-September 11th world or responding to surprise snowstorms, Chief Moslow took decisive action and improved the performance of his department every step of the way. His long list of achievements include the department's increased community police presence, investments in new crime-fighting and life-saving technology, the implementation of a new community emergency notification system and the establishment of the Amherst Police Foundation. Also on Chief Moslow's watch, every murder case was solved, each murderer at large taken off the streets, each one brought to justice. As he goes on to serve as Chief of Security of the Eighth Judicial District, serving Western New York's courts, Chief Moslow's legacy in Amherst will certainly live on.

Thus, Madam Speaker, in recognition of his tremendous service for more than 32 years to the people of Amherst, NY, for his leadership, his dedication and the lasting legacy he leaves, I ask this Honorable Body join me in honoring Chief John J. Moslow Jr.

INTRODUCTION OF BILL ALLOWING AMERICAN PARTICIPATION IN CUBAN ENERGY EXPLORATION PROJECTS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to permit Americans and American companies to take part in exploring for and development of energy resources offshore of Cuba and other nearby countries.

The bill would make an exception to all laws, Executive Orders, and regulations that now prohibit exports to or imports from Cuba or transactions in property in which a Cuban national has an interest. This exception would apply to transactions necessary for the exploration for and development of hydrocarbon resources—such as petroleum or natural gas—from offshore areas under the control of Cuba or another foreign government that are contiguous to the exclusive economic zone of the United States. The bill would also permit Americans to travel to, from, and within Cuba in connection with such exploration and development activities.

Madam Speaker, since coming to Congress I have supported efforts to relax some of the unduly restrictive laws and policies that prevent American companies from doing business in Cuba. The legislation I am introducing today would continue those efforts.

It responds to a U.S. Geological Survey report published last year that estimates some 4.6 billion barrels of oil and 9.8 trillion cubic feet of natural gas could lie offshore from Cuba, in the North Cuba Basin.

Cuba's share of the Gulf of Mexico was established in 1977 through treaties with the United States and Mexico. So there is no dispute about the status of the area, and it is my understanding that Cuba has divided its offshore territory into 59 exploration blocs and opened them up to foreign companies in 1999. Already, several foreign companies have indicated interest in some of these blocs, including a Canadian firm as well as companies from China and Venezuela.

However, our trade embargo continues to prevent American companies from seeking similar opportunities. I think this makes no sense, and the bill I am introducing today would change that. Under the bill, the only restriction would be that any exploration or development by an American company offshore from Cuba would be subject to the same conditions for protection of fish, wildlife, and the environment as would be the case if the activities were carried out in the parts of the outer continental shelf under the control of the United States.

Madam Speaker, I am not in favor of unlimited development of oil and gas wherever those resources may be found. In our country, I think some areas should remain off-limits to such activities, and that in some other areas it should be subject to restrictions to protect other resources and values. And if Congress were called to make similar decisions about resources in areas controlled by Cuba I well might support similar restrictions for the offshore areas the government of Cuba has decided to make available for exploration and development.

But I think that once the government of Cuba has made that decision, our Government should not insist on preventing American companies from seeking the opportunity to take part in those activities—especially since the American energy industry is unrivalled for its technical expertise and its ability to meet the technical challenges involved. My legislation would allow them to seek that opportunity.

HONORING THE MOSES AND AARON FOUNDATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. SHAYS. Madam Speaker, I want to recognize the Moses and Aaron Foundation, an organization committed to special needs children and their families. The Foundation's significant and enduring efforts, under the direction of the president, Rabbi Yaacov Kaploun, and Executive Vice President Yehuda Kaploun, deserve the highest praise, as do the philanthropists who have given so much of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children, an all-volunteer organization, is dedicated to assisting children with disabilities and their families with a wide range of programs, including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions; collects, purchases, and distributes clothing for children in need; provides presents to those children at holiday time or when hospitalized.

In cooperation with Bally's Fitness Centers, the Foundation has been able to establish physical fitness and therapy centers. It has also arranged for sound and musical equipment in other institutions.

On July 28, 2007, at the Sullivan County Community College in Lock Sheldrake, New York, the Moses and Aaron Foundation, under the honorary chairmanship of Nobel Laureate Elie Wiesel, will sponsor its 11th Summer "Chazak-Strength" Concert honoring and paying tribute to special and outstanding children and their families. The guests of honor will be the special and outstanding children, many of whom will perform with the entertainers on stage. More than 40 organizations and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I commend the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in our society.

TRIBUTE TO SERGEANT JACOB S. SCHMUECKER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise today in remembrance of SGT Jacob S. Schmuecker, an Atkinson, Nebraska, native who lost his life on July 21 in Balad, Iraq, in support of Operation Iraqi Freedom.

Sergeant Schmuecker, assigned to Nebraska's National Guard's 755th Chemical Reconnaissance/Decontamination Company, died when his military vehicle was struck by a roadside bomb.

This young man represented some of the best qualities of Nebraska, and our State mourns his loss.

Sergeant Schmuecker has been described as "calm, cool, and collected"—a man who answered the call of duty and served honorably. His loss will be felt not only by the men in his unit, but in Nebraska where he leaves behind his wife and three young children.

My prayers and condolences go out to Sergeant Schmuecker's family and friends who feel the loss of this brave man. He will be missed.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. BROWN of South Carolina. Madam Speaker, on Tuesday, July 24, 2007, I was with the President in my district visiting our troops at Charleston Air Force Base. As such, I missed several votes related to the Transportation Housing Appropriations Bill. Had I been present, I would have voted as follows: rollcall 691, Mica Amendment, "yes"; rollcall 692, Bachmann Amendment, "no"; rollcall 693, Flake Amendment, "no"; rollcall 694, Flake Amendment, "no"; rollcall 695, Chabot Amendment, "yes."

Should you have any questions, please contact my Washington office.

TRIBUTE TO FLORIDA STATE REPRESENTATIVE MIKE DAVIS UPON HIS RETIREMENT

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. MACK. Madam Speaker, I rise today to honor one of Florida's most outstanding public servants, State Representative Mike Davis (R-

Naples), who is retiring after an exceptional career.

Mike was first elected to the Florida Legislature in 2002, and from the first time I met him, I knew he'd be a great leader. Mike is one of the hardest-working people I know and his enthusiasm and passion for serving the community is inspiring. Mike's the type of elected official that all of us in public service strive to be—accessible, dedicated, and effective.

I've known Mike for over 5 years and had the opportunity to serve in the Florida Legislature with him. He is one of the most talented and committed representatives. He truly represents the ideals of our region and has worked tirelessly behind the scenes to make Southwest Florida a great place to live, work and visit.

Southwest Florida has experienced tremendous growth over the last several decades, and Mike understands the importance of ensuring that we have an infrastructure that can support this growth. As Chairman of the Infrastructure Committee, Mike successfully fought to improve our regional transportation system, pushed for growth management solutions, and worked to ensure that our airports are safe and reliable. He's also worked to make housing more affordable for Floridians.

Of course, Mike's public service does not end with his stint in the Legislature. Mike's held countless positions on numerous civic and charitable organizations throughout Southwest Florida. He's the type of person who believes in giving back to his community tenfold and has done just that. From working with Boy Scout Troop 225, to serving as President of the Naples chapter of the Rotary Club, to volunteering with Hospice of Naples—he's left an indelible mark on your community.

I'd also like to recognize Mike's wife, Patricia, and his 2 children, Christian and Natasha, for their support during his public service—I know he couldn't have accomplished so much without their love and support.

Madam Speaker, Southwest Florida is better off today because of Mike Davis' tireless work. I wish Mike and his family all the best.

HONORING PASTOR CLARENCE SEXTON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. DUNCAN. Madam Speaker, on August 26, many people from East Tennessee and others from around the Nation will join together to honor Dr. Clarence Sexton on his 40th anniversary in Christian ministry.

Clarence Sexton is one of the finest men I have ever known. Through his work, he has touched thousands of lives in good and positive ways.

He has a heart for service and has shown simple human kindness to countless numbers of people. This world is a better place and many have been saved because of the life Clarence Sexton has led.

The most successful people in the world try some projects that do not go well or even some that fail. But the most important thing is that they never stop trying.

Clarence Sexton is one of the most successful men I know. He is what I call a mover and a shaker, and he would have been a great success in almost anything to which he devoted his tremendous enthusiasm and work ethic.

But God directed him to the Christian ministry, and God has done great and wondrous things through his servant Clarence Sexton.

Temple Baptist Church is now one of the greatest churches in this Nation, But I am even more impressed by the work of Crown College, of which Dr. Sexton is Founder and President, and its many outstanding students and graduates.

I am fortunate that I can call Pastor Clarence Sexton my friend, as he also is to so many others. I want to congratulate him on his 40 years in the ministry, and I know he will continue to do great things in the years ahead.

This Nation needs more men like Reverend Clarence Sexton, of the great Temple Baptist Church in Powell, Tennessee.

IN HONOR OF ROBERT C. HOLTON, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Robert C. Holton, Sr., of Grady County, Georgia, whose achievements merit our recognition. He is recognized for his 53 years of service to his family, church, and his community.

The residents of Grady County, Georgia, should be proud to have called Holton a neighbor and a friend. Robert C. Holton, Sr., was born on April 30, 1943, to Mrs. Goodie Bell Williams Holton and the late Mr. Henry Holton, Sr. In following the tradition of his parents, Holton tirelessly served God through Jerusalem P.B. Church, which later became Mt. Zion P.B. Holton. For 53 years, Holton served as a deacon and trustee. After graduation, Holton attended Monroe Area Vocational Technical School in Albany, Georgia, where he received a certificate in general auto mechanics.

Far too many stories are told about the elite and their charity; however, today I would like to recognize the story of an ordinary man who gave extraordinarily of himself. It was in Grady County, Georgia, where Holton began his unprecedented commitment to his immediate community. As the founder of Vision & Wisdom and Family Homes Building, Inc., Holton provided affordable housing to needy families. However, this was not enough for Holton, Sr., as he committed 22 years to the chairmanship of the Francis Western YMCA. Also, Holton served in the Thomasville/Thomas County Chamber of Commerce for over 20 years.

Unfortunately, Holton's tragic death came as a shock; he died during an automobile accident on his usual weekend trip. So on this 26th of July, I commend Robert C. Holton, Sr. for his tangible commitments to the State of Georgia. May his work ethic and commitment continue to define our State.

IN RECOGNITION OF PFC JAMES J. HARRELSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ROGERS of Alabama. Madam Speaker, Private First Class James J. Harrelson, age 19, a native of Dadeville, Alabama, was killed on July 17, 2007, in Baghdad. PFC Harrelson was assigned to B Company, 2nd Battalion, 16th Infantry Regiment, 1st Infantry Division based in Fort Riley, Kansas.

PFC Harrelson was a graduate of Dadeville High School, where he was a member of the student council and a talented athlete. He had been serving in Iraq since May of this year.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Pvt. Harrelson, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, like those who have served before him, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our nation. Thank you, for the House's remembrance at this mournful occasion.

RECOGNIZING G. KEITH AND WANDA SHUPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize two outstanding constituents of Missouri's Sixth Congressional District: G. Keith and Wanda Shupe of Stanberry, Missouri. Keith and Wanda will celebrate their 50th Wedding Anniversary on July 27, 2007.

Keith and Wanda were married on July 27, 1957 at the Francis Street First United Methodist Church in St. Joseph, MO by the Reverend Powell. They have two children, Tim Shupe of Stanberry, MO and Jackie Shupe of Columbia, MO. They also have two grandchildren, Derek Shupe of St. Croix, VI, and Brooke Shupe of Washington, DC.

Keith and Wanda Shupe have been outstanding citizens of Gentry County and Northwest Missouri for the past 50 years. Keith is a semi-retired farmer from a third generation family farm and Wanda is a retired hairdresser and office manager for the Tenorio's Doctors office in Albany, MO. Keith and Wanda have been lifetime supporters of the Republican Party within the 6th district and across Missouri. Wanda is currently a member of the Missouri Federation of Republican Women and serves as treasurer for the 6th district Republican Congressional Committee.

Madam Speaker, I proudly ask you to join me in recognizing Keith and Wanda Shupe. Their marriage of 50 years is inspirational, and I am honored to represent them in the Congress.

RECOGNIZING THE HONORABLE R.L. LEWIS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to recognize Mr. R.L. Lewis for 23 years of dedicated public service. Mr. Lewis, a member of the Milton City Council, is a highly-regarded figure whose contributions to the advancement of the city of Milton are immeasurable.

A native of northwest Florida, R.L. is the son of R.V. and Louise Lewis. After graduating from T.R. Jackson High School in 1957, R.L. attended Pensacola Junior College and later went on to serve in the United States Army for 2 years. When R.L. returned to Milton, he began his career with a local division of Monsanto Company, a multinational agricultural biotechnology corporation, from which he retired in 1995.

In addition to being the first African American to serve on the Florida Highway Patrol Auxiliary in northwest Florida in 1972, R.L. was also the first to serve on the Milton City Council. He was first elected in 1984 and has been reelected in every subsequent election.

As city councilman, R.L. currently serves as the chairman of the Public Works Committee and a member of both the Parks and Recreation Committee and the Insurance Committee. For the past 40 years, he has been employed as a funeral advisor with Lewis Funeral Home. He also serves as chairman of the deacon board at Mt. Zion Primitive Baptist Church and chairman of Milton-Keyser Cemetery Committee.

Through his leadership and dedication, R.L. has honorably and spiritually served the northwest Florida community. He is a longtime member of the NAACP and former member of numerous other church and civic organizations. These include: West Florida Planning Board, Islam Shrine Temple No. 182, Florida League of Cities Nominating Committee, and Review Board for Law Enforcement.

Despite all of his professional success, R.L. would be the first to say he would not have accomplished so much without the support of his loving wife, Paulette Larkins Lewis.

Madam Speaker, I would like to offer my sincere congratulations to a man who has served as a role model to us all, a true servant to the Milton community. I am thankful for his exemplary service and leadership in northwest Florida and recognize him for 23 years of dedicated public service on the Milton City Council.

RECOGNIZING THE THIRD ANNIVERSARY OF HOUSE CONCURRENT RESOLUTION 467 DECLARING GENOCIDE IN THE DARFUR REGION OF SUDAN

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FRANKS of Arizona. Madam Speaker, three years after the U.S. Congress passed a resolution officially recognizing the genocide in Darfur, the crisis continues today unabated. We continue to hear credible reports of armed attacks on aid workers, food convoys, and civilians by the government-supported Janjaweed militia. While assistance from UN troops is critical given the limited African Union resources, President Bashir has prevented such assistance from taking place. Madam Speaker, with 2.5 million people murdered in Southern Sudan, 450,000 killed in the Darfur region, 35,000 women and children enslaved, more than 270,000 refugees, and four million people internally displaced as a result of the policy of genocide, the regime of President Bashir must be held accountable.

As we commemorate the third anniversary of this resolution, let us not forget that this crisis is only part of a larger policy of the government led by Omar al Bashir that has been ongoing for over twenty years. This policy of arabization and islamization began with the Bashir government's war against the people of the South, which spread into Darfur, and is now moving into the Nuba Mountains.

Madam Speaker, the Bashir government has shown blatant disregard for implementing the Comprehensive Peace Agreement (CPA) which ended their civil war against the South, providing only more evidence that they do not take peace seriously and cannot be negotiated with. If the CPA fails, I have no doubt that the Bashir government will not only completely wipe out the people of Darfur, but every other part of Sudan that does not fit into their racist and inhuman agenda for the country. Madam Speaker, this corrupt and merciless regime has absolutely no regard for the intrinsic value of innocent human life, and it must be held to account if there is to be any hope for lasting peace in Sudan.

Madam Speaker, the U.S. Government has taken the leading role in resolving the conflict in Sudan, from negotiating the end of the civil war to providing more humanitarian aid than any other country, and calling the international community to seriously address the genocide in Darfur. However, without support from China which now has significant oil interests in Sudan, and from other UN and Arab League member states that refuse to hold Bashir responsible for his policies of genocide, the crisis cannot be resolved.

Today, Madam Speaker, as we once again commemorate the resolution declaring the horrific atrocities continuing to occur in Sudan, may we resolve to do everything in our ability to hasten the day when the sunlight of freedom shines on every one of those precious human souls.

P.T. WRIGHT AND US-VISIT

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. McCAUL of Texas. Madam Speaker, I rise today to recognize an extraordinary leader, public servant and person, Mr. Phlemon Thomas Wright, known to his friends as "P.T." After 34 years of outstanding service to the American people, P.T., currently the acting deputy director of the Department of Homeland Security's (DHS) US-VISIT program, is retiring from the Federal Government.

P.T.'s retirement is a great loss to DHS. At the same time, his many years of dedicated service are a true testament to his commitment to protecting our country.

His most recent work with the US-VISIT program has made this initiative one of the great successes in our efforts to strengthen American homeland security. It is now the world's most innovative and integrated biometrics-based program. This is in no small part due to leaders like Mr. Wright. Through his oversight and management of day-to-day operations, the program remained focused on accomplishing its overall mission objectives and successfully deployed biometric screening capabilities to all U.S. air, sea and land border ports of entry.

US SIT's operational success has depended in large part on the program's ability to educate international travelers. When the program began, there was great concern about the potential effects that this biometric screening would have on the flow of travel into our country. Now, because of the program's success and the outreach of leaders like P.T., many who were early critics are now ardent supports of the program.

Mr. Wright understood that active engagement with border stakeholders was critical in creating a foundation of trust and familiarity upon which to build positive long-term relationships. He tirelessly traveled Southwest border communities, including many in the Lone Star State, to inform and educate border constituents as US-VISIT expanded to cover a wide array of border management developments and initiatives. P.T.'s in-depth knowledge of the land border environment made him a credible voice. His candor and conviction won him respect with border community leaders. And most importantly, P.T. gave border communities a voice in Washington as US-VISIT rolled out.

In addition to his outreach efforts along our borders, P.T. has traveled across the world to demonstrate the advantages of biometrics as a powerful tool to improve the integrity of our immigration and border management system, to make us safer, and to facilitate legitimate travel and trade. Thanks to leaders like P.T., US-VISIT is on a path to continue to be a world leader in the innovative use of biometrics for identity management, transforming the world into a place in which legitimate international travel is convenient, predictable and secure, and frankly difficult, unpredictable and intimidating for those traveling for the wrong reasons.

P.T. Wright began his career with the former U.S. Customs Service in 1973, and he has served with distinction in a number of key positions at the Departments of the Treasury and Homeland Security. In his management roles with U.S. Customs and Border Protection in Dallas/Fort Worth, Texas; El Paso, Texas; Nogales, Arizona; and Washington, DC, P.T. was intricately involved in the development of customs policies for cargo examination and processing, drug interdiction and traveler processing.

It is fitting that P.T.'s accomplishments and leadership were recognized last year with the prestigious Presidential Rank Award for Meritorious Executive for his extraordinary contributions to our Nation's welfare and security during his extensive U.S. border management career.

Mr. Wright has done more than manage government operations successfully; he has become beloved by his colleagues within US-VISIT and throughout the Federal Government. His sincerity, infectious sense of humor, and leadership will be missed. He leaves some big, Texas-sized shoes behind to be filled. I commend P.T for his commitment to excellence and his dedication to our country, and wish him the best in his future endeavors.

INTRODUCTION OF H.R. 3188

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to introduce legislation that will correct an inequity in our welfare system. Under the current system, married couples enrolled in the Temporary Assistance for Needy Families program face a penalty simply because they are married. My legislation, the TANF Marriage Penalty Elimination Act, would require that all families are treated equally.

Madam Speaker, while the welfare reforms enacted in 1996 were by and large a tremendous success, they included an unintended consequence that my legislation seeks to correct.

Under current law, States receive block grant funding to help low-income parents train for and find jobs. The States are required to engage 50 percent of single-parent families, but 90 percent of two-parent families.

This law unintentionally discourages our society's most basic institution of marriage. My legislation would require that States engage 50 percent of all families on welfare in work preparation programs, eliminating the two-parent work rate that today constitutes a marriage penalty.

My legislation follows previous bi-partisan efforts to eliminate the separate and higher two-parent work rate for welfare. In each welfare reform reauthorization bill passed by this House in recent years, language eliminating this marriage penalty was included. Democratic versions of this legislation included the same provision. But for technical reasons, this provision was not included in the welfare reform reauthorization legislation that the President signed into law in 2006 as part of the Deficit Reduction Act. The National Governors' Association and the Administration have expressed support for ending the higher two-parent work rate, as this bill would do.

I urge my colleagues to support this legislation which would allow all States to provide more consistent and effective services to all families on welfare without the unintended penalties imposed on married couples.

PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY'S BROADCAST WARNING DESK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. VAN HOLLEN. Madam Speaker, August 19, 2007, will mark 100 years since the U.S. Navy Hydrographic Office issued its first broadcast of a navigational warning. This event began its mission of broadcasting information concerning hazards to navigation to ships at sea during an age when limited communication methods and the lack of an international system made receiving this information difficult. In recognition of this 100th anniversary of broadcasting safety of navigation information, we honor all who have contributed to broadcasting maritime safety information.

On April 14, 1912, the sinking of the *Titanic* focused the world's attention on navigation safety at sea. Following this tragedy, an international committee was formed to which the U.S. Navy Hydrographic Office became a major contributor. This committee monitored ice conditions along the major Europe-to-America shipping routes, established specific lifeboat capacity for passengers, and most importantly, mandated that all vessels at sea maintain a 24-hour radio watch. In 1921, the U.S. Navy Hydrographic Office began broadcasting navigational safety warnings worldwide for all commercial and military shipping.

In 1977, the International Hydrographic Organization and the International Maritime Organization established the World-Wide Navigational Warning Service, WWNWS, to coordinate global radio broadcast service for information about hazards to navigation that might endanger international shipping. The WWNWS divided the world into 16 Navigation Warning Areas. The United States has been designated the coordinator for the two areas along the Atlantic and Pacific Coast. As the responsible WWNWS coordinator on behalf of the United States, the National Geospatial-Intelligence Agency, NGA, headquartered in Bethesda, MD, annually processes over 130,000 messages, guaranteeing the continuous operation of the WWNWS for the world's ships.

On this 100th anniversary, we recognize the importance of maritime safety information and the NGA for supporting safety of life at sea through the broadcast of navigational warnings. We also recognize the men and women of the NGA who carry on this legacy today.

HONORING STEVEN FIRESTEIN AND KIDS CANCER CONNECTION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to Steven Firestein and Kids Cancer Connection and the American Cancer Fund for Children for the tireless work that they do on behalf of children suffering from cancer.

Los Angeles Mayor Antonio Villaraigosa proclaimed the week of December 11, 2006 as "Childhood Cancer Awareness Week" in the city of Los Angeles, and since then, many other cities have done the same. I am pleased to join Mayor Villaraigosa and Santa Barbara Mayor Marty Blum in thanking Steven Firestein, the founder of American Cancer Fund for Children and its sister organization, Kids Cancer Connection, for his hard work and dedication in assisting children and their families fighting cancer.

For over a decade, Steven has been providing critical services to children undergoing cancer treatments at many hospitals, including Santa Barbara Cottage Hospital in my Congressional District. American Cancer Fund for Children provides hand-made caps for children following the trauma of chemotherapy, surgery and radiation. The American Cancer Fund for Children also sponsors Courageous Kid award ceremonies and hospital celebrations in recognition of each child's bravery and determination in his or her struggle against cancer. I have been privileged to participate in these moving ceremonies and I can say that they have a significant impact on the patients and their families.

As a nurse and as Co-Chair of the House Cancer Caucus, I understand firsthand the trauma that these children and their families suffer. I am so pleased to work with Steven as he dedicates countless hours of his time to bettering the lives of so many. He is a tireless advocate and greatly deserves recognition for his efforts. I hope that you will join me in recognizing this generous volunteer.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. SMITH of Washington. Madam Speaker, for the record, during consideration of H.R. 3093 on rollcall 733, I voted "no", and meant to vote "aye."

TRIBUTE TO RALPH NAPPI AND THE MAKE-A-WISH FOUNDATION OF THE MID-ATLANTIC REGION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. VAN HOLLEN. Madam Speaker, there are few who are not familiar with the wonderful work of the Make-A-Wish-Foundation of the Mid-Atlantic, Inc.—a non-profit organization that fulfills the wishes of children with life-threatening medical conditions to enrich their lives with hope, strength and joy. One of the most successful Make-A-Wish chapters in the country, the Mid-Atlantic Chapter, is headquartered in my congressional district, in Kensington, Maryland.

The gentleman most responsible for this remarkable success—the Mid-Atlantic Chapter's

President and CEO for 17 of its 24 years, Mr. Ralph Nappi—is retiring this month.

During Ralph's tenure, the Foundation has grown from fulfilling 40 wishes a year to more than 400, having a significant impact on the lives of children in Maryland, Washington, DC, Northern Virginia and Delaware. Ralph has set a standard of excellence that is a model for the other 71 chapters across the U.S. and the 28 around the world.

Founded in 1983, the Make-A-Wish Foundation of the Mid-Atlantic, Inc. has fulfilled the wishes of more than 5,600 children fighting illnesses such as cancer, pediatric AIDS, cystic fibrosis, Duchene's muscular dystrophy and heart disease. Remarkably, it has granted the wish of every courageous child referred to it since its founding. Nationally, the Make-A-Wish Foundation has granted the wishes of 150,743 children—granting one wish every 41 minutes.

A wish fulfilled creates a memorable experience for a child fighting a life-threatening medical condition and gives that child something wonderful to focus on rather than on medical treatments and hospital visits. Recent wishes granted by the Mid-Atlantic chapter include visiting Walt Disney World, taking a family vacation to Australia, receiving a home computer, having a bedroom redecorated and meeting the Backstreet Boys.

On behalf of my constituents in Maryland's Eighth Congressional District, especially those who have benefited from the wonderful work of the Make-A-Wish Foundation, I congratulate Ralph Nappi on his outstanding leadership and thank him for all that he has done. He will be missed greatly by many as he enjoys his well-deserved retirement.

CONGRATULATING KIMBERLY NICOLE MORGAN, MISS MISSISSIPPI 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to congratulate the 2007 Miss Mississippi Pageant winner, Kimberly Nicole Morgan.

Kimberly, a 24-year-old native of Oxford, MS, is the daughter of Elzie and Valerie Morgan. Kimberly, a music teacher at Madison Shannon Palmer High School in Quitman County, MS, is no stranger to wearing a crown. A former Miss Alcorn State University 2005, she has also reigned as Miss Freshman 2001–2002 and Miss Southwest in 2006. She currently serves as Miss Heritage, respectively.

Kimberly obtained a bachelor's degree in vocal music from Alcorn State University in 2006. She was actively involved in the ASU Gospel Choir, Beaute Noire Modeling Squad, and the ASU Student Government Association. Kimberly won the coveted Miss Mississippi crown as the pageant celebrated its 50th anniversary. As Miss Mississippi, Kimberly will compete in the Miss America pageant where she will spread her platform issue G.O.T.M.I.L.K.!, Golden Opportunity Toward Music Increasing Literacy in Kids, a weekly after-school program of music instructions. Kimberly understands that most children of low income and rural communities lack linguistic development, adaptation to their environment, basic child development, and overall school performance. G.O.T.M.I.L.K.!, is a method that can use music in the teaching of reading to enhance motivation and the abilities of children because the subject has so many similarities. Her goal is to teach everyone to become proficient in reading, writing, and mathematics as well as aims for students to become proficient in making and learning music.

"Words can't express what I am feeling," Morgan said after being crowned by Miss Mississippi, "God has answered my prayers". Kimberly, the second African-American woman crowned Miss Mississippi during its 50 year history, won a scholarship and hopes to become the fifth Mississippian to win the Miss America Pageant. Kimberly was chosen from a field of 47 contestants during the week-long pageant. This is an enormous step for Mississippi and its progress towards African-American women breaking through the color barrier by successfully competing as equals and being considered equally as intelligent, beautiful human beings.

Ms. Morgan, a god-fearing, family-oriented, selfless woman has had the same dreams of music, education, mentoring to the youth, and pageants since the age of 7. After viewing a Miss Mississippi Pageant as a child, Kimberly proclaimed to her classmates that she wanted to be Miss America. "All the other kids were saying they wanted to be doctors and lawyers, and I raised my hand and said I wanted to be Miss America."

I am very proud of Ms. Morgan and all of her accomplishments. She is truly a vision of grace and beauty, and I look forward to seeing her represent the State of Mississippi in the Miss America Pageant in 2008.

Please join me today in congratulating Ms. Kimberly Nicole Morgan. I am certain she will represent our State in an extraordinary way.

A SERIOUS RESPONSE TO GROWING INEQUALITY FROM AN UNEXPECTED SOURCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FRANK of Massachusetts. Madam Speaker, this morning David Wessel, writing in the Wall Street Journal, called deserved attention to the growing maldistribution of income in our country. He observes that ". . . governments and businesses must come up with new ways to spread its" (globalization's) "benefits more widely." I commend the report to my colleagues and ask unanimous consent that Mr. Wessel's article be printed here.

[July 26, 2007]

GLOBALIZATION STUDY MOVES PAST RHETORIC

Most of the policy briefs, working papers and trade-association reports that cross a columnist's desk slide easily into the trash can or onto the read-someday pile.

But a recent study on globalization, commissioned by the Financial Services Forum, an association of the chief executives of 20 huge financial companies, ranging from American International Group and Citigroup to UBS and Wachovia, stands out.

CAPITAL EXCHANGE

How should business and government spread globalization's benefits? The analysis, written by a former member of President Clinton's Council of Economic Advisers, a former member of President Bush's and a former Bush Commerce Department official, says:

(1) Globalization is good for the U.S. economy. (No surprise coming from a bunch of financial firms that make money doing business across borders.)

(2) Gains from globalization aren't evenly shared. (A little surprising, but in the past couple of years, there has been a willingness among business to publicly acknowledge that economic reality.)

(3) To avoid a backlash against globalization, governments and businesses must come up with new ways to spread its benefits more widely and assist those hurt by all sorts of economic change. (Very surprising, more like a Democratic candidate's talking points than a report issued and promoted by an outfit led by Citigroup Chief Executive Charles Prince and Don Evans, the former Bush commerce secretary.

What's Going On? Business interests with a strong stake in globalization—international operations account for nearly half Citigroup's second-quarter profit—see rising public anxiety about globalization as a threat. And they realize that preaching the gospel of comparative advantage isn't going to win the debate.

"The mounting opposition is in response to the other side of globalization—outsourcing of jobs, economic dislocation, anxiety and fear," the forum said in an internal planning document early this year. "Making the case for trade and globalization requires . . . a list of specific, meaningful, practical, cost-efficient, and effective public- and private-sector responses to the reality that while the aggregate benefits of free trade and globalization are tremendous, it can sometimes bring with it painful dislocations for individuals, families, towns, regions, even entire industries."

Much of the globalization debate is unproductive. Gene Sperling, a globalization-friendly, former Clinton aide, likens it to divorce court. "It is two sides simply marshaling every bit of evidence they can against the other, with no nuance, no willingness to look at cost and benefit."

Some business executives, prodded by politicians such as House Ways and Means Chairman Charles Rangel, finally are realizing that trade-friendly Democrats will be overwhelmed by trade skeptics unless there is something tangible to offer workers worried about their livelihoods and their children's. A new Pew Global Attitudes survey finds Americans generally optimistic about the next five years, but only 31% expect their children's lives will be better than their own; Europeans are even more pessimistic. By contrast, 81% of the Chinese expect their children to do better.

The Financial Services Forum report is, in part, a response to that. The specifics are intriguing—not because they are the best solutions, but because they move beyond inadequate approaches such as making the failing Trade Adjustment Assistance program for dislocated workers a tad more generous.

Among the Proposals: Raise taxes on winners to share benefits of globalization more widely. Replace TAA and unemployment insurance with a big new program for displaced workers that offers wage insurance to ease the pain of taking a lower-paying job. Provide for portable health insurance and retraining. Create a way for communities to ensure their tax base against big factory closures. Eliminate tax hurdles for businesses that do what International Business Machines is proposing: Offer 50 cents for every $1 (up to $1,000 a year) that workers set aside to pay for training.

"The greatest risk to our economy is disengaging from the world economy," says Grant Aldonas of the Center for Strategic and International Studies think tank, one of the report's three authors. "The nature of the conversation has to change for us to succeed. We are renegotiating the social contract in America, but we're letting it be done by the United Auto Workers and Delphi, and leaving a lot of others out—including the poor and the businesses on the leading edge."

Mr. Aldonas and his co-authors, Dartmouth's Matthew Slaughter and Harvard's Robert Lawrence, argue that public policy can spread the benefits of globalization more widely. They say the U.S. need not accept as inevitable the steady widening of the gap between economic winners and losers, an inequality that threatens to produce barriers to trade, investment and immigration that will hurt U.S. prosperity.

The forum is hawking the analysis to Democrats and Republicans. Merrill Lynch bought an ad promoting it in a Capitol Hill newspaper. Now the question is whether business will go beyond talk. As C. Fred Bergsten, head of the Peterson Institute for International Economics think tank puts it: "They haven't gone to the mat and talked to Charlie Rangel and Democrats who are wavering, if not worse, and said, 'We want to support a meaningful program of wage insurance, and we'll be willing to give up some of our beloved tax breaks to pay for it.'"

One troubling sign: Although forum chief executives issued statements blessing the new report, not one has been willing to talk to a Wall Street Journal reporter about it.

HONORING ANNE SALAZAR

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Anne Salazar from the Napa Valley, who is retiring from Ste. Michelle Wine Estates after 20 years working at Conn Creek Winery and Villa Mt. Eden premium wineries, and has helped establish these both as two most desirable destinations in the Napa Valley.

Ms. Salazar immigrated to the United States from England in 1960 and arrived in the Napa Valley in 1979. Growing up in Europe, wine was always present in her life, and after arriving in the Napa Valley she translated her interest into a long career in Napa wines. She began her work as Assistant Hospitality Manager at Domaine Chandon in 1980, but her excellent work and passion for wine earned her a quick promotion to Hospitality Manager in 1982. In 1987 she was hired by Conn Creek and Villa Mt. Eden Wineries as Hospitality and Guest Services Manager, and she has remained there since that time.

In her position with Ste. Michelle Wine Estates, Ms. Salazar has been crucial to developing the brand for the very special wines they produce in the Napa Valley. Ms. Salazar's love of wine and expert touch have educated many visitors about the more than 45 "90+ scores" which these wines have received in major wine publications. Her excellent work has earned the esteem of her coworkers, and has provided excellent guidance throughout the continued development of these two wineries.

Beyond her work in the wineries, Ms. Salazar has made significant contributions to our community in the Napa Valley and beyond. She is an active member of the Silverado Wine Trail Association, and for many years she has helped with the fundraising for the City of Stockton's Pixie Woods children's park. In her free time she is an avid hiker and reader, and looks forward to spending lots of time with her children and grandchildren.

Madam Speaker and colleagues, it is appropriate at this time that we rise to honor Ms. Anne Salazar and congratulate her on her retirement from Ste. Michelle Wine Estates, where she has been an important part of their success for many years. Anne is a friend and during her tenure in the Napa Valley she has earned the admiration of many, and her presence will be missed.

A TRIBUTE TO ANGELO ROTELLA

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to pay tribute to an outstanding friend and fellow Rhode Islander, Mr. Angelo S. Rotella, Esq.

Our Nation faces a considerable public health challenge in providing for the long term care needs of frail, elderly, and disabled Americans. Meeting this challenge, and especially caring for those who have sacrificed so much in defense of our great nation, requires both leadership and expertise. Without a doubt, Angelo Rotella has both.

The owner and administrator of the Friendly Home and Berkshire Place skilled nursing facilities in Rhode Island, Angelo also serves as Chair of the American Health Care Association, AHCA, which represents nearly 11,000 nursing homes, assisted living residences, and facilities for the care of people with mental retardation and developmental disabilities.

In October, Angelo will conclude his term as Chair of the AHCA. A healthcare professional with more than twenty years of long term care experience, Angelo has been an elected leader of AHCA for more than a decade and has also served in many leadership roles with the Rhode Island Health Care Association. In addition to these responsibilities, he maintains professional membership in the National Fire Protection Association and the National Health Lawyers Association.

Angelo's first-hand knowledge of facilities and experience at the state level make him a formidable advocate for quality long term care—one who appreciates the challenges ahead while working now to ensure that all Americans will continue to have access to the best care.

Madam Speaker, I salute my good friend Angelo Rotella for his years of service with the American Health Care Association, and for his example to those who care for our Nation's most vulnerable citizens. He has truly made a difference in countless lives, and I know my colleagues will join me in expressing our appreciation for his efforts. Congratulations, Angelo, and thanks for all you have done.

HONORING DAVID WOODLEY PACKARD

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, this evening at the Library of Congress, David Woodley Packard, president of the Packard Humanities Institute (PHI), will officially transfer the 415,000-square-foot Packard Campus in Culpepper, VA, to the Library of Congress to house what is the world's largest and most comprehensive collection of moving images and sound recordings.

As a member of the Joint Committee on the Library, I want to commend the board members of the Packard Humanities Institute and, in particular, its president, David Woodley Packard, for making this new facility possible. It is truly a gift to the Nation whose creative heritage in sound and image will for the first time be consolidated in one state-of-the-art facility. I also want to note the generosity of the Packard Humanities Institute to my home state of California: the UCLA Film Archive and the restoration of the Stanford Theatre in Palo Alto and the San Jose Fox Theater for the San Jose Opera.

Constructed by the Packard Humanities Institute, the three-building facility represents the largest-ever private gift to the U.S. legislative branch of government and one of the largest ever to the Federal Government. The Packard Campus will consolidate audiovisual collections and will enhance the Library's efforts to preserve and make accessible its collections of moving images and sound recordings. I also want to commend my colleagues in the Congress who have provided an additional $82.1 million to support operations, maintenance, equipment and related costs for this magnificent facility.

In closing I want to commend the Librarian of Congress, Dr. James H. Billington, for his commitment to the preservation of our Nation's audio-visual heritage. Under his leadership, Congress approved P.L. 105–144 in 1997 to authorize the unique public-private partnership that has resulted in the facility now being transferred to the Federal Government for the Library of Congress.

TRIBUTE TO MR. RAYMOND HENRY WOOD

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. GILLIBRAND. Madam Speaker, I rise today to pay tribute to one of the newest centenarians in my congressional district, Mr. Raymond Henry Wood of Glens Falls, New York.

Ray was born and raised in Wells, New York, on July 26, 1907. He was married to Irene (Robbins) for over 50 years, before she passed away several years ago. They had 2 daughters, Beverly Palmer, who passed away in June of this year; and Bonnie Dow, who resides with her husband Ralph in Gansevoort, NY. Ray has several grandchildren, great grandchildren and great-great grandchildren.

Ray worked many years delivering milk in the local area for Borden's Dairy. He loved to attend auctions and estate sales where he would purchase antiques. He refinished many of the treasures he discovered in his workshop, for his home or to resell. Ray was a high scoring bowler into his late 90's, bowling a 207 at the age of 95, and won the senior's league award. He is still an avid coin collector and has the latest set of the "State" quarters. Ray also loved to play pool, and often invited his friends and neighbors to play on his table in his basement.

Ray resides on Raymond Avenue in Glens Falls, New York, where his neighbors were blessed with his invariable kindness and generosity for over 50 years. He always included his neighbors' sidewalks when clearing snow with his snowblower. He was quick to assist any and all whenever he saw someone who needed aid in any fashion. It was after his 95th birthday that he told a friend that he regretfully could no longer push his snowblower or mow his lawn. Ray is a true gentleman with a great sense of humor, and a beguiling sparkle in his eyes.

Ray will be honored at an open house on Saturday July 28, 2007, at the Gansevoort Fire House, to celebrate his 100th birthday. Ray's daughter Bonnie and her husband Ralph Dow will host the party.

Madam Speaker, I would like to urge all of my colleagues to join me in wishing Ray Wood a most happy 100th birthday and to thank him for his innumerable acts of kindness to neighbors and strangers alike over his long life. Thank you.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 716, I was unavoidably absent. Had I been present, I would have voted "yea."

On rollcall No. 717, I would have voted "yea."

On rollcall No. 718, I would have voted "yea."

On rollcall No. 719, I would have voted "yea."

On rollcall No. 720, I would have voted "no."

On rollcall No. 721, I would have voted "no."

On rollcall No. 722, I would have voted "no."

On rollcall No. 723, I would have voted "aye."

On rollcall No. 724, I would have voted "no."

On rollcall No. 725, I would have voted "aye."

On rollcall No. 726, I would have voted "no."

On rollcall No. 727, I would have voted "no."

On rollcall No. 728, I would have voted "aye."

On rollcall No. 729, I would have voted "no."

On rollcall No. 730, I would have voted "aye."

On rollcall No. 731, I would have voted "aye."

On rollcall No. 732, I would have voted "aye."

On rollcall No. 733, I would have voted "aye."

TRIBUTE TO DR. MARLENE SPRINGER

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FOSSELLA. Madam Speaker, I want to extend my congratulations to Dr. Marlene Springer, second president of the College of Staten Island, the City University of New York, on the occasion of her retirement.

Dr. Springer has served CSI as its president from 1994 through August of this year. In these 13 years of leadership, Dr. Springer advanced campus technology, established public-private partnerships, initiated an international distance education program, developed an international high school on campus, increased the College's enrollment to record levels, and strengthened academic standards.

In addition to a variety of other honors and accolades, she was selected as one of only four U.S. delegates to the Annual International Forum of Female Presidents in Higher Education in Beijing, and is also one of seven U.S. college presidents who founded The Oxford Conclave on Global Ethics.

She has made CSI a recognized leader locally, nationally, and internationally; Staten Islanders are proud of her and of "their college."

I would like to publicly thank Dr. Springer for her outstanding leadership, and I wish her all the best in her future endeavors.

IN HONOR OF HERB D. KELLEHER'S RETIREMENT AS EXECUTIVE CHAIRMAN OF SOUTHWEST AIRLINES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. SESSIONS. Madam Speaker, I rise to pay tribute to an aviation legend who recently announced his plan to retire next May. Herb Kelleher is a founder of Southwest Airlines and currently serves as its Executive Chairman, a position that he has held since the spring of 1978. From the fall of 1981 to the summer of 2001, Kelleher also served as President and Chief Executive Officer of Southwest Airlines.

Southwest started its operations in 1971 with just three airplanes. Today, it operates a fleet of 489 airplanes with orders for many more 737s. Home-based at Dallas Love Field, I am proud to represent many Southwest Airlines employees that live in the 32nd Congressional District of Texas. Southwest Airlines has been profitable for 34 consecutive years, a feat that is impressive for any business, but for an airline to be profitable for 34 consecutive years, given all of the challenges and tough competition in the aviation industry, is truly impressive. Southwest Airlines prides itself on never having furloughed an employee during its history.

Kelleher's vision for Southwest Airlines was not to produce a company that would just return profits to its shareholders—but for a company that has the respect and admiration of those who purchase the tickets and go to work everyday for the company. For the 10th year in a row, Fortune magazine honored Southwest Airlines in its annual survey of corporate reputations. Furthermore, among all industries in 2006, Fortune has also ranked Southwest Airlines as number three among America's Top Ten most admired corporations.

I have had the pleasure of knowing and working with Herb for many years, and I wish him all the very best for a well-earned retirement next year. However, knowing Herb, he will continue to work very hard for Southwest Airlines until the day that he leaves the office for the last time. He may be leaving the airline that he helped to create, but his legacy will never leave the spirit that is Southwest Airlines.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 24, 2007, I inadvertently voted "aye" on rollcall No. 692, an amendment to the Transportation and Housing and Urban Development Appropriations Bill, H.R. 3074. I intended to vote "no" on the amendment, which would impose an unacceptable cut to Amtrak. I am pleased that my colleagues did not support this amendment, and I congratulate the gentleman from Massachusetts, Transportation and Housing and Urban Development Chairman JOHN OLVER who provided such important support for transportation and Amtrak.

IN COMMEMORATION OF THE MARQUIS DE LAFAYETTE'S 250TH BIRTHDAY CELEBRATION IN FAYETTEVILLE, NC

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MCINTYRE. Madam Speaker, on behalf of the citizens of Fayetteville, NC, I rise today to pay tribute to their upcoming celebration on September 6–8 in honor of Marquis de Lafayette. Fayetteville, the first City in the United States named for Lafayette, will rightly celebrate Lafayette's 250th birthday with great celebration and splendor. In honor of this special time, I am entering into the CONGRESSIONAL RECORD this special tribute which details the relationship between Fayetteville and Lafayette. Happy Birthday to Lafayette and congratulations to the City of Fayetteville, NC!

Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French Revolutions, and is one of only six Honorary Citizens of the United States, and whose portrait, along with that of our first President George Washington, hangs in this very chamber.

Lafayette served heroically and with distinction during the American Revolution both as a general and as a diplomat, offering his services as an unpaid volunteer.

Lafayette's first battle in the American Revolution was at Brandywine, where he fought courageously and was wounded; he also served with distinction in various other engagements including the surrender of the British army at Yorktown.

In 1783 the two colonial villages of Cross Creek and Campbellton were merged by the and named Fayetteville, North Carolina—the first city in the United States named for Lafayette—and the only one named for him that he actually visited.

In 1789, the General Assembly and Constitutional Convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the state's western lands to form the state of Tennessee.

During Lafayette's tour of the United States as "The Guest of the Nation," he was entertained in Fayetteville on the 4th and 5th of March, 1825, by the leading citizens of the state and community, including Governor Hutchins G. Burton.

Upon the death of Lafayette in 1834, the City of Fayetteville held a large memorial service and eloquent eulogium on his character and services.

Upon the bi-centennial of the naming of Fayetteville in 1983, the Lafayette Society and General Lafayette's great-great grandson, The Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District.

The city of Fayetteville, North Carolina, will have three days of celebration, September 6–8, 2007, to the 250th birthday of its namesake Marquis de Lafayette.

The great City of Fayetteville is to be commended for honoring this great national hero and is "Where North Carolina Celebrates Lafayette's Birthday."

RECOGNIZING THE COMMUNITIES OF GAHANNA AND WESTERVILLE, OHIO

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the communities of Gahanna and Westerville, Ohio. Both have been ranked by Money magazine as two of the 100 best places to live in the Nation.

Praised for their economic opportunity, quality school systems, and safe and hospitable neighborhoods, Gahanna and Westerville are truly desirable places to live. As a life-long neighbor of both communities, I have been witness to the kindness of both communities every time I pass through.

The friendly atmosphere cultivated by the members of both communities is engaging and welcoming, making them a wonderful place to call home. The rankings by Money magazine are true testaments to the Buckeye spirit, which both areas adequately represent.

I offer my congratulations to Mayor Becky Stinhcomb of Gahanna, Mayor Diane Fosselman of Westerville and the members of both communities. All have created wonderful places for Central Ohioans to call home.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 24, 2007, I inadvertently failed to vote on Flake Amendment to H.R. 3074 (Rollcall No. 694). Had I voted, I would have voted "no."

REINTRODUCTION OF 9/11 CAN YOU HEAR ME NOW ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representatives SHAYS and WEINER, I am reintroducing the "9/11 Can You Hear Me Now Act."

The attacks on the World Trade Center in 1993 and on September 11, 2001, exposed serious communication problems for the New York City Fire Department, FDNY. Since these attacks, there have been major efforts to improve the FDNY's communication system, but much more needs to be done. There can be no doubt that New York is a top terrorist target and the lack of a fully functional communications system is a threat not only to FDNY and New York residents' lives but also to all those who visit there.

The protection of New York City has become a national responsibility. Other cities with tall buildings throughout the country face the same challenges with their communication systems and will need the same upgrades. Improvements in New York will lay the groundwork for improvements to communications systems across the country.

The "9/11 Can You Hear Me Now Act" instructs the Department of Homeland Security, DHS, to provide the FDNY with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

This bill would require a communication system that includes three components—radios, dispatch system and a supplemental communication device. It would require it to work in all buildings and in all parts of the city. The supplemental communication device would allow firefighters to transmit an audible emergency distress signal when a firefighter is in need of immediate assistance, and DHS would work with the City of New York in their planned upgrades of the emergency 911 system and any interoperability initiatives with other public safety communication systems.

I urge all of my colleagues to support this important legislation.

CONGRATULATING THE WINNERS OF THE 70TH ANNUAL ALL-AMERICAN SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. HOYER. Madam Speaker, I rise today to congratulate the winners of the 70th Annual All-American Soap Box Derby—one of whom, I am proud to say, is one of my neighbors and constituents from Mechanicsville, Maryland.

On July 21, 550 soap box champions from 183 cities in 43 states gathered in Akron, Ohio to compete for the National Championship. In the Stock Division, Tyler Schoff took home first place. In the Super Stock Division, Andrew Feldpausch bested the field to earn a national title as well. And in the Master's Division, Kacie Rader, of Maryland's Fifth District, took the National Championship after winning the Greater Washington Soap Box Derby in a race held right here on the Capitol grounds. Kacie is the first racer from the National Capital region—or the entire state of Maryland for that matter—to win a National Championship.

Kacie, who started her racing career at the age of 7, has worked tirelessly to earn such a noteworthy win. Last year alone, Kacie competed in 40 Soap Box Derby events and traveled to 6 different states over 20 weekends to compete. Kacie, who will be beginning her senior year at Chopticon High School in the fall, will now continue on to Indiana for the National Derby Rally Championship where she will be ranked number one in points. I along with the people of Maryland wish her the best of luck.

My congratulations go out to Kacie, Tyler, Andrew, and everyone who participated in what has become a national tradition over the last seven decades. The All-American Soap Box Derby is one of the oldest road races in America today—second only to the Indianapolis 500. And those who compete in this race are part of a long-standing legacy that highlights the best that American youths have to offer.

That is because it takes more than just athletic prowess to be a champion soap box racer. It takes imagination and creativity to design a vehicle that has the durability, handling and speed needed to win. It takes hard work and diligence to build a racer once it has been designed. And it takes intelligence and grace under pressure to successfully command a soap box racer in a racing environment.

Once again, I offer my congratulations to everyone that participated in the "greatest amateur racing event in the world." And I want to thank Kacie Rader, of Mechanicsville, Maryland, for bringing national acclaim to Maryland's Fifth District by winning the All-American Soap Box Derby Master's Division Championship.

RECOGNIZING THE ACCOMPLISHMENTS OF DEPUTY COMMISSIONER DEBORAH J. SPERO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Ms. Deborah J. Spero of Reston, Virginia, for her service to the U.S. Customs and Border Protection Agency as Deputy Commissioner. Ms. Spero has served this Nation with honor and distinction for 37 years, and I commend her for her dedication to public service and tireless efforts to ensure the safety of our Nation.

After the attacks of September 11th, with the creation of the Department of Homeland Security, Ms. Spero was called upon to help shape the newly established U.S. Customs and Border Protection Agency, where border security, U.S. Customs Service, Immigration and Naturalization Service, and the Department of Agriculture, were integrated. Ms. Spero's knowledge and experience made her the logical fit to lead this most important transition, which she met with strength and resiliency.

In 2004, Commissioner Robert C. Bonner appointed Ms. Spero as Deputy Commissioner, and, in 2006, she served ably as Acting Commissioner for six months. After the confirmation of Commissioner Ralph Basham, she resumed her duties as Deputy Commissioner and has continued to lead U.S. Customs and Border Protection through the many challenges it faces to secure our Nation's borders.

Ms. Spero's commitment to this Nation is reflected in the many accolades she has amassed over her career. In 1999, she received the Distinguished Presidential Rank Award for her extraordinary accomplishments within the Customs Service and the federal government community. Additionally, in 2004, Ms. Spero received the Meritorious Executive Presidential Rank Award for her unparalleled accomplishment and service, and in 1996 she was the recipient of the Meritorious Executive Presidential Rank Award for her major accomplishments as an executive.

Madam Speaker, I wish to commend Ms. Spero for her many years of service to our Nation and I am proud to have her live in Virginia's 8th Congressional District. This Nation will lose a proud servant when she leaves office on August 3, 2007. I wish all the best to her and her family in her retirement.

IN SUPPORT OF THE MILITARY DRAFT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. RANGEL. Madam Speaker, I rise in support of the reinstatement of the military draft, which will ensure that the burden of war is shared by all residents of this great country.

All Americans should be given the opportunity to prove their patriotism. We should all share in the sacrifices being made by our exhausted troops. It is a fact that most of these volunteer troops come from economically depressed small towns and rural areas. As shown in a recent report by the Congressional Budget Office, children of society's affluent are the least represented class of Americans in the Armed Forces.

Sacrifices for America should not be made only by those who are less fortunate. The burden of war should be shared by all who enjoy the privileges and rights that our citizenship grants. My bill to reinstate the draft would ensure that. It not only provides the manpower necessary to restore our exhausted troops but repairs the broken military. Furthermore, with a draft in place, decision-makers would be more cautious about sending America's sons and daughters into harm's way.

I believe our troops should be withdrawn from Iraq as soon as possible. But as long as our troops are there it will be up to the President and the Congress to ensure that the whole Nation, in some way, shares their sacrifice.

In times of war it should be the duty of all citizens to contribute to the effort. There is honor and pride in military service, but we do harm to our troops if we make them alone responsible for paying the price.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 18, 2007, I inadvertently failed to vote on Price Amendment to H.R. 3043 (Rollcall No. 653). Had I voted, I would have voted "no."

17TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. LOEBSACK. Madam Speaker, I rise today to celebrate the 17th anniversary of the Americans with Disabilities Act. I remember when this bill was signed into law in 1990. As an Iowan, I was proud to be represented in the United States Senate by TOM HARKIN who helped lead the fight for this important legislation and is a true champion to people with disabilities. As an American, I was proud to be a part of a country that understood true equality and was unafraid to take steps toward achieving it.

The ADA was one of the greatest victories in civil rights since the Civil Rights Act of 1964. The effects of this legislation reverberated across the country as those who had been forced into the shadows and treated as second-class citizens were brought into the light and granted the rights and opportunities they long deserved.

While we have made great strides, this fight is not over. Justin Dart Jr., who was widely recognized as "the father of the Americans with Disabilities Act" and "the godfather of the disability rights movement," once wrote, "ADA is only the beginning. It is not a solution. Rather, it is an essential foundation on which solutions will be constructed."

This Congress is ready to answer Justin's call to action. I am a proud cosponsor of the ADA Restoration Act of 2007 which was introduced earlier today by Majority Leader HOYER. In recent years, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for Americans with disabilities. Under the cramped interpretation of the ADA by the courts, a broad range of people with physical and mental impairments have been held not to be "disabled enough" to gain the protections of the law. This is not what Congress intended when it passed the ADA. The ADA Restoration Act focuses on the discrimination that people experience rather than focusing on their ability to prove that they have a disability.

I'm also proud to be a co-sponsor of the Community Choice Act which would provide community-based supports for persons with disabilities and older Americans. This legislation just makes sense—it gives individuals more options to remain in their own communities, and their own homes, rather than having to be placed in a nursing home or other institution.

These bills continue to move us forward and closer to our goals. We are building a momentum that will be impossible to stop.

I encourage all of my colleagues to commit to keep the ADA strong. Congress must continue the fight for equal rights for all people.

GENOCIDE IN DARFUR

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. PITTS. Madam Speaker, July 22, 2007 is the third anniversary of the U.S. Congress's declaration that the tragedy in Darfur truly is a genocide. That declaration, as well as former Secretary of State Colin Powell's declaration, was intended to clearly delineate to the international community the true extent of the devastating death, destruction, rape and other human rights violations.

Over the years, my colleagues and I have given a number of speeches about Sudan and specifically about Darfur. Yet, with all the proof that NGOs, journalists, and humanitarian workers have presented, the attacks and atrocities against the people of Darfur continue.

Clearly the abusive regime in Khartoum does not care about stopping the suffering, otherwise the Janjaweed militias would not be able to wreak havoc wherever they go.

A recent report by Refugees International details the fact that rape is "an integral part of the pattern of violence that the government of Sudan is inflicting upon the targeted ethnic groups of Darfur." Listen to those words—that means the Janjaweed, under the orders of their masters in Khartoum, are deliberately raping the women to impregnate them and "purify" them racially.

The trauma imposed on the women of Darfur is unthinkable, yet reportedly is simply the implementation of a policy. What kind of government has a policy to ethnically cleanse, via rape, their peoples? Not a government that should have any power.

Madam Speaker, it is beyond comprehension that when the international community clearly knows that genocide is occurring, there would not be enough concern or political will to come down hard on Khartoum to end the death and destruction.

The fact that we must continue to raise the reality of genocide in Darfur means that we, the U.S. and the international community, have not done enough.

The international community has no excuse, because we know what is happening. There is no hidden agenda—the Sudanese government and their brutal militias have made their goals clear. The real question is—does the international community care enough to go after the Khartoum government and its puppet militias?

To the people of Darfur, we stand in solidarity with you.

HOUSE OF REPRESENTATIVES—*Friday, July 27, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 27, 2007.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Our God and Savior, at times we seem to be like sheep gone astray; yet here we are gathered together.

Called by Your voice, make us attentive to Your word. Being restless in our world, grant us Your peace.

Gathered as representatives of government by the people, we ask You to bless the Members of Congress today and this weekend. They have come to serve Your purpose and are pledged to serve Your people.

Attentive to the diverse needs of so many, help them respond as best they can. Having found common ground in principles of sound government, guide them to accomplish deeds of justice and good order for all citizens.

We commend this Nation to You as the shepherd and guardian of our souls now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) "An Act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches from each side.

CHAMP ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Mr. Speaker, early this morning the Children's Health Insurance and Medicare Protection Act, which extends access to quality care for both our Nation's children and our Nation's seniors, was passed out of committee.

With this important legislation, we are wisely investing in the Children's Health Insurance Program to protect and extend access to health coverage for millions of America's uninsured children.

In its 10-year history, CHIP has had strong bipartisan support not only because of what it accomplishes but how it meets its goal, with a flexible, cost-effective market approach to access to health insurance. Yet it has become the object of scorn by this President and with Republican leaders in Congress forcefully opposing this successful public-private partnership which enables literally millions of hard-working American families to buy private health insurance for their children.

And this legislation strengthens and sustains Medicare for American seniors by securing payments for physicians and quality, innovative health care options for seniors.

Protecting Medicare and extending CHIP is the best opportunity this Congress has to address the need for affordable quality health insurance for Americans.

CONGRATULATIONS, PRESIDENT PATIL, INDIA'S 12TH PRESIDENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this week history was made in India. Mrs. Pratibha Devisingh Patil was elected President. On July 25 she became the first woman to serve as head of state, now serving as India's 12th President.

Mrs. Patil was born in 1934 in the western state of Maharashtra and has a distinguished record of public service. Joining the Congress Party in the early 1960s, she spent over two decades in the state legislature. She then went on to participate in national politics and served in both the lower and upper chambers of India's national parliament. In 2004 Mrs. Patil became the first woman governor of Rajasthan.

Congratulations, President Patil, for continued success leading 1 billion citizens.

As a member of the House Foreign Affairs Committee and co-Chair of the India Caucus, I welcome this achievement. Prime Minister Manmohan Singh and President George Bush have developed a strategic partnership between India and America. Friendship between the world's largest democracy and the world's oldest democracy have never been better. The future is bright for both India and America.

In conclusion, God bless our troops, and we will never forget September the 11th.

SUPPORT THE COOPER AMENDMENT

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, whether you are for or against the upcoming farm bill, you should be able to support the Cooper amendment. It will be brought up next to last this afternoon, and everyone should be able to agree on it.

First of all, the administration is for it because it coincides with administration reforms. And the chairman of the committee himself has a statement in today's National Journal that says he is going to launch a major national investigation of the crop insurance industry starting next week, after the bill passes.

Well, why not start today? Let's clean up this mess today. We can save

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

between 2 and 5 billion of taxpayer dollars that are currently being wasted.

Let's save the American farmer. Let's improve this farm bill. Vote for the Cooper amendment this afternoon.

THE FARM BILL

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Mr. Speaker, it saddens me today that I have to vote against the farm bill, a $57 billion-a-year bill.

I am compassionate and I care about the farmers in my district, but I must vote "no" and I must vote "no" for two reasons, one of which the gentleman from Tennessee just outlined. The bill calls for a massive tax increase on foreign companies that are doing business in this country. And in the State of Georgia, that is 176,000 jobs, 59,000 of them in the manufacturing sector. The gentleman from Tennessee has a better idea, and I plan to support his amendment.

And, Mr. Speaker, the Davis-Bacon prevailing wage requirement absolutely hurts innovative businesses, like U.S. Biofuels in Rome, Georgia, that want to convert chicken fat and soy beans to biofuel; and yet these prevailing wages take away all incentive for that.

We kill jobs in this country with this farm bill, and I reluctantly must vote "no" and ask my colleagues to do the same.

PRIVATE FIRST CLASS DANIEL AGAMI

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to pay respect and honor to Private First Class Daniel Agami from Parkland, Florida, who lost his life this past June while serving in Iraq.

Private Agami was patrolling in a Humvee with four other soldiers when their vehicle was hit by an IED, an improvised explosive device. Unfortunately, all five of these brave troops were killed.

Private Agami was a man of great character, known for his devotion to faith and his country. His presence was so strong and his personality so outgoing that the Army planned to feature Private Agami in an upcoming advertising campaign.

Like me, Private Agami was born in Ohio but later moved to Florida. His parents were surprised by his decision to join the military 2 years ago, but noted that he felt a responsibility to his country, and in the words of his mother, Beth Agami, he "was totally patriotic."

I, unfortunately, never had the opportunity to meet Private Agami, but after hearing about the way he approached life and his devotion to our country, I feel like I know him. He is a role model to me and to all citizens.

To the family of Private Agami, your beloved son made the ultimate sacrifice to serve our country, and those of us in Florida and the Nation are eternally grateful and will never forget his unfathomable service to our country.

CONGRATULATING ZIPPO ON THEIR 75TH ANNIVERSARY

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is a cause for celebration in the Fifth District of Pennsylvania today. This year marks the 75th anniversary of an American icon, Zippo lighters. In 1932 George Blaisdell developed the first Zippo lighter in a garage in Bradford, Pennsylvania.

Today, though most products are disposable or available with limited warranties, the Zippo lighter is still backed by its famous lifetime guarantee: "It works or we fix it for free." A motto of a company that truly believes in its great product.

In almost 75 years and nearly 450 million lighters later, where last year alone 50,000 lighters a day were produced in Bradford, Pennsylvania, Zippo lighters are a legacy of good business, and almost 70 percent of them are exported all around the world.

Today George Duke, Mr. Blaisdell's grandson, owns the company and is chairman of the board. Gregory Booth is Zippo's president and CEO. I know them both and appreciate their resolve to keep Zippo lighters manufactured in America and, more importantly, in Bradford, Pennsylvania.

I commend them for their devotion to the people of Bradford and congratulate Zippo and the Zippo family for 75 years of great business.

DEMOCRATS ARE WORKING TO ENSURE MORE CHILDREN HAVE HEALTH CARE; REPUBLICANS OBSTRUCT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday both the Energy and Commerce Committee and the Ways and Means Committee began marking up a comprehensive bill that ensures that millions of vulnerable children have access to health insurance through the Children's Health Insurance Program, otherwise known as CHIP. Democrats are proud of this legislation because it allows us to cover almost every child now eligible for the program.

Since it was created a decade ago, CHIP has received strong bipartisan support here in Washington. But that all changed yesterday when Republicans in both committees used every tactic available to them to stall us from moving forward with this legislation.

It's sad that Republicans refuse to engage in a substantive discussion on the future of CHIP. If Republicans were serious about strengthening this important children's health program, they would stop playing games and would allow a constructive debate to occur. These delaying tactics show that Republicans have no interest in ensuring our children have access to quality health care.

The record is clear. Democrats wants to cover kids; Republicans don't.

THE FARM BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, later this morning the House will take up the farm bill, H.R. 2419, and let me just share a couple of quotes, one from the American Farm Bureau:

"The farm bill is one of our highest priorities. We understand there may be a motion to recommit the bill back to the House Committee on Agriculture. We urge you to oppose this amendment. Without the additional almost $4 billion in offsets, we cannot adequately fund the nutrition needs in the farm bill." This is signed by the president of the American Farm Bureau Federation.

And from 24 different commodity groups that affect labor and commodities in America:

"Dear Members of Congress, we support both the underlying farm bill and the additional nutrition spending which gives rise to the need for an offset. For that reason we appreciate the efforts of Members of Congress who have attempted to identify that offset and we would encourage those who are concerned about the offset identified by the Committee on Ways and Means to support H.R. 2419 despite those concerns.

"In any event, we urge the House to move expeditiously to pass H.R. 2419. We remain hopeful that the long congressional tradition of passing farm bills on a bipartisan fashion will not be broken." And it is signed by 24 groups from the American Soybean Association through the U.S. Rice Producers Association.

American Soybean Association
American Sugar Alliance
Arkansas Rice Growers Association
Missouri Rice Research and Merchandising Council
National Association of Wheat Growers
National Barley Growers Association
National Cotton Council
National Farmers Organization
National Farmers Union

National Sorghum Producers
National Sunflower Association
North Carolina Peanut Growers Association
Oklahoma Peanut Commission
Panhandle Peanut Growers Association
South Carolina Peanut Growers Association
Southern Peanut Farmers Federation
Texas Peanut Producers Association
Texas Peanut Producers Board
Western Peanut Growers
United Egg Producers
USA Dry Pea & Lentil Council
USA Rice Federation
US Canola Association
US Rice Producers Association

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2419.

☐ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mr. SCHIFF (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, July 26, 2007, amendments numbered 1 and 2 printed in House Report 110-261, as well as certain amendments en bloc, had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-261.

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GOODLATTE:

At the end of subtitle A of title II (conservation), add the following new section:

SEC. 2409. COMMON EASEMENT AUTHORITIES.

(a) IN GENERAL.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3801) the following new section:

"SEC. 1230A. COMMON EASEMENT AUTHORITIES.

"(a) IN GENERAL.—

"(1) PROGRAM.—In this section the term 'program' means the applicable program described in paragraph (2).

"(2) APPLICABILITY.—This section shall apply to the terms and conditions of all easements purchased under authorities of this subtitle:

"(A) The wetlands reserve program under subchapter C.

"(B) The farmland protection program under subchapter B of Chapter 2.

"(C) The grassland reserve program under subchapter C of Chapter 2.

"(D) The healthy forests reserve program, sections 501-508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571-6578).

"(3) ENROLLMENT.—The Secretary may either directly, or through an eligible entity, obtain an interest in eligible land through—

"(A) a 30-year or permanent easement; or

"(B) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

"(4) HOLDER OF EASEMENT TITLE.—The title holder of an easement obtained under one of the programs described in paragraph (2), in addition to the Secretary, or in lieu of the Secretary, may be an eligible entity.

"(5) ESTABLISHING EASEMENT.—To become eligible to enroll land in the program through an easement, the landowner or eligible entity, as applicable, shall—

"(A) create and record an appropriate deed restriction in accordance with applicable State law;

"(B) provide proof of unencumbered title to the underlying fee interest in the land that is subject of the easement;

"(C) grant the easement to either the Secretary or an eligible entity;

"(D) comply with the terms of the easement and any restoration agreement; and

"(E) explicitly consent in writing to granting a security interest in the land to either the Secretary or an eligible entity.

"(6) WETLANDS RESERVE PROGRAM DEEDS.—A deed used to record an easement under the wetlands reserve program in subchapter C shall provide for sufficient protection of the functions and values of the wetland or floodplain, as determined by the Secretary.

"(7) DEED FOR OTHER EASEMENT PROGRAMS.—A deed used to record an easement under all programs described in paragraph (2) other than the wetlands reserve program shall be in the form of a negative restrictive deed that—

"(A) is in a format prescribed by the Secretary;

"(B) details the rights obtained by the easement; and

"(C) allows for specific uses of the land, if the use is consistent with the long-term protection of the purposes for which the easement was established.

"(8) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to carry out the administration or purpose the program.

"(9) MODIFICATION, TRANSFER, OR TERMINATION OF EASEMENT.—

"(A) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner or eligible entity under one of the programs described under paragraph (2) if—

"(i) the parties involved with the easement on the land agree to such modification; and

"(ii) the Secretary determines that such modification is desirable—

"(I) to carry out the program;

"(II) to facilitate administration of the program; or

"(III) to achieve such other goals as the Secretary determines are appropriate.

"(B) TITLE TRANSFER.—The Secretary may transfer title of ownership of an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

"(i) the Secretary determines that granting the transfer would promote the protection of eligible land;

"(ii) the owner authorizes the eligible entity to hold and enforce the easement;

"(iii) the eligible entity assuming the title agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity; and

"(iv) the eligible entity, except for an eligible entity under section 1238H(a)(1), has a commitment to protect the conservation purpose of the easement and has the resources to enforce the easement.

"(C) TERMINATION.—The Secretary may terminate an easement if—

"(i) the parties involved with such easement agree to such termination; and

"(ii) the Secretary determines that such termination would be in the public interest.

"(10) VIOLATION.—Upon the violation of the terms or conditions of an easement or other agreement entered into under this section—

"(A) the easement shall remain in force; and

"(B) the Secretary may require the owner to refund all or part of any payments received by the owner under the program, with interest on the payments as determined appropriate by the Secretary.

"(b) EASEMENTS HELD BY SECRETARY.—

"(1) PERMANENT EASEMENT VALUATION.—In return for the granting of a permanent easement or an easement for the maximum duration allowed under applicable State law by a landowner under one of the programs described in subsection (a)(2), the Secretary shall make payments to the landowner as authorized under subparagraphs (A) and (B).

"(A) VALUATION METHODS.—The method of valuation shall be determined under the specific program involved.

"(B) COST OF RESTORATION.—The Secretary shall tender a monetary amount to the landowner that is not greater than an amount corresponding to 100 percent of the eligible costs of restoration.

"(2) 30 YEAR EASEMENT VALUATION.—In return for granting a 30 year easement by a landowner, the Secretary shall make payments to the landowner in an amount equal to—

"(A) not more than 75 percent of the amount that would apply in paragraph (1)(A); and

"(B) not more than 75 percent of the eligible costs of restoration.

"(3) MONETARY DONATION.—A private landowner may make a monetary donation equivalent to any amount of the actual value of the easement.

"(c) EASEMENTS ACQUIRED THROUGH ELIGIBLE ENTITIES.—

"(1) EASEMENT HELD BY ELIGIBLE ENTITY.—The Secretary shall offer the opportunity to eligible entities to enter into agreements for the purposes of purchasing and holding easements for eligible lands in the program.

"(2) EASEMENT VALUATION.—When enrolling eligible land through an eligible entity, the share of the cost of the Secretary to purchase a conservation easement or other interest in eligible land shall not exceed 50 percent of the fair market value based on an appraisal of the conservation easement, using an industry approved methodology determined by the entity.

"(3) PAYMENTS; DONATIONS.—

"(A) LANDOWNER.—A private landowner may make a monetary donation of up to 25 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

"(B) ELIGIBLE ENTITY.—An eligible entity shall make a monetary payment of at least 25 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

"(4) TYPE OF DEED.—An eligible entity obtaining an easement under this subtitle shall use a negative restrictive deed that provides for—

"(A) rights of all parties subject to the easement;

"(B) permissible uses of the land, if the use is consistent with the purposes for which the easement was established; and

"(C) terms and conditions of the eligible entity such as purposes and administration of the easement, if the Secretary finds that the terms and conditions are—

"(i) consistent with the purposes of the program; and

"(ii) provide for effective enforcement of the conservation purposes of the conservation easement.

"(d) FEDERAL CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary may require the inclusion of a Federal contingent right of enforcement or executory limitation in a conservation easement or other interest in land for conservation purposes purchased with Federal funds provided under the program, in order to preserve the easement as a party of last resort. The inclusion of such a right or interest shall not be considered to be the Federal acquisition of real property and the Federal standards and procedures for land acquisition shall not apply to the inclusion of the right or interest.".

(b) CONFORMING AMENDMENTS.—The following provisions of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) are repealed:

(1) Subsections (c) through (g) of section 1237A.

(2) Section 1237C(b)(2).

(3) Section 1237E.

(4) Subsections (a)(1), (d), and (e) of section 1238O.

(5) Subsections (a)(2), (b)(1), and (c) of section 1238P.

(6) Section 1238Q.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, my amendment streamlines and adopts one set of terms and conditions for easements for the Wetlands Reserve Program, the Grasslands Reserve Program, the Farmland and Ranchland Protection Program, and the Healthy Forest Reserve Program. This greatly simplifies the process for the Department to purchase easements, while leaving functions of the programs intact. It allows for one set of rules on titleholders, establishment of easements, type of deeds, acceptance of contributions, title transfer and reversionary interest.

This amendment not only helps the Department to reduce inefficiencies which result in administrative costs, but will help producers by simplifying the process of obtaining easements for these programs.

This amendment does not consolidate any program. This simply sets up one set of rules and regulations for easements. Each program has its own application process, sign-up period, and administrative requirements. Countless hours are wasted on administrative work because each easement has its own set of rules.

This amendment makes an effort at streamlining these complex rules and regulations into one set of rules with flexibility that is simple and makes common sense.

Each of these individual programs retains their own mission. These easement programs are implemented through landowners who voluntarily agree to a deed restriction and some landscape and resource restoration. Making the sign-up process for producers easier will allow NRCS to focus on their true mission, which should be to provide technical assistance to producers wanting to implement voluntary conservation methods.

We have taken popular components of the Farmland and Ranchland Protection Program, including the ability of third-party entities to hold easements, and implemented them in a manner that all producers interested in easements will be able to enjoy.

This amendment keeps the funding and missions of each easement program intact. The amendment even keeps the appraisal method of each program intact.

This is a commonsense amendment, a good government amendment, and a producer-friendly amendment. And I ask for your support.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, I've been working with the gentleman from Virginia on this issue, and I think he has some good ideas here that we have been working through, but we just aren't at the point where we're comfortable on this side at this point.

If I could engage in a conversation with the gentleman, as he knows, I think that some of the elements of this are something that we should do. It's just, as I said, we're not there yet.

In addition, as you know, I have an interest in looking at this issue of NRCS doing administrative work within their agency. We've been talking about that as well. I still believe that it would be better if we transferred that function over to FSA like they're doing now at CRP.

So if the gentleman would agree, I am very much interested in working with him on this issue. I think we can get something accomplished over the next period of time until we end up in conference with the Senate. So if the gentleman would be willing to withdraw, I will make the commitment that we will work on this in a serious way, because I think we can get something done here.

Mr. GOODLATTE. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would be glad to yield.

Mr. GOODLATTE. I thank the chairman for his comments. He and I have had discussions about this, and I think we are in agreement that there needs to be significant reform of these programs.

As I've shared with the gentleman and others, there are farmers in my district and elsewhere around the country who are very frustrated with signing up for these programs. And, quite frankly, it is counterproductive to have programs that are so complex, that require so much paperwork, that require you to apply in several different places. One farmer, a woman in my district, has done a fantastic job of attempting to utilize these programs, but the frustration, the cost, the amount of time involved discouraged her, as it has discouraged others from even initiating the process to participate. And therefore, I think it's in the interest of the stakeholders, the groups who want to see more of these easements taken up, to make it an easier process. And that includes not only streamlining the definition of easements in this amendment, but looking at whether some of these programs can be made to work together better.

I appreciate the gentleman's seriousness about undertaking this.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-261.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARDOZA:

At the end of subtitle E of title X add the following new section:

SEC. ___. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTIONS OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date specified in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before such effective date) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills.

(f) DUTIES OF SECRETARY OF AGRICULTURE.—

(1) OPERATING PROCEDURES AND TRACKING SYSTEM.—The Secretary of Agriculture shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary of Agriculture shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(3) FUNDING.—The Secretary of Agriculture shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) REPORT.—Not later than one year after the date of the enactment of this Act, and at least annually thereafter, the Secretary shall submit to Congress a report containing an assessment of—

(1) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(2) the adequacy of—

(A) inspection and monitoring procedures and facilities in the United States; and

(B) the strategic plan developed under subsection (e)(5)(B)(i); and

(3) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to House Resolution 574, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I understand that the CBO has determined that my amendment violates the PAYGO rules. As such, I would like to engage the chairman of the Agriculture Committee and the chairman of the Homeland Security Committee in a colloquy.

As you both well know, buried within the authorization of the Homeland Security Department was a little-known provision that mandated the Animal and Plant Health Inspection Service's 1,800 agricultural inspectors move from USDA to the newly created Department of Homeland Security Customs and Border Protection Division.

This move was made in order to consolidate custom and border enforcement into one agency, a decision I'm sure was made with all good intentions in mind. However, as the GAO has recently reported, since the transfer of these USDA employees, Customs and Border Protection has not developed sufficient performance measures to take into account the agency's expanded mission or to consider all pathways by which prohibited agricultural items or foreign pests may enter the country.

Mr. Chairman, this deficiency in our border security cannot and should not be tolerated. Stopping foreign pests and prohibited agricultural products from entering the United States might not be as sexy as stopping terrorists, weapons, or drugs, but it is certainly as important.

These are six-legged terrorists, Mr. Chairman, that can wreak havoc on our Nation's agricultural industry, costing billions of taxpayer dollars in eradication efforts and decimate our ability to access new export markets.

I would like your assurances that by withdrawing this amendment I have the commitment from both of you to work with me on this issue.

While I certainly would prefer to see these employees moved immediately back to USDA, where I believe they belong, my greater concern is that wherever they are right now, they must certainly have the tools and resources at their disposal to do their job effectively and efficiently.

I would like to have a hearing on the staffing, training and morale problems that persist within the agency. I also believe that we should direct USDA and the Department of Homeland Security to develop standardized, reputable training programs that properly identify and assess the major threats posed by foreign agricultural pests and disease.

I believe USDA and Homeland Security should be required to fully and accurately account for all agricultural quarantine inspection fees. But perhaps most importantly, I want this issue to have the attention it deserves from both Agriculture and Homeland Security Committees.

Preventing pest and disease infestation is a paramount concern to all of American agriculture, but primarily to our specialty crop industry. I have vowed to fight for them on this issue and would appreciate your help in ensuring their concerns are met.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to assure the gentleman from California that, as Chair of the House Homeland Security Committee, I look forward to working with him.

The border issue, from a security standpoint, as you know, is a major issue. Customs and Border Patrol should have more training in this area. I look forward to joint hearings with the Agriculture Committee on this, and subsequent to the findings of those hearings, look forward to strengthening our borders.

I must express my reservations to using the farm bill as a legislative vehicle to transfer agriculture import inspectors from the Department of Homeland Security to the U.S. Department of Agriculture. After the terrorist attacks on September 11, 2001, Congress, in March of 2003 consolidated and transferred critical responsibility for inspections of passenger and agricultural commodities from USDA Animal and Plant Health Inspection Service (APHIS) to the U.S. Department of Homeland Security's (DHS) Customs and Border Protection (CBP).

Since the transfer of APHIS inspectors to DHS, DHS had dedicated considerable resources to enhancing agriculture inspections to protect the nation from economically devastating agricultural pests and diseases. I agree that the Department of Homeland Security, especially Customs and Border Protection, must improve its training.

While DHS has experienced some challenges in implementing this enhanced inspection regime, those challenges are not insurmountable. As a former Agriculture Committee Member and representing many agriculture interests, I am very concerned about any breaches at the border, including foreign pest and prohibited agricultural products.

Though DHS carries out the inspections, USDA maintains the responsibility for establishing the regulations, guidelines, and even the training that govern the import of agricultural products. Thus, it is important to note that the success or failure of the program requires both DHS and USDA coordinated efforts.

Transferring employees at this time would divert attention from the real mission, delay any efforts to identify needed improvements, and set the program back for another several years while yet another readjustment occurs for both USDA and DHS. A far better approach than another disruptive, time-consuming transfer of thousands of employees would be for USDA and DHS to commit to conducting a thorough analysis of the program's performance, agree to a specific action plan for improvements, and to set clear and measurable goals.

Mr. Chairman and Mr. CARDOZA, I am committed to working with you on this issue and would like to hold a joint hearing on this matter. I thank the gentleman for raising this important issue and look forward to working with you and Chairman PETERSON immediately on this issue.

MAY 22, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: We write to you today regarding the recent consideration given to the proposed removal of the agricultural inspection function from the U.S. Department of Homeland Security's (DHS) Customs and Border Protection (CBP), and relocation of this function to the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), as included in S. 887 and other legislation pending in Congress. USDA and DHS oppose this legislative proposal. We both take seriously the shared mission of protecting our Nation from foreign plant and animal diseases, as well as securing our homeland against unintentional and intentional threats to our agriculture and food supply.

The creation of DHS was a thoughtful complex,' and ambitious integration effort. We strongly believe that Congress, which recently mandated an extensive internal reorganization of DHS, should now give DHS the organizational stability it needs to succeed with its vital homeland security mission.

USDA, DHS, and our agriculture stakeholders all share a common goal—protecting American agriculture. However, both USDA and DHS strongly believe that another disruptive, time-consuming transfer of thousands of employees and the agricultural inspection function, as advocated by some, would degrade enforcement and seriously undermine the integrated border enforcement capabilities created with the formation of DHS. A transfer would divert attention from the real mission to prevent the entry of harmful plant and animal pests, disease, and threats to our agricultural resources and food supply. A transfer would delay efforts to identify needed improvements in agricultural inspection and would therefore set the agricultural inspection program back while also creating counterproductive management and employee churn for both USDA and DHS. Working cooperatively, USDA and DHS employees have made much progress and have strengthened their partnership in forming a unified first line of defense in performing their missions and delivering agricultural programs.

On March 1, 2003, the responsibility for the inspection of goods and travelers for illegal agricultural products or pests arriving in the United States was transferred from USDA to the then-newly created CBP within DHS. The transfer of this function was among the first steps in establishing CBP as the single, unified agency responsible for managing and securing our Nation's ports-of-entry. Another important part of the creation of CBP was the development of two new positions to respond to new and expanded border security needs: the CBP Officer and the CBP Agriculture Specialist (CBPAS).

CBP Officers are responsible for a wide range of duties including preventing the entry of terrorists and their weapons and conducting traditional inspection activities related to trade, contraband enforcement, and admissibility—as well as the important agricultural inspection function. In this regard, CBP Officers receive specialized cross-training related to agricultural risk and inspection referral. CBPASs fill the role of the former APHIS inspectors and conduct activities to prevent harmful plant and animal pests and diseases from entering the United States while guarding against agro/bio-terrorism.

Today, CBP Agriculture Specialists receive the same amount of agriculture-specific training as they did when they were part of USDA. The eight weeks of agriculture-specific training that CBPASs receive, conducted by USDA instructors, ensures that they are fully prepared for their role at the border. In addition to traditional agricultural enforcement, CBPASs play a crucial role in educating other CBP officers about the agricultural inspection process, thus enhancing the agricultural knowledge of all personnel at ports-of-entry. Importantly, CBP has increased CBPAS staffing in the field by over 30 percent, providing coverage at over 157 ports-of-entry since the merger on March 1, 2003. The deployment of both CBPASs (over 2,000) and cross-trained CBP Officers (18,000) to search for agricultural threats has resulted in a force multiplier that improves implementing the agricultural inspection program. The proposal to remove agricultural inspections from DHS would wholly undermine the force multiplier achieved by cross-training.

With the creation of CBP, USDA continued to retain the majority of agricultural functions, including responsibility for establishing regulations and guidelines that govern the import of agricultural products, pest identification, inspection of propagative material, risk assessment, and methods development. CBP, of course, retained border inspection responsibilities. While USDA continues to establish agricultural policy governing imports, it is the significant cooperation between the two Departments that has enabled the agricultural inspection program to advance and meet the new challenges of the growing global marketplace. USDA and DHS have worked tirelessly to integrate the important duties and responsibilities of the scientific mission of agricultural inspection with CBP's other missions.

American agriculture remains at risk from external threats. Our joint efforts must continue to prepare us for the threat of unintentional or intentional introduction of foreign plant or animal pests or pathogens into our country. These potential threats could devastate American crops or livestock, which is why the incorporation of the two CBP line positions plays such an important role in DHS's multi-layered approach to protect U.S. agricultural resources.

USDA and DHS are committed to working in partnership to safeguard American agriculture by detecting and preventing harmful plant and animal pests and diseases through training initiatives, trend analysis, targeting initiatives, and the development of special programs like the National Agriculture Release Program. As part of this commitment, USDA and DHS are forming a task force to address the concerns of our agriculture stakeholders, as well as issues raised about the agricultural inspection program in reports from the Government Accountability Office and USDA's Office of the Inspector General. Through this task force, USDA and DHS will take important steps to continue to improve the program by conducting a thorough analysis of the program's performance, agreeing to a specific action plan for improvements, and setting clear and measurable goals to hold the agencies accountable for protecting America from threats to our agriculture. We believe this is a far more productive course of action than the transfer of employees and the agricultural inspection function back to USDA, and it will achieve the common goal of protecting U.S. agricultural resources. USDA and DHS stand together as partners and value our cooperative efforts, our joint missions, and our employees.

Sincerely,

MIKE JOHANNS,
Secretary, U.S. Department of Agriculture.
MICHAEL CHERTOFF,
Secretary, U.S. Department of Homeland Security.

Mr. GOODLATTE. Will the gentleman from California yield?

Mr. CARDOZA. I have been working closely with Congressman ADAM PUTNAM on this issue, and I would be happy to yield to my friend from Virginia on this issue.

Mr. GOODLATTE. I thank the gentleman.

I want to commend the gentleman for offering this amendment. I want to commend the gentleman from Mississippi for his willingness to hold hearings on this issue.

I was chairman of the committee at the time that the Homeland Security Department and Committee were created and served on that committee for 2 years, and the problems were already becoming apparent at the outset that the nature of most of the operations of homeland security very much differ from this effort to deal with animal and plant pests that are entering this country. And we really do need to make sure that this function of the Department is operating in the fashion that it was operating when it was under the control of the Department of Agriculture, that we're not losing people with the kind of expertise that's necessary to be able to detect and keep these pests out of the country. And I hope that this dialogue will lead to an effort to enhance that effort.

Mr. CARDOZA. I thank the gentleman.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. CARDOZA. I will yield.

Mr. PETERSON of Minnesota. I, as well, want to commend the gentleman from California and the gentleman from Mississippi for their willingness to work with us on this issue, as well as the ranking member.

We, on the committee, have an investigator that does work for us. And this last year he went out and traveled around the country, talked to a lot of folks involved in this area. And we have some troubling feedback that we got in that report. And I think it's appropriate that we all that are involved in this get together and have hearings to get to the bottom of this to make sure that we not only are securing our borders, but we also are doing the best job that we can to make sure that the food coming into this country is secure and safe and the process is not overly bureaucratic.

So I thank the gentlemen for their leadership and look forward to working with all of them on this issue as we go forward.

Mr. CARDOZA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. BOUSTANY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–261.

Mr. BOUSTANY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BOUSTANY:

At the end of subtitle A of title XI, add the following new section:

SEC. 11013. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

In the case of sweet potatoes, Risk Management Agency Pilot Program data shall not be considered for purposes of determining production for the 2005-2006 Farm Service Agency Crop Disaster Program.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, I want to thank Chairman PETERSON and Ranking Member GOODLATTE, the Democratic staff of the committee and the Republican staff of the committee for working with my staffer, Michael Hare, on this amendment. I think it's a very important amendment.

I am pleased to offer this with my colleague and good friend, Mr. ALEXANDER, from Louisiana as well.

Sweet potato farmers throughout the Nation are involved in an insurance pilot program being administered by the Risk Management Agency. This is a multi-year process which involves many adjustments along the way. The biggest problem was a change made by RMA that defines what qualifies as a marketable sweet potato.

The new definition of the term "marketable" includes all sweet potatoes over 1½ inches in diameter. Unfortunately, this definition does not allow for any sweet potato that has been ruined and is considered unmarketable from being deducted from the total yield calculation.

Sweet potato farmers in Louisiana, as well as in many other parts of the country, suffered heavy rains in September and October of 2005. While these heavy rains led to significant yield losses, sweet potatoes that were over 1½ inches in diameter were counted as a part of the total yield. By counting the sweet potatoes ruined by heavy rains, farmers were unable to qualify for disaster payments.

Our amendment would simply use the data collected by the local FSA offices instead of the RMA to be used for the purposes of determining crop losses.

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These local offices already have the production yield information for the 2005–2006 crop year and will be able to certify if a sweet potato farmer is eligible, indeed, for disaster payment.

Mr. Chairman, I want to be clear: this amendment will only apply to farmers who purchased crop insurance and had a 35 percent crop loss. This amendment simply corrects a technical error made by RMA.

Mr. Chairman, I strongly urge that we support our sweet potato farmers and adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PETERSON of Minnesota. Thank you, Mr. Chairman.

As I said, I support the gentleman's amendment. I understand the gentleman's frustration with RMA and how it is on operating this crop insurance program for sweet potatoes. We have similar frustrations in our area in some other projects that we have been working on. I have heard from many of my farmers about this as well. That is why once we finish this farm bill, the committee is going to conduct a thorough, top-to-bottom review of all our operations down at USDA, especially at RMA.

So I appreciate the gentleman's fighting for his farmers. Given my understanding that this amendment does not score, I urge my colleagues to support the amendment.

Mr. Chairman, I yield back my time.

Mr. BOUSTANY. Mr. Chairman, I thank Chairman PETERSON for his work and his support of this amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

Mr. PETERSON of Minnesota. Mr. Chairman, I ask unanimous consent that we proceed out of order so that the gentleman from New York (Mr. RANGEL), the distinguished chairman of the Committee on Ways and Means, can offer his amendment.

The Acting CHAIRMAN. The gentleman's request cannot be entertained in the Committee of the Whole.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–261.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. JACKSON-LEE of Texas:

At an appropriate place in title IV, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. ____ SENSE OF THE CONGRESS.

It is the sense of the Congress that food items provided pursuant to the Federal school breakfast and school lunch program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me acknowledge the chairman of the full committee, Mr. PETERSON, and the ranking member, Mr. GOODLATTE. I, too, was trying to yield to the distinguished chairman of the Ways and Means Committee. But I am sure that we will have an affirmation, hopefully, of the spirit of this amendment and ask my colleagues before I start to support it.

Mr. Chairman, I rise to affirm family farmers around America. I rise proudly to acknowledge the importance of family farmers and the American agricultural industry in feeding not only America, but feeding the world. This bill, in particular, does a great amount as relates to improving nutrition, providing food for hungry children, and, of course, serving the world, particularly those in need of food.

It goes a long way in providing for black farmers and those who are socially disadvantaged or have land that needs conservation or needs the sharing of technology. I look forward to working with the chairman on those issues as we move forward.

But I rise today to offer an amendment that reaffirms the importance of nutritious meals for our young people, and the importance of the young people who eat school breakfasts and school lunches to have nutritious meals.

This map may not necessarily speak to the idea of school lunches and school breakfasts, but the vastness of this map shows how big America is and the number of people on food stamps. You can imagine that the number of people on food stamps have children who go to school in need of a school breakfast and a school lunch.

Obesity in America is a health crisis. My amendment simply asks that we reaffirm, as a Congress, that those school lunches and those school breakfasts will be nutritionally based to overcome juvenile obesity and to ensure nutritious meals.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, I appreciate the gentlewoman's leadership on this issue. I think this is a very good amendment. We appreciate her interest in promoting healthy foods in schools. That is something that the committee is very much interested in. We support your amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute and 25 seconds to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, childhood obesity is a growing problem in our country. We already know that obesity leads to a greater risk of heart disease, diabetes and a host of other cardiovascular problems.

According to data from a California physical fitness testing program, among fifth, seventh and eighth graders in Los Angeles County public schools, 22 percent of students are overweight. According to the Centers for Disease Control and Prevention, in Los Angeles high schools, 16 percent of students were overweight and 18 percent are at risk of becoming overweight.

Mr. Chairman, this alarming trend in childhood obesity is not only a problem for Los Angeles, but for our Nation. Seventeen percent of our Nation's children aged 12 through 19 are overweight. Overweight children and adolescents are more likely to become obese as adults.

If we want to reverse this trend and effectively reduce childhood obesity, we need to ensure that school breakfasts and school lunch programs clearly communicate the dangers of obesity and the importance of nutrition and physical fitness.

Mr. Chairman, I am very pleased that the Chair has agreed to take the Jackson-Lee amendment to underscore the importance of this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly say this amendment is supported by the National Farmers Union, and it is a sense of Congress that food items provided pursuant to the Federal School Breakfast Program and School Lunch Program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value.

Very quickly, African American and Hispanic families have the greatest risk for overweight and obesity, and youngsters from lower-income families have a higher risk for obesity than those from higher income. More than 40 percent of African American teenagers are overweight. Nearly 25 percent are obese. Hispanic children have the highest lifetime risk of diabetes, 52 percent for boys, 45 percent for girls, followed closely by African American children.

This would be a very crucial statement made by this body, a bipartisan statement, that we not only support America's farmers, but we support the nutritional eating of our children in programs that are federally funded. I would ask my colleagues to support this amendment because obesity is at epidemic proportion in America; and I look forward to working with this committee as we promote nutrition, not only in the United States, but around the world.

Mr. Chairman, I ask for support of this amendment.

Mr. Chairman, I rise in support of H.R. 2419, the Farm Nutrition, and Bioenergy Act of 2007, the Farm Bill. Let me first thank my distinguished colleague Chairman PETERSON for his extraordinary leadership and guidance in crafting this bill. The Farm Bill will go a long way to feed the hungry, increase access to childcare for low-income parents, help the environment, increase opportunities for alternative energy and promote healthy food choices. H.R. 2419 will play a crucial role in continuing to provide a strong support system for many of this Nation's neediest families. H.R. 2419 reauthorizes nutrition programs, which account for two thirds of the bill's funding, to help low income families in need. This includes the extremely important Food Stamp Program that keeps many Americans from going hungry. In fact, the Farm Bill increases the minimum benefit under the Food Stamp Program for the first time in 30 years, and also adjusts the increase to inflation. I am particularly pleased to note that the bill eliminates the current cap on childcare costs to help the working poor meet rising costs. In addition, it nearly doubles the funding for the Emergency Food Assistant Program and expands the Fresh Fruit and Vegetable Snack Program to all 50 States.

A HEALTHY INVESTMENT

The legislation makes historic investments in programs to support fruit and vegetable producers who have not received traditional Farm Bill benefits. The bill provides $1.6 billion in funding for fruit and vegetable programs, including nutrition, research, pest management and trade promotion programs. It increases and expands the Fresh Fruit and Vegetable Snack Program to schools in all 50 States and allows Senior Farmers Markets to expand sixfold. The bill provides mandatory funding for organic certification cost share and authorizes a new incentive payment program for farmers wanting to convert to organic production.

Mr. Chairman, the nutrition section of the H.R. 2419 will go a long way to combat the obesity crisis in this country. Emphasizing the importance of nutrition in this bill will give us some hope that we can find very real solutions to curtail the increasing rates of obesity in our communities and the extremely serious health consequences that result from these high obesity rates. In fact, that is why I offered an amendment to the Farm Bill. My amendment is simple but makes an important contribution to the legislation. The amendment, which is strongly supported by the National Farmer's Union, simply provides that: "It is the sense of the Congress that food items provided pursuant to the Federal school breakfast and school lunch program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value."

Mr. Chairman, we cannot wait any longer to provide every opportunity for our children to receive nutritious meals and, in turn, reverse the alarming rates of childhood obesity. Although the obesity rates among all Americans are alarming, the obesity rates among African-American and Latino communities are particularly astonishing. As chair of the Congressional Children's Caucus, I have a special concern to bring attention to the childhood obesity epidemic among African-Americans and Latino communities.

Earlier this year, my office in concert with the office of Congressman EDOLPHUS TOWNS and the Congressional Black Caucus Foundation, held a widely-attended issue forum entitled, "Childhood Obesity: Factors That Are

Contributing to the Disproportionate Prevalence in Low Income Communities." At this forum, a panel of professionals from medicine, academia and research, nutrition, and the food industry discussed the disturbing increasing rates of childhood obesity in minority and low-income communities, and the factors that are contributing to the prevalence in these communities.

What we know is that our children are consuming less nutritious foods and that they do not get sufficient physical exercise. This combination has led to the obesity epidemic as well as various directly-related consequences. We must find ways to remove them.

Consider these facts:

Obesity is widely recognized as one of the most pressing health threats to children and families across the country.

Today, one-third of American children and adolescents are either obese or at risk of becoming obese.

There are serious health implications associated with obesity for children, including increased risk for developing heart disease, type 2 diabetes, stroke, orthopedic problems, and asthma. When ethnicity and income are considered, the picture is even more troubling.

African-American and Hispanic families have the greatest risk for overweight and obesity, and youngsters from lower-income families have a higher risk for obesity than those from higher-income families.

More than 40 percent of African-American teenagers are overweight, and nearly 25 percent are obese.

Hispanic children have the highest lifetime risk of diabetes (52 percent for boys, 45 percent for girls), followed closely by African-American children (49 percent for boys, 40 percent for girls).

Since the mid-seventies, the prevalence of overweight and obesity has increased sharply for both adults and children. According to the Centers for Disease Control and Prevention, CDC, among adults aged 20–74 years the prevalence of obesity increased from 15.0 percent (in the 1976–1980 survey) to 32.9 percent (in the 2003–2004 survey). There were also increases in overweight among children and teens. For children aged 2–5 years, the prevalence of overweight increased from 5.0 percent to 13.9 percent; for those aged 6–11 years, prevalence increased from 6.5 percent to 18.8 percent; and for those aged 12–19 years, prevalence increased from 5.0 percent to 17.4 percent.

These increasing rates raise concern because of their implications for Americans' health. Being overweight or obese increases the risk of many diseases and health conditions, including the following: hypertension; dyslipidemia (for example, high total cholesterol or high levels of triglycerides); type 2 diabetes; coronary heart disease; stroke; gallbladder disease; osteoarthritis; sleep apnea and respiratory problems; and some cancers: (endometrial, breast, and colon).

We must stop the obesity trends now. We cannot afford the health cost or financial cost that are resulting and will continue to result from the alarming obesity rates in this country.

AMENDMENT TO H.R. 2844

I also offered a nutrition-related amendment to H.R. 2844, "The Food Security and Agricultural Development Act of 2007." That amendment contains two simple, but very important, provisions. It states that it is U.S. policy to use non-emergency food aid to work to ensure that all members of a community, and particularly children, receive proper nutrition. It also recognizes the importance of non-emergency aid in mitigating the catastrophic effects of potential future emergencies.

Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under 5 worldwide. It kills approximately 1 million children each year, or an average of one every 30 seconds. According to UNICEF Director Ann M. Veneman, malnutrition plays some part in 53 percent of all deaths of children under 5. When an emergency situation does arise, malnutrition increases dramatically and kills most quickly.

These statistics are absolutely staggering. They are unnecessary. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

My amendment recognizes the need to meet a community's nutritional needs, particularly those of the children. It highlights the need for non-emergency assistance to address these devastating, long-term deficiencies. There are strong links between a lack of development and the effects of humanitarian emergencies, and the second part of my amendment highlights these. This legislation takes the very important step of setting aside $600,000,000 specifically for non-emergency programs, recognizing the need to finance development. We must act to ensure that the world's most vulnerable populations have access to the long-term solutions that will permit them to fight off hunger, not just in the immediate aftermath of a catastrophe, but in the years and decades to come.

IMPROVEMENT OF THE ENVIRONMENT AND PROTECTION OF OPEN SPACES

The 2007 Farm Bill makes conservation a cornerstone of agriculture for all producers in all regions of the country. The bill increases funding and access to conservation programs to preserve farm and ranchland, improve water quality and quantity, and enhance soil conservation, air quality, and wildlife habitat on working lands.

STIMULATION OF RURAL ECONOMIES

The 2007 Farm Bill also includes key provisions that invest in rural communities nationwide, including economic development programs that target rural areas in need and broadband telecommunication services to bridge the digital divide and provide access to rural, underserved areas.

SECURITY OF AMERICA'S ENERGY FUTURE

The 2007 Farm Bill boosts funding for renewable energy programs by 600 percent. It encourages the production of renewable energy, including biofuels and biobased products that protects our environment and encourages energy independence. It also provides loan guarantees for the development of biorefineries that process biofuels from dedicated energy crops and agriculture and forestry waste materials, a key step toward bringing more renewable fuels to market in America.

Mr. Chairman, the reauthorization of the Farm Bill presents an opportunity for our Nation to have a food system that is more just and sustainable. Current policy in the United States has not adequately met the needs of people living in poverty, small and mid-sized farmers, or of rural America; nor has it been effective in protecting the environment in which we must live. We can do better. Now is the time for us to make a real difference in the lives of people across our nation and around the world. We can do just that with passage of H.R. 2419. I urge my colleagues to join me in supporting this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PETERSON of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

It is now in order to consider amendment No. 11 printed in part B of House Report 110-261.

AMENDMENT NO. 12 OFFERED BY MR. RANGEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 110-261.

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by RANGEL:

At the appropriate place in the bill, insert the following new sections:

SEC. ___. CLARIFICATION OF PAYMENT TERMS UNDER THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Section 908(b)(4) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(4)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) the term 'payment of cash in advance' means, notwithstanding any other provision of law, the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and

"(ii) the release of control of such commodity or product to the purchaser.".

SEC. ___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS UNDER THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may not restrict direct transfers from a Cuban depository institution to a United States depository institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

(b) DEPOSITORY INSTITUTION DEFINED.—In this section, the term "depository institution" means any entity that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or bank holding company).

SEC. ___. ISSUANCE OF VISAS TO CONDUCT ACTIVITIES IN ACCORDANCE WITH THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Notwithstanding any other provision of law, in the case of a Cuban national whose itinerary documents an intent to conduct activities, including phytosanitary inspections, related to purchasing United States agricultural goods under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000, a consular officer (as defined in section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9))) may issue a nonimmigrant visa under section 101(a)(15)(B) of such Act (8 U.S.C. 1101(a)(15)(B)) to the national, if the national is not inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182).

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Chairman, let me once again thank the chairman of the committee and the ranking member for the bipartisan work that they have put into allowing this great bill to reach the floor.

Mr. Chairman, I think this amendment is going to be a real win for America and a win for American farmers and a win for democracy. What it allows is that the people in Cuba can purchase hundreds of millions of dollars of goods from our farmers and be able to pay directly to U.S. banks without going through the red tape with the restrictions that we have on their visas and having to go to third countries.

Close to 50 years ago, someone came up with the great idea that in order to get rid of Castro and the communist government, that we should put an embargo on that country, which, of course, included food products that our great farmers are producing. Well, what has happened is that Castro is still there and we have gone through 10 presidents, and we are the only country that it appears as though has this embargo, which is truly ineffective.

Having said that, it would just seem to me that if we really want to win the hearts and minds of the people in Cuba, that we should make it abundantly clear that our greatest salesmen are our farmers, to be able to give food and nutrition to these people, and the money comes here and the food goes there. Hugo Chavez may be there trying to give them oil, but the poor people in Cuba can't eat oil. So this would open up the markets by hundreds of millions of dollars for wheat, pork, chicken, rice and beans, instead of having the Cubans go to Thailand and Europe, and indeed to go to Communist China.

Now, I know there is a lot of fear about communists, but if you take a look at our deficit with the People's Republic of China, if you see our exploding exchange with the communist government of Vietnam, give me a break. This has nothing to do with communism, very little to do with Cuba, and a heck of a lot to do as to how people are going to vote in Miami and in Florida as relates to Republicans and Democrats.

So we have a great opportunity to do what America does best: compete on the open market of competition. Let's try to take local and domestic politics out of it.

I know it is difficult, because those who oppose this, they don't like Castro. Well, I am 77 years old. Forty years of that has been fighting Castro with an embargo. Young people, that is not going to work.

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If you want to get rid of Castro, let American enterprise, capitalism, farmers, food, liberty, justice, get that into Cuba, and that will bring the old man down.

Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I am strongly opposed to this amendment that rewards a state sponsor of terrorism with unfettered access to our banks and increases the threat to our country. It condones terrorist financing through our banking system. We do not allow other state sponsors of terrorism, such as Iran, Syria, Sudan, and North Korea, to have direct access to U.S. banks.

During a visit with Iran's Ayatollah in May 2001, Castro declared that together Cuba and Iran will bring America to its knees. We should not allow the Cuban regime to access U.S. bank accounts.

And then there is the troubling provision to expedite visas for so-called Cuban agricultural inspectors. This would give free rein to any intelligence agent that the Cuban Government designates as an agricultural investigator to come to the United States. We should not open our borders to any Cuban agent to roam freely throughout the United States under the guise of being agricultural inspectors.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for his outstanding leadership on this issue now and in the past. This is something that I support.

A recent report by the U.S. International Trade Commission shows the United States was a main supplier of ag products to Cuba last year, accounting for 30 percent of the island's imports. This report indicates that number could increase to 50 percent if the United States would only end some of its decades-long restrictions on trade between the two nations. This report shows that lifting the trade and travel restrictions against Cuba can have a real effect on the U.S. farm economy.

Unfortunately, since 2000, American farmers and other ag exporters have been allowed to sell goods to Cuba only on a cash-only basis. So with elimination of all such travel and trade restrictions, U.S. exports to Cuba could almost double from the 2006 level. The largest gains would be fresh fruits, vegetables, milk powder, processed foods, and certain meats.

This amendment is long overdue and would take care of those factors and finally allow our ag producers to benefit from Cuban trade.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the chairman of the appropriations subcommittee of the Legislative Branch.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I want to congratulate Chairman PETERSON for an excellent farm bill which I support and look forward to supporting, assuming this amendment is not added to it.

I do have the utmost respect for the gentleman from New York and have enjoyed my time serving with him in the House of Representatives, but I rise in opposition to his amendment which provides the Cuban regime with the ability to open bank accounts in the United States and obtain visas for regime officials to visit U.S. production facilities.

I strongly support the farm bill, but this amendment needlessly adds a volatile political issue to this important bill.

Cuba is one of five countries in the world that is a state sponsor of terror, along with North Korea, Iran, Syria and Sudan. This amendment would allow access to our financial institutions by a regime that is and maintains close relationships with other state sponsors of terrorism.

Recently, we have been especially vigilant about not allowing access to our financial institutions since 9/11. We adopted the Bank Secrecy Act. We have made sure there are countless accountability measures to ensure that financial institutions have the ability to protect themselves from people who would do us harm, and this amendment would go in the opposite direction.

Additionally, regular Cuban citizens are prohibited from engaging in private economic activity; thus, general agricultural licenses will only serve the purpose of allowing agents of the Cuban Government into the United States.

Finally, I want to remind Members that while the Castro regime seeks U.S. concessions to finance its existence, it has consistently rejected offers of direct U.S. humanitarian assistance to the Cuban people.

I ask my colleagues to vote against this amendment. The Cuban people stand at the cusp of actualizing their dreams of freedom. It is our duty to stand by them during this historic time.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, it is my understanding that the United States does a lot of trading back and forth with Pakistan. Today we understand, in fact, that Osama bin Laden may be hiding in the hills in Pakistan, so let's get this record straight here.

This is about only having Cuba to pay cash in advance, cash in advance for any products that are shipped. It also says that the U.S. Government has created unreasonable obstacles to American businesspeople in their trade with Cuba, which can average $2 billion in agricultural products.

Let me give you an example. Today Cuba has increased its purchases of rice from Vietnam because of the payment restrictions imposed by the United States. That is $200 million that could be directed towards our farmers and not to Vietnam. Talk to the folks from Arkansas. Talk to the folks from Louisiana. Wouldn't it be better if our rice farmers, in fact, could be the beneficiaries of that market?

Let us end this foolishness of making a restriction on our farmers to sell their agricultural products to Cuba. Cuba is the only country in the world on which we put these kinds of restrictions.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 30 seconds to the gentleman from New Jersey (Mr. SIRES) who serves on our Foreign Affairs Committee, and this amendment did not go through our committee.

Mr. SIRES. Mr. Chairman, I rise briefly to respectfully state my strong opposition to this amendment because I believe that we must not open our financial institutions to a state sponsor of terrorism like the Cuban regime.

The Rangel amendment has almost nothing to do with agricultural interests. In fact, it may actually cause harm to our agricultural community. What this amendment does do is threaten our national security. This amendment allows the Cuban Regime, a state sponsor of terrorism, access to U.S. financial institutions and allows its agents access to U.S. visas.

If adopted, the Rangel amendment will legitimize the Cuban Regime and provide them with the opportunity to continue its sponsorship of terrorism. It will also provide high level regime officials access to U.S. visas to travel throughout the United States. At a time when our country has declared a war on terror and we have worked to cut the flow of money to terrorists and terrorists access to our financial institutions, we must not open our financial institutions to help finance state sponsors of terrorism. By adopting this amendment, we will be doing just that, rewarding the Cuban Regime and supporting the financing of a state sponsor of terrorism.

I urge my colleagues to vote "no" on this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the chairman of the Republican Policy Committee, the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, it was interesting that the distinguished chairman of the Ways and Means Committee pointed out since the time Dictator Castro has held sway over the Cuban people, the United States has had Presidents come and go, which seems to point to one ineluctable fact: the United States, as a free people, can make their Presidents come and go, which is an option the Cuban people do not have.

As a practical matter, I oppose this amendment for a very simple reason: it would open up trade with a state sponsor of terrorism, and I can find no logical way to differentiate one state sponsor of terrorism from another. It would be akin to simply trying to determine what the make of the car that ran you over was as opposed to the driver. In either event, you are probably likely dead, and the rest of the question is academic.

Secondly, we have heard much in this debate about the benefit that we may reap in terms of our corporations and farmers, but let us never forget that the United States must always care more about the cause of human freedom than about mere money.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield the balance of my time to a member of the Rules Committee, my colleague from Florida, a leader on human rights, Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the agricultural issue in this amendment is really a subterfuge, because if we read, for example, the spokesman of U.S. Agribusiness, Mr. Radlow, he states that in the 5 years that we have been selling products to Cuba, the political hurdles have never hurt. We know how to deal with third-party banks.

People use the hurdles as an excuse for not getting a contract. It is legal to sell agricultural products to the Castro regime since the year 2000. But as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) pointed out, ever since 2001 and the attacks of 2001, we have been making sure that U.S. financial institutions, to the greatest extent we can achieve it, are protected from state sponsors of terrorism. And as a matter of fact, the regulation being discussed today was requested by U.S. financial institutions.

So let's not get confused. This amendment would allow a state sponsor of terrorism on the list of state sponsors of terrorism U.S. bank accounts and visas for their agents, over a dozen of which have been convicted in recent years alone of spying against United States interests. So let's vote down resoundingly this amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Rangel amendment and thank the gentleman for offering such a forward thinking measure.

This amendment will remove the banking restrictions that require prepayment for agricultural goods, that keep Cuban families from purchasing food from American family farmers. And frankly it's past time.

It is past time to leave out-dated cold war era thinking on U.S.-Cuban relations out where they belong—in the cold.

It is past time to reach out to the Cuban people and allow them to engage our democratic free markets.

It is past time to restore the rights of the American family farmer's access to upwards of $300 million dollars in sales to the Cuban market.

It makes no sense to me to allow agricultural exports into Cuba on one hand an then turn around and set up bureaucratic banking restrictions that severely limit those very exports on the other.

I commend Chairman RANGEL for his leadership on this issue and I hope to work with him to bring some common sense to Cuba policy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. BOEHNER

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110-261.

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BOEHNER:

In section 1204, add at the end the following new subsection:

(i) RATE ADJUSTMENTS; DATE FOR DETERMINING REPAYMENT RATE.—

(1) NO MORE THAN MONTHLY RATE ADJUSTMENTS.—Repayment rates established under

this section shall be adjusted by the Secretary no more than once every month for all loan commodities.

(2) DATE FOR DETERMINING REPAYMENT RATE.—With respect to the monthly repayment rates established under this section, the rate shall be—

(A) in the case of a producer who, as determined by the Secretary, loses beneficial interest immediately upon repayment of the loan, the monthly repayment rate that is in effect on the date beneficial interest is lost; and

(B) in the case of other producers who did not lose beneficial interest upon repayment of the loan, the repayment rate in effect on the earlier of—

(i) the month in which the loan matures; or

(ii) the last month of the marketing year established by the Secretary for the commodity.

In section 1205(e), add at the end the following new sentence: "However, the producers must have beneficial interest in the commodity for which a payment is requested under this section as of the date on which the producers request the payment.".

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Let me first congratulate Mr. PETERSON and Mr. GOODLATTE and the bipartisan group of members on the Ag Committee who have brought this bill to the floor.

Unfortunately, the several tax increases contained in the bill I think are problematic, and we will deal with that later in this process.

But the amendment that I bring to the floor today aims to fix a problem that has been identified by the administration and others but has not been addressed in the bill that we have before us. This bill would extend a policy that permits farmers to receive loan deficiency payments based on a daily posted county price, and I think that would allow a mistake to continue.

If we are going to continue loan deficiency payments, I think we need to address the situation that allows farmers to lock in an LDP when prices are low and then to sell that crop when prices are high. LDPs are a valuable tool for farmers, and in order to preserve this valuable tool, we need to fix this problem.

Loan deficiency payments enable farmers to receive financing early in the harvest season, preventing farmers from forfeiting their crops to the government and allow commodities to be marketed in response to market demand. As I said, they are a valuable tool, and if we do not preserve their integrity, I think they are likely to blow up and to be eliminated entirely.

This amendment would replace the daily posted county price with a monthly posted county price. The monthly PCP would be the average of five daily PCPs on preset days during the previous month, taking out the high price and the low price for that month. Agriculture Secretary Mike Johanns included this provision in his farm bill recommendations.

The problems with calculating LDPs based on the daily posted county price were highlighted in the days after Hurricane Katrina. Because of the hurricane, transport of grain on the Mississippi River was stopped for several days. This caused a short-term precipitous drop in market prices which then triggered a number of farmers to go in and trigger their LDP payments. The farmers who locked in these artificially low LDPs were simply using the program to increase payments that they received from the government.

This was not the purpose of the marketing loan program or the LDP program. Marketing loans and LDPs are intended to allow farmers to receive financing early in the harvest season to allow commodities to be marketed in response to demand.

☐ 1000

If we want to increase subsidies for farmers, let's be honest about it. If we allow the marketing loan program and LDPs to continue to be used in this manner, we'll be undermining their integrity by allowing them to game a pricing system that reacts to daily natural disasters.

I think supporting a good farm policy is important, but exploiting catastrophic natural disasters cannot stand. So I believe we need to make this change if we're going to preserve LDPs and the integrity of our good farm policy.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise to oppose the gentleman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, Mr. BOEHNER is a good friend of mine, and I am reluctant to oppose this amendment but I must.

This provision was part of the administration's farm bill proposal. The benefit of daily posted county prices is that farmers have the greatest amount of flexibility in responding to market price changes, which have become, as indicated by Mr. BOEHNER, increasingly volatile, and the farmers have very little power in this marketplace. This is something that I think we clearly should retain for them so that they've got some ability to deal with what happens in the marketplace.

Moving to a monthly posted county price may save money, but as I said, it hampers, weakens the effectiveness of the marketing loan program as a safety net feature, which is one of the primary things we're trying to do in this farm bill.

According to a letter from the National Grain and Feed Association, this proposal would be highly disruptive to the efficient operation of the cash grain marketplace.

The entire General Farm Commodities and Risk Management Subcommittee, Republicans and Democrats alike, rejected this approach when it defeated an amendment containing the administration's proposal that had this feature in it.

This amendment, this idea has no support in the agricultural community; and, therefore, I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back my time.

Mr. BOEHNER. Mr. Chairman, I'm pleased to yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate his leadership.

This is an example of a simple, commonsense reform that needs to be in a farm bill. Just because it was buried in the overall administrative proposal and rejected does not mean that it doesn't have merit. It's not that this just saves money; it avoids an unnecessary complication and room to game the system.

What Mr. BOEHNER said is true, there are billions of dollars at play here. Obviously this may not be supported in the farm country to fix the loophole because this is an opportunity for them to make unjustified money.

I strongly urge support with this simple, commonsense reform.

Mr. BOEHNER. Mr. Chairman, I'm pleased to yield 30 seconds to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Oregon said, this is simply a commonsense amendment. In the days after Katrina, people were able to lock in artificially low prices and make billions, billions of dollars at the expense of the taxpayer when they then sold at the higher price. So it was simply a way to game the system. That's all it was. There's no other explanation for it.

And to say that the agricultural community rejects it doesn't say anything about its worthiness as a commonsense reform measure. This needs to be done. It's common sense. There's no justifiable explanation to allow people to game the system.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

In the days after Katrina, and just several days after Katrina, when we had the precipitous drop in prices, it cost the Federal Government $3.5 billion in extra LDP payments. So what we're talking about here is sound agricultural policy and sound policy with regard to America's taxpayers.

Think about the fairness of the farmer who sold his crop the day before

Katrina. Think about what he felt like when several days later his fellow farmers ended up with hundreds of thousands of dollars more in extra benefits from the government because they just happened to sell a day or two before Hurricane Katrina hit.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, I think what people need to understand, the farmer that sold the day before Katrina got his money out of the marketplace, and what the LDP did is protect those farmers that sold later to get the same price that farmer got right before Katrina. So that's exactly what this is supposed to do.

Farmers don't have any power in this marketplace to speak of. If you want to give all the power to the big guys, go to this system. It's not what we want to do in the Ag Committee.

Mr. BOEHNER. Reclaiming my time, I served for the last 17 years with Mr. PETERSON on the Ag Committee. I'm on leave, and I know all my colleagues on the Ag Committee are glad that I'm on leave. But the fact is that marketing loans and loan deficiency payments were there to facilitate the marketing of a crop. They weren't there to make or set up a system to allow or to put farmers in a position where they become day traders, and the current system does, in fact, allow that.

So instead of looking at a daily posted county price, if you looked at a monthly posted county price where you take out the high for the month and the low for the month and pick 5 days, you've got a fair price for all farmers. You've got a fair system that prevents people from gaming the system because of some abnormality in the market that may occur on one or two days.

This is a commonsense amendment. I would urge my colleagues to adopt it.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. PETERSON of Minnesota. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALLEN) having assumed the chair, Mr. SCHIFF, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, had come to no resolution thereon.

MODIFICATION TO AMENDMENT EN BLOC OFFERED BY MR. PETERSON OF MINNESOTA AND PERMISSION TO OFFER AMENDMENTS NUMBERED 9 AND 11 AT ANY TIME

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2419, pursuant to House Resolution 574, (1) the amendment en bloc offered by the gentleman from Minnesota be considered as modified by the form I have placed at the desk and that it be considered as adopted as so modified, and (2) amendments No. 9 and No. 11 be permitted to be offered at any time.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to en bloc amendment offered by Mr. PETERSON of Minnesota:

Strike amendment No. 9.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2419.

□ 1009

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mr. SCHIFF (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 13 printed in part B of House Report 110-261 by the gentleman from Ohio (Mr. BOEHNER) had been postponed.

AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 110-261.

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MANZULLO:

Strike subsection (a) of section 1246 of the Food Security Act of 1985, as added by section 2409(a) of the bill, and insert the following:

"(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly, in any fiscal year shall not exceed—

"(1) $60,000 from any single program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b));

"(2) $125,000 from more than one program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act; or

"(3) $450,000 from the environmental quality incentives program.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification placed at the desk in order to make a technical correction.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Mr. MANZULLO:

Strike subsection (a) of section 1246 of the Food Security Act of 1985, as added by section 2409(a) of the bill, and insert the following:

"(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly—

"(1) in any fiscal year shall not exceed—

"(A) $60,000 from any single program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b)); or

"(B) $125,000 from more than one program under this title (other thanthe environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act; and

"(2) for the period of fiscal years 2008 through 2012, shall not exceed $450,000 from the environmental quality incentives program.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Minnesota (Mr. PETERSON) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I rise in support of my amendment that will exempt the Environmental Quality Incentives Program, EQIP, from a $60,000 payment limitation that this bill proposes for conservation purposes.

This program provides farmers with financial and technical assistance to plan and implement soil and water conservation practices and has the full support of the environmental and farming community.

This amendment is more of a technical correction, as all it does is return the EQIP payment limitation to its current level of $450,000 over the life of the farm bill. The amendment does not impact the increased payment limitation for direct payments. The amendment is narrowly tailored to only impact payments for EQIP-specific projects.

Currently, 60 percent of EQIP payments go to livestock producers, who use those cost-share payments to establish environmentally sound structures and practices on their farms. Without these payments, these structures and practices in many cases will not meet EPA standards for environmental care.

The problem with the proposed $60,000 limitation is that these EQIP programs are so expensive that the farmers, in many cases, probably in most cases in my district, won't choose to take it because of the cost.

To give you an example, we have two methane digesters in my congressional district. Each of them cost over a half a million dollars. The farmer could get up to 50 percent and sometimes even more of the costs of that from the present EQIP program, but under the proposed law, he could only get $60,000.

When I was in private practice, I practiced agricultural law and had to work with farmers to come into compliance with the EPA; and even though EQIP was not around at that time, the remedial measures that we took for runoff, et cetera, to be in compliance with EPA in many cases ran into the several hundred thousand dollars.

This is what I'm hearing from the constituents that I represent, that they respect the fact that EQIP is there, but $60,000 simply would not go long enough or far enough.

So our proposal is to return it to its present standard. It spends no more money. It makes money available to build these expensive facilities.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, Mr. MANZULLO and I are good friends, and I allowed him to modify his amendment, but I have to very strongly oppose this amendment.

We've added several billion dollars to the conservation baseline in this bill, and even with that, we still have big backlogs in these programs. It's going to go a long ways to correcting that, but one of the ways that we're going to make this money go further is by applying the same payment limitations to these conservation programs that we're applying to title I.

And the question to me is the same. If the argument is that we have large farms that shouldn't be entitled to title I payments, then why is it all right for large folks to be entitled to title II payments?

What this will do, the changes that we've made are going to make this go further. It's going, I would say, to allow smaller producers a better opportunity to have access to these limited programs.

And so I guess I would just say what is good for the goose is good for the gander, that we're applying these same limitations all across the programs. I understand that some of the larger folks aren't going to like this; but, you know, this is what we need.

So I hear arguments against this because somehow or another conservation is different, but with the payment limitations, the effect of that is to actually weaken the title I safety net for producers.

□ 1015

So, it is just not right to have a different standard for these conservation programs. I ask my colleagues to stick with the committee's position. I strongly oppose this amendment.

Mr. Chairman, we reserve the balance of our time.

Mr. MANZULLO. Mr. Chairman, in answer to the question of the gentleman from Minnesota, conservation is different from trying to meet an EPA mandate. You can do a tremendous amount of conservation programs for $60,000, but EQIP programs, by their very nature, cost in the hundreds of thousands of dollars. That's the problem.

The problem that we have here is that the $60,000 limitation goes into effect. Money may not be available for farmers to be able to meet environmental standards. So this really is a pro-environmental vote. I don't really want to talk about geese. I am talking about cattle. But this all applies to chicken farms and the tremendous runoff that we have.

By allowing this amendment and removing the $60,000 cap, this will increase the number of environmentally protected areas in farming across the country. That's the reason for it. It costs no more money, and you might want to spread these programs across the board. I can understand that on conservation, but not on these mandated programs that are title II.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 2 minutes to my good friend, the ranking member from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding. I join him in opposition to this amendment.

Mr. Chairman, I understand the gentleman from Illinois' concerns, but with regard to the conservation programs, we have a finite amount of money. The commodity programs work under a baseline that assumes market conditions.

The money rises and falls, and every farmer who meets those conditions can qualify for them. But with the conservation programs, there is a finite amount of money. Without the payment limitations, many farmers will not receive any help whatsoever in complying with different environmental regulations unless we have these payment limitations, which allows the payment to be spread across a wider area. This is a new reform-minded payment limitation. While some may think it's too stringent, payment limitations need to be applied uniformly across both title I and title II.

Easement programs such as the wetlands reserve are exempted from this so we can protect some of the most environmentally sensitive land through easements. But the committee must be consistent in our views of all payments to producers, not just commodity payments.

I join the gentleman in reluctantly opposing the gentleman from Illinois' amendment.

Mr. MANZULLO. The problem is that the EQIP program is already being doubled in the amount from $1 to $2 billion, where the caps are being lowered to $60,000. This is not a conservation.

The purpose of this is so that cow manure and pig manure and chicken manure don't flow into the rivers and the streams. That's the problem with the Chesapeake. It's the chicken manure that's destroying the Chesapeake.

When you have the EQIP cap, that means less chicken producers will be able to afford retention systems in order to comply with EPA. So this is a pro-environmental vote, and there is plenty of money because the chairman recognizes the fact that the total amount has been doubled.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentleman from Minnesota has 2 minutes remaining.

Mr. PETERSON of Minnesota. I understand what you are saying, but the reality is, if the argument is that wealthy farmers should somehow be limited to title I payments, then from my perspective, if you got enough money to build a great big huge factory farm or if you got enough money to go out and buy 5 million acres, I don't know why the government needs to help if you've got that much money to do that.

What we're doing here is we're seeing that this is spread across everybody. What it will do is it will make this available to a lot more people. It will make it available to smaller farmers. Frankly, if you have big operations, I think you can pick up this cost and make it part of the cost of doing business.

I understand what you are saying, but I just disagree, given the amount of money we have.

Mr. Chairman, I yield to my good friend, Mr. BLUMENAUER from Oregon, for the balance of the time.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I appreciate where my friend from Illinois is coming from, but the chairman said it right. This would be an indirect subsidy for some of the largest operations who need it the least, and it would penalize people who need this assistance. Even though there is a plus-up under the bill, it doesn't go far enough to meet the need for conservation. We will find that out.

I strongly support what we have heard from the chair and the ranking member. I do think this is the environmental position, and I urge rejection of this amendment.

Mr. MANZULLO. Mr. Chairman, the payment limitations of the farm bill go from $2 million to $1 million. Under the EQIP programs it goes from $450,000 down to $60,000. This is not for wealthy farmers. This is not for factory farms. These are for the little guys that I represented when I practiced law in Ogle County, Illinois, for 22 years.

If we had a program like this, the money would have gone a long way. But even with a modest herd of 300 head, it costs several hundred thousand to build a retention system or a methane digest, if you want to go into doing that. Our methane digesters in our district, the one that has 500 dairy cattle, they are able to run a city of 500 people, of 500 homes; thus, it conserves electricity from the nuclear plant and also from coal-burning facilities. The problem is getting onto the grid and getting a reasonable price.

I was a chairman of the Small Business Committee. When I practiced law, the guys that use this, these are all little guys around me. We don't have people with thousands and thousands of cattle in northern Illinois. So I would suggest that for the small business farmer, to make this program go even further, that we should allow this amendment.

The Acting CHAIRMAN. The time of the gentleman has expired.

The gentleman from Minnesota has 30 seconds remaining.

Mr. PETERSON of Minnesota. Mr. Chairman, I appreciate what the gentleman is saying, but there are a lot of folks that disagree with these payment limits on title I. I, myself, have some concerns about them.

It just has got to be this way. We are putting a hard cap of $100 million of all payments. We are doing that to conservation, title I. This is the way it ought to be. This is the way it needs to be. We are not treating conservation any different. We are treating him as exactly the same. I am not one that gets into an argument about big or small, rich and poor. This is just justice for all.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO), as modified.

The amendment, as modified, was rejected.

AMENDMENT NO. 11 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in part B of House Report 110-261.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WELCH of Vermont:

In section 1409(b), insert after paragraph (6) the following new paragraph (and redesignate subsequent paragraphs):

(7) evaluating cost of production variables, including cost of feed and cost of fuel;

In section 1409(c)(3)(D), insert before the period at the end the following: ", including the Northeast, Southeast, Midwest, and Western regions of the country".

In section 1409(d), strike "Not later than two years after the date of the first meeting of the commission," and insert "Not later than 18 months after the date of the enactment of this Act,".

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, a point of order. Isn't the gentleman out of order in offering this amendment?

The Acting CHAIRMAN. Pursuant to the previous order of the House of earlier today, the gentleman is permitted to offer the amendment at any time.

Pursuant to House Resolution 574, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, I want to thank Chairman PETERSON and Ranking Member GOODLATTE for establishing in the bill the Federal Milk Marketing Order Commission. It's my hope that the commission will go a long way in fixing many of the problems inherent in the current system, and it will lead, hopefully, to a more stable price for milk.

The milk marketing orders, like many of the agricultural pricing programs, almost dates back to the New Deal. The intent is to provide a lifeline, not a lifestyle, and a safety net, not really a subsidy.

But one of the problems with the system is it does not take adequately into account the cost of production. In Vermont, in the last year, in the world of dairy, we had the perfect storm: high grain prices, high fuel costs, terribly bad weather, and very low milk prices.

The purpose of this commission is to allow it, this amendment, to allow the commission to take into account the cost of production.

We must be sure that if dairy farmers, like other members of the agriculture community, are going to be able to pay their bills, the cost of production must be reflected in the pricing program.

Mr. PETERSON of Minnesota. Mr. Chairman, if the gentleman would yield?

Mr. WELCH of Vermont. I yield, yes.

Mr. PETERSON of Minnesota. I want to thank the gentleman from Vermont for bringing up this very important issue. As you know, that version of the farm bill that the House Agriculture Committee reported contains a request for the study of Federal Milk Marketing Orders.

As we began the farm bill process last year, we traveled around the country listening to producers, processors and other members of the dairy industry. What we heard was that the Federal Milk Marketing Order system was in need of reform, and we have taken steps to address that.

The committee bill establishes a system to review this system and report its findings to Congress and the Secretary of Agriculture. The committee hopes and expects that this study will provide information necessary to develop the changes that modernize and rationalize milk marketing regulations in this country.

The committee recognizes the concern that this commission could lead to delay within the Department regarding ongoing efforts to reform the improvement of the Federal Milk Marketing Order system. We do not wish this to be the case and have directed the Secretary to address that concern in the committee substitute.

So, if the gentleman is willing to withdraw his amendment, I would extend an offer to work with him in conference to make sure that his concerns on energy and feed costs are incorporated into the commission study.

Mr. WELCH of Vermont. Mr. Chairman, on behalf of myself and my cosponsor, my friend, Mr. ARCURI from New York, we accept the gracious offer of the chairman.

Mr. Chairman, at this time we would move to withdraw our amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 16 OFFERED BY MR. BLUMENAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 16

printed in part B of House Report 110-261.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. BLUMENAUER:

In section 1238I of the Food Security Act of 1985, as amended by section 2110, insert at the end of subsection (b) the following new sentence: "Grants may also be made for purchase of conservation easements or other interests in land pursuant to a transferable development rights program in which the entity acquiring the interests sells them for development in an urban area consistent with local land use plans, but grant funds may not be used to reduce the cost of development rights.".

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I rise to offer an amendment in order to highlight an important but unfortunately not well understood farmland preservation tool used by communities across the country.

The United States loses more than 4,000 acres of farmland and open space to development every day. Since 1945, America has lost nearly 20 percent of its farmland. Some of the best farmland, which is close to our growing cities, is being lost to development on an ongoing basis.

Sadly, local governments have few tools to protect this farmland. They can issue regulations, which some feel is burdensome; they can purchase land; or they can purchase development rights from landowners to prevent development, which can be very expensive.

Transferrable development rights, called TDRs in the trade, are an important market-based tool used by States and cities to protect farmland, property rights, and taxpayer dollars.

Under a TDR program, development rights can be separated from a parcel of land and sold to a private party, usually a developer. The developer can then use these rights to develop in an urbanizing region with a high demand for development that is already served by highways, water and sewer systems, not taking out scarce farmland.

□ 1030

This creates a private market for development rights and gives farmers options. Under this system, the private sector rather than tax dollars is paying for preservation of the parcel from which rights are purchased.

Successful TDR programs have been in place throughout the country since 1980 and have protected tens of thousands of acres of farmland and open space. They are currently in use in over 170 communities around the country, including Montgomery and Calvert Counties in Maryland, Blue Earth County in Minnesota, and Boulder County in Colorado. My amendment would simply clarify that funding from the Farm and Ranchland Protection program, which has been very successful in preserving farmland through the purchase of conservation easements, can be used for this type of program.

I reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I rise in opposition to the amendment and for the purpose of engaging in a colloquy with the gentleman from Oregon.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. HOLDEN. I appreciate the gentleman for raising this issue. I agree that transferrable development programs are an important tool to protect farmland; however, I have some concerns about the way this amendment is drafted. If the gentleman would withdraw his amendment, I would be happy to work with him as this bill moves through the process to clarify that Farm and Ranchland Preservation Program funds can be used for this purpose in a way that ensures that the underlying program is not negatively affected.

I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I appreciate the gentleman's willingness to work with us on this. The beauty of the Transfer of Development Rights programs is, when they are working correctly, they don't need government funding. However, an initial grant is sometimes extraordinarily useful in getting a program started in the first place. It is why I think funding from the FRPP is important.

Upon the gentleman's request, I am happy to withdraw this amendment, as long as we can work to make sure that the intent, and I actually think this is the intent of the existing legislation, to work with you to clarify the language to make sure that this innovative program will help stretch the tax dollars for the Farm and Ranchland Protection Program even further.

Our Nation's farmers face development pressures every single day, and we need to ensure that communities are able to use all the tools available to help the farmers who want to keep farming resist development pressures.

I appreciate the gentleman's courtesy and look forward to working with him.

Mr. HOLDEN. I assure the gentleman he has my commitment as well as the commitment of the chairman of the full committee.

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110-261.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ARCURI:

At the end of subtitle D of title I, add the following new section:

SEC. 2410. ADJUSTMENT OF CLASS I MILK PRICE MOVER TO REFLECT ENERGY AND ANIMAL FEED COST INCREASES.

It is the sense of Congress that the Secretary of Agriculture should use existing authority when determining the Class I milk price mover to take into account the increased cost of production, including energy and feed.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I plan to withdraw my amendment, but before I do I would like to take a few minutes to highlight a few issues facing dairy farmers in our district.

First of all, I would like to express my sincere thanks to Chairman PETERSON for achieving what many thought was impossible, and that is a sensible, balanced, comprehensive reauthorization of the farm bill. I especially appreciate that the chairman included a 5-year extension of the MILC program, which is so critical to dairy farmers in my district and throughout the Northeast.

Unfortunately, with skyrocketing costs of energy and feed, it is becoming increasingly difficult for dairy farmers to stay in business. New York is third in dairy production nationwide and home to 6,200 dairy farms which produce 12 billion pounds of milk a year and generate $2 billion in farm revenue.

From 2001 to 2006, however, the cost of gasoline and fuel had increased over 100 percent. The cost of feed has increased nearly 20 percent and the cost of fertilizer has increased over 40 percent, to list just a few of the dairy farmers' expenses. While all the costs of production are based on market prices, the price a dairy farmer can charge for a hundred weight of fluid milk is not.

In response, my amendment simply states the sense of Congress that the USDA should use its existing authority when determining the class I milk price mover to factor in increased costs of production like energy and feed. It is patently unfair that Exxon, Conoco, Mobile, and other oil companies can increase the price of their product when costs of production like exploration and labor go up; yet dairy farmers are held hostage to severe price fluctuations and forced to succumb to a process that doesn't always reflect their increased costs in production.

Mr. Chairman, at this time I would like to yield 1½ minutes to my good friend and colleague from New York (Mrs. GILLIBRAND), a cosponsor of my amendment, and a member of the House Agriculture Subcommittee on Dairy.

Mrs. GILLIBRAND. Mr. Chairman, I rise today in support of my fellow colleague from upstate New York. I want to echo the sentiments of Congressman ARCURI.

Upstate New York dairy farming and small dairy farming across the country is in grave need of consideration. I was very, very grateful for the leadership of Subcommittee Chairman BOSWELL, who really extended an enormous amount of advocacy on behalf of dairy farmers throughout the country.

I also want to thank Chairman PETERSON and the other members of the Agriculture Committee who really thought through the needs of dairy, and made sure that MILC was preserved in this farm bill.

But the issues are very serious. Last summer, the price of milk was $12 a hundred weight, and the cost of producing that milk was between $16 and $18 a hundred weight. The cost of feed, the costs of fuel have continued to escalate. This summer, if you go to a gas pump, it is over $3.50 a gallon; that is the way it was last summer. Now, we are very thankful because we have high milk prices. But this constant fluctuation is a problem that we need to address, and I am going to work with Chairman BOSWELL and Chairman PETERSON over the next several years to look at milk policy, how we can improve the market order system and how we can improve dairy pricing throughout our country.

I thank the gentleman for the time.

Mr. ARCURI. Mr. Chairman, I thank my colleague from New York for her leadership on dairy issues and tireless service on the Agricultural Committee on behalf of New York.

Mr. Chairman, at this time I yield to the distinguished subcommittee chairman, Mr. BOSWELL, subcommittee chairman of the Dairy Subcommittee, who has truly done a remarkable job in getting us where we are today, for as much time as he may consume.

Mr. BOSWELL. Mr. Chairman, I must recognize Mr. ARCURI and Mrs. GILLIBRAND for their great work. The farmers of their State ought to be very proud that they have spoken out, and we have listened and we want to make things better.

I want to thank them for this amendment that he has agreed to withdraw, and to say the following: that the moving renewable industry and its impact on feed cost has been something that the House Agriculture Committee has monitored closely. The Subcommittee on Livestock, Dairy, and Poultry even held a hearing on this issue earlier this year.

As the United States moves toward energy independence and a stronger renewable fuel base, the cost of production has increased for our producers. This issue affects my district especially, since it is one of the largest and a major ethanol producing area.

We must work together, and we will work together, to find the balance between feed and fuel, and ensure that one important industry is not hurt by the other. So I encourage my distinguished colleague to withdraw his amendment, with the understanding that I will work with him in conference or wherever to make sure his concern about the cost of feed and fuel is incorporated in the final version of this bill for dairy producers.

Mr. ARCURI. I thank the distinguished subcommittee chairman as well as Chairman PETERSON for their commitment to address this very critical issue for dairy farmers in my district during the conference.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in part B of House Report 110–261.

AMENDMENT NO. 19 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in part B of House Report 110–261.

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. DAVIS of Illinois:

Strike the three sections in subtitle C of title I, and insert the following new sections:

SEC. 1301. SUGAR PROGRAM.

(a) FORFEITURE PENALTY.—Section 156(g) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(g)) is amended by adding at the end the following new paragraph:

"(3) FORFEITURE PENALTY.—The Secretary shall assess a penalty on the forfeiture of sugar pledged as collateral for a nonrecourse loan under this section. The penalty shall be 1 cent per pound for raw cane sugar and an equivalent amount, as determined by the Secretary, for refined beet sugar.".

(b) EFFECTIVE PERIOD.—Section 156(j) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(j)) is amended by striking "2007" and inserting "2012".

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended in the matter preceding subparagraph (A) by striking "2007" and inserting "2012".

Strike section 9013.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 1 minute.

The Davis-Kirk amendment will strike the new sugar provisions which will drive up the price of domestic sugar, therefore making it more difficult to candy makers, food processors, and confectionery businesses to survive. This new bill raises the sugar price supports, restricts sugar imports, and instructs the Secretary to buy surplus sugar for use in making ethanol.

Since 1997, the sugar subsidies have cost the U.S. economy a loss of 70,000 jobs. The Davis-Kirk amendment will make sure that the sugar program does not cost any more jobs than what we have already lost.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. The Davis-Kirk amendment to the 2007 farm bill would erase sugar policy measures that are designed to save taxpayers funds and prevent the U.S. sugar market from being overrun with subsidized foreign sugar. The economic impact in Minnesota alone of the U.S. sugar industry amounts to over $1.3 billion per year. Nationwide, over $10 billion is generated in economic impact from this industry.

While I sympathize with Members who are experiencing job losses in their districts, I would urge them to consider why job loss is happening. It is not because of the price of sugar. Food manufacturers are paying less for sugar today than they paid when Jimmy Carter was in the White House.

Now, the Davis-Kirk amendment would eliminate the market balancing provisions that we put in this bill. And this is really a safety valve to deal with the possibility of sugar coming in from Mexico, which I am not convinced is going to happen. So instead of dealing with this in a forfeiture way, which is the way the current system works, what this will do is it would allow us to deal with excess sugar that might come in from Mexico, and it would be done only as needed.

So we are not sure what is going to happen. Right now, the price of sugar in Mexico is higher than in the United States, and all the reports I am reading, they don't have any extra sugar in Mexico. So we are not even sure that this is a problem.

The Department has put this CBO score in there to try to screw us up with this program. They have been doing this for years. They have been trying to kill this program off. We have a mechanism here that makes sense, because we will put the sugar into ethanol, which speeds up the fermentation process and creates more ethanol in the process, this is corn ethanol plants, and it just makes sense. It is going to save us money, and it will make sure that we can maintain this industry.

They also in this amendment have a forfeiture penalty that would add insult to injury for American sugar farmers, as desperate farmers would have to pay back to the government 6 percent of their potential proceeds from the loan after the U.S. market prices have collapsed, if that ever would happen. So I strongly urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 45 seconds to the gentlewoman from Illinois, Representative BIGGERT.

□ 1045

Mrs. BIGGERT. Mr. Chairman, I don't know how it's possible, but this bill makes a bad sugar program even worse. Chicago was once referred to as the candy capital of the world because of our strong confectionery and manufacturing industry, but thanks to the sugar program and sugar subsidies, nearly one-third of the jobs in the industry have been lost.

This farm bill goes backward, not forward. Instead of recognizing the reality that the sugar program has cost American manufacturing jobs, this bill increases sugar price supports and widens the gap between U.S. and world prices.

I strongly support Mr. DAVIS and Mr. KIRK's amendment to keep cane refinery and food manufacturing jobs in the United States. This is a good amendment, and I urge my colleagues to vote for its adoption.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 1 minute to my good friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I rise today in strong opposition to this amendment.

Consider, the cost of sugar over the past 27 years has actually decreased, and it remains the only commodity in the country that has actually contributed toward paying off the national debt.

But as the cost of sugar has gone down, the price at grocery stores for candy manufacturers and bakery manufacturers and other sweets are charging more for their products, whose main ingredient is sugar, has increased.

Footnote right there. Why does the confectionery industry get smaller and cost more?

I don't need to sugarcoat the facts, Mr. Chairman. American consumers are getting a sweet deal on sugar. It's so cheap in the U.S., they give it away in restaurants.

Unlike other commodities, the U.S. sugar program doesn't cost the American taxpayer one dime.

Do my colleagues realize that if this amendment passes, over 146,000 jobs, 25,000 of which are in South Florida, will be in jeopardy. Congress can't turn its back on these hardworking Americans simply because candy companies in the U.S. want to pay their workers pennies in South America rather than living wages in South Florida.

In my district, the cities of Belle Glade, Clewiston, South Bay and Pahokee will almost cease to exist if this amendment passes. Talk about getting a raw deal. As my distinguished colleague DALE KILDEE, who himself represents a significant portion of sugar beet country, is fond of saying and correctly so, we have the cleanest, greenest, and safest sugar supply in the world. I implore my colleagues to oppose this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, it's my pleasure to yield 30 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of the Davis-Kirk amendment.

The current sugar program has cost American workers tens of thousands of jobs, and it's cost American families $1.9 billion per year, according to the GAO. It will cost taxpayers $1.3 billion over the next 10 years, according to CBO. Unfortunately, a provision of this bill threatens more harm.

While I support this bill overall, we need this amendment, which prevents an increase in price supports for sugar, if and only if the Secretary of Agriculture determines that these changes contribute to a loss of jobs in the food and beverage manufacturing. The least we can do is ensure that changes in the sugar program do not kill good American manufacturing jobs. It's done harm in the Chicago area and across the Nation. We do not want to see more harm done.

I'd like to thank Mr. DAVIS for his leadership on this issue and encourage all my colleagues to support this amendment.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, briefly let me just say, this issue of the candy manufacturers leaving this country has nothing to do with the price of sugar. The price of sugar has been cheap for over 25 years. They're leaving because they're getting health benefits for their people at a cheaper price in Canada and Mexico. The utilities are cheaper, and the packages that are put together for them by the international countries across the border to our north and our south are taking them away. It has nothing to do with the price of sugar. Sugar is healthy. Sugar is better than the chemicals that people put in their food that cost a whole lot more. We're worried about energy; we're worried about food. Let's keep sugar sound in this country.

We're not energy independent. For the first time in the history of our country, 2 years ago we imported more foodstuff than we exported.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in support of this amendment. And when we had a neutral party look at this issue and the sugar program, it was the Commerce Department, and we asked the simple question, does this program cost American jobs? And the Commerce Department said 10,000 American families have lost their income because of the jobs exported overseas because of this program costing taxpayers over $1 billion a year and, really, a symbol of 19th and 20th century thinking in a 21st century economy. So I rise in strong support of this and would like to return those jobs to the United States of America.

Mr. PETERSON. Mr. Chairman, I yield 30 seconds to my good friend from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, my district has been devastated by trade agreements and other policies of past Congresses. The population of my largest city has dropped from 180,000 to 118,000. Delphi is going through a bankruptcy. My General Motors jobs have dropped from 80,000 to 18,000.

The one bright spot in my district is agriculture, led by my sugar beet farmers who own the whole process from the fields through the refinery. Don't deliver another blow to my district by in effect abolishing this no-cost program. Let my sugar farmers help the economy of my district. They are our hope. Don't dash that hope. Defeat this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy and his leadership.

Three simple points. First of all, this amendment does not abolish the sugar program. It just doesn't make it worse.

Second, every independent agency, CBO, GAO, Department of Commerce, all conclude that this is not a no-cost program to Americans. It costs them over $1 billion.

Third, in terms of the cost per job saved that my friend from Florida was concerned about, the Department of Commerce has pegged that at $826,000 per job. One job in sugar production for three in sugar manufacturing. It's not a good trade-off.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield the balance of our time to my good friend from North Dakota (Mr. POMEROY) who does an outstanding job representing his farmers and our sugar producers.

Mr. POMEROY. Mr. Chairman, this is a dispute about facts. I flat out absolutely reject the fact that this is costing jobs; in fact, American sugar producers, 146,000 jobs in 19 States, struggling without an increase in their market price for 22 years.

Now, this amendment would represent a loss in income averaging $294 per acre. I'm telling you, if you're a farmer trying to make those ends meet and you're taking nearly a $300 hit per acre as a result of this amendment, you are out of business.

Don't cost us these jobs. Reject this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I support this amendment to keep the subsidies for sugar from increasing in this bill.

The inflation of sugar prices that our misguided sugar policy drives costs U.S. families a total of almost $2 billion every year. Every time you buy chocolate or breakfast cereal or any product that contains sugar, you pay a premium, and these subsidies inflate the price of sugar for Americans to twice the world price.

The subsidies are driving businesses out of the country. A GAO study confirms that 42 percent of these subsidies, by the way, go to just 1 percent. So I urge my colleagues to put an end to these harmful handouts.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 20 seconds to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I just want to make the quick point that every commodity, sugar, corn, soybeans, are reduced on the AGI from $2.5 million down to 1, except sugar. Why is it not reformed like the other crops in terms of how much a person can make to receive these government payments? Sugar is not only protected, it's helped through this bill instead of reformed like the other commodities.

Mr. DAVIS of Illinois. Mr. Chairman, I'll use the balance of our time.

Mr. Chairman, I have here in my hand a circular from the U.S. Department of Agriculture that says this amendment, while not the administration's proposal, provides more flexibility to manage the program in a way that minimizes costs to the U.S. taxpayer than the committee's bill.

In addition, the 1 cent penalty on forfeitures will help discourage forfeitures of sugar placed under loan. This amendment also eliminates the increase in the sugar loan rate, helping to reduce cost for taxpayers.

Let's give our taxpayers a break. Support the Davis-Kirk amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

EN BLOC AMENDMENT OFFERED BY MR. PETERSON OF MINNESOTA

Mr. PETERSON. Mr. Chairman, pursuant to House Resolution 574, I offer amendments en bloc, including germane modifications. The amendments are at the desk.

The Acting CHAIRMAN (Mr. BERRY). The Clerk will designate the amendments en bloc.

Amendments en bloc offered by Mr. PETERSON of Minnesota consisting of part B amendments numbered 20 and 29 printed in House Report 110–261:

AMENDMENT NO. 20 OFFERED BY MR. TERRY

The text of the amendment is as follows:

At the end of title IX, add the following new section:

SEC. ___. SUPPLEMENTING CORN AS AN ETHANOL FEEDSTOCK.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Agriculture shall establish a program to make grants of not to exceed $1,000,000 each to no more than 10 universities for a 3-year program of demonstration of supplementing corn as an ethanol feedstock with sweet sorghum.

(b) PROGRAM GOALS.—The goals of the program under this section shall be to—

(1) enhance agronomic efficiency of the crop on marginal lands by—

(A) developing best management practices for maintaining high sorghum yields while using less water and nitrogen than corn;

(B) identifying and selecting plants with a high sugar content; and

(C) developing cold-tolerant sweet sorghum varieties to enable two crops to be grown per season;

(2) enhance ethanol processing potential in the crop by—

(A) developing a robust technology for centralized ethanol production facilities that pair high-performing sweet sorghum lines with different yeasts to produce the best process for converting sweet sorghum juice into ethanol;

(B) conducting process and chemical analyses of sweet sorghum sap fermentation;

(C) introducing cellulosic hydrolyzing enzymes into sweet sorghum to promote biomass conversion; and

(D) performing life-cycle analysis of sweet sorghum ethanol, including analysis of energy yield, efficiency, and greenhouse gas reduction;

(3) establish a sweet sorghum production system optimized for the region of the university conducting the research;

(4) improve sweet sorghum lines with higher sugar production and performance with minimal agricultural inputs;

(5) optimize sugar fermentation using selected yeast strains;

(6) develop sweet sorghum lines with improved cold tolerance and cellulosic degradation; and

(7) develop agricultural models for predicting agricultural performance and ethanol yield under various growing conditions.

(c) AWARD CRITERIA.—The Secretary shall award grants under this section only to universities that—

(1) have access to multiple lines of sweet sorghum for research; and

(2) are located in a State where sweet sorghum is anticipated to grow well on marginal lands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000.

AMENDMENT NO. 29 OFFERED BY MR. HALL OF NEW YORK

The text of the amendment is as follows:

At the end of subtitle C of title II, add the following new section:

SEC. 2303. MUCK SOILS CONSERVATION.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall carry out a conservation program under which the Secretary makes payments to assist owners and operators of eligible land specified in subsection (b) to conserve and improve the soil, water, and wildlife resources of such land.

(b) ELIGIBLE LAND.—To be eligible for inclusion in the program established under this section, the land must—

(1) be comprised of soil that qualifies as muck, as determined by the Secretary;

(2) be used for production of an agricultural crop;

(3) have a spring cover crop planted in conjunction with the primary agricultural crop referred to in paragraph (2);

(4) have a winter crop planted; and

(5) have ditch banks seeded with grass that is maintained on a year-round basis.

(c) PAYMENT AMOUNTS.—The Secretary may provide payments of not less than $300, but not more than $500, per acre per year under the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program $50,000,000 for each of fiscal years 2008 through 2012.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. TERRY

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 20:

The amendment as modified is as follows:

Page 572, line 15 strike "transportation" and insert "transportation or heating".

At the end of title IX, add the following new section:

SEC. ___. SUPPLEMENTING CORN AS AN ETHANOL FEEDSTOCK.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Agriculture shall establish a program to make grants of not to exceed $1,000,000 each to no more than 20 universities for a 3-year program of demonstration of supplementing corn as an ethanol feedstock with sweet sorghum and switchgrass.

(b) PROGRAM GOALS.—The goals of the program under this section shall be to—

(1) enhance agronomic efficiency of the crop on marginal lands by—

(A) developing best management practices for maintaining high yields while using less water and nitrogen than corn;

(B) identifying and selecting plants with a high sugar content; and

(C) developing cold-tolerant sweet sorghum varieties to enable two crops to be grown per season;

(2) enhance ethanol processing potential in the crop by—

(A) developing a robust technology for centralized ethanol production facilities that pair high-performing sweet sorghum lines with different yeasts to produce the best process for converting sweet sorghum juice into ethanol;

(B) conducting process and chemical analyses of sweet sorghum sap fermentation;

(C) introducing cellulosic hydrolyzing enzymes into sweet sorghum to promote biomass conversion; and

(D) performing life-cycle analysis of sweet sorghum ethanol, including analysis of energy yield, efficiency, and greenhouse gas reduction;

(3) establish a production system optimized for the region of the university conducting the research;

(4) improve sweet sorghum lines with higher sugar production and performance with minimal agricultural inputs;

(5) optimize sugar fermentation using selected yeast strains;

(6) develop sweet sorghum lines with improved cold tolerance and cellulosic degradation; and

(7) develop agricultural models for predicting agricultural performance and ethanol yield under various growing conditions.

(c) AWARD CRITERIA.—The Secretary shall award grants under this section only to universities that—

(1) have access to multiple lines of sweet sorghum for research; and

(2) are located in a State where sweet sorghum is anticipated to grow well on marginal lands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $20,000,000.

Mr. PETERSON of Minnesota (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the modifications.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, this amendment includes an amendment by Mr. TERRY, which has a demonstration project on sweet sorghum, which we think has a lot of potential for ethanol feedstock, as well as switch grass that was brought to us by Mr. DAVIS.

It also encourages environmentally responsible practices for actively farmed muck soil land in New York, which is some of our greatest farmland.

So I encourage support of the amendment.

At this time I'm very much honored to recognize the Speaker of the House for 1 minute. And I want to recognize her for her outstanding leadership helping this committee get to where it's at with this farm bill.

Ms. PELOSI. Mr. Chairman, I thank the gentleman, the distinguished chairman of the Agriculture Committee for yielding, and I want to congratulate him for this achievement for bringing this important bill to the floor.

I rise to tell you why I am supporting this legislation. Before I do though, I want to commend the exceptional leadership of our colleague, RON KIND, for his work over the years in helping to move us to a place where this farm bill, called the Farm, Nutrition and Bioenergy bill, looks quite different than the bill would have looked without his persistent and brilliant advocacy for conservation issues that are included in the bill. I think that he has moved this Congress and this legislation to a very important place that signals change and shows a new direction in our farm policy.

☐ 1100

I support the Farm, Nutrition, and Bioenergy Act because it begins to reform farm policy while investing in energy independence, supporting conservation, strengthening nutrition assistance, and recognizing the importance of specialty crops. That means fruits and vegetables. It recognizes the vital role of our farmers and ranchers in providing food, fiber, and fuel for America and the world.

It was a big effort to bring this legislation to the floor. I acknowledge the achievements and the great work of the distinguished chairman. I want to acknowledge Congresswoman LOUISE SLAUGHTER, the Chair of the Rules Committee, who had to be available very late and very early in the morning to make this discussion possible. I want to commend Chairman RANGEL of the Ways and Means Committee and Congressman LLOYD DOGGETT for their leadership in helping to pay for this bill because this bill has all along, in all of its formation, been intended to be a bipartisan bill, which we had hoped it would be, a bill that met the needs of the American people and that is paid for. And paid for it is, indeed.

I strongly support the efforts Chairman PETERSON has made in this bill to ensure that America's family farmers fuel America's energy independence. Because of this legislation we will be sending America's energy dollars to the Midwest, not to the Middle East.

The 2007 Farm, Nutrition, and Bioenergy Act makes an historic $2.4 billion investment in renewable energy, including biofuels and wind power. It boosts renewable energy investments by 600 percent and provides loan guarantees for the development of refineries that process renewable fuels. These efforts will ensure that, again, we send our energy dollars to the Midwest and across America, not to the Middle East and across the sea.

Energy independence is a national security issue, it is an environmental issue, it is an economic issue for our Nation and America's families. Thanks to this bill, it will also be an economic opportunity for America's farmers. It will create a rural renaissance that will reenergize farm country and create new businesses and good-paying jobs in rural America.

I have seen that firsthand. It has already begun. It is an important initiative that is supported and endorsed in this legislation.

So, reason number one, why I am supporting this bill, is energy independence. Not in order of priority but in order of mention.

Next, conservation: The farm bill recognizes that those who work the land, America's farmers and ranchers, are also stewards of the land.

In the area of conservation, the Farm, Nutrition, and Bioenergy bill improves access to, and funding for, initiatives to take environmentally sensitive land out of production. It encourages environmentally friendly practices on working lands. And it will invest $4.3 billion in new mandatory spending to preserve farm and ranchland, improve water quality, enhance soil conservation, air quality, and wildlife habitats on working lands.

Again I commend Congressman RON KIND for his exceptional work on the conservation issue over time.

The issue of nutrition, of course, is fundamental to all of the people of our country. And as a mother, I take special interest in the nutrition aspects of this bill. I want to commend the committee, Democrats and Republicans, our chairman; and Congresswoman ROSA DELAURO, the chairman of the Ag Subcommittee of Appropriations, who worked very hard to get the most money, made mandatory, and paid for in this legislation.

In the effort of feeding the people, and many of them in need, the Farm, Nutrition, and Bioenergy bill invests over $11 billion over 10 years in nutrition initiatives to help low-income families. For the first time in 30 years, thank you, Mr. PETERSON, for the first time in 30 years, the bill increases the minimum food stamp benefit and increases and indexes to inflation the standard deduction, ensuring that rising food costs do not erode a family's purchasing power. It also eliminates the cap on child care costs to help the working poor, because in order to get the food stamps, you could only spend so much money on child care. What a self-defeating policy. This bill corrects that. The food stamp provisions in this bill will prevent benefit cuts for more than 13 million working Americans over the next 5 years.

That is why the Center for Budget and Policy Priorities, Catholic Charities USA, America's Second Harvest, and the Food Research and Action Center all support the nutrition funding contained in this bill.

In addition to recognizing Chairwoman ROSA DELAURO's exceptional work in this area, I want to recognize Congressman JIM MCGOVERN for his work in ensuring that the McGovern-Dole legislation, no relation, just a coincidence, JIM MCGOVERN is not the McGovern in the McGovern-Dole. That would be George McGovern and Senator Dole, former Republican leader of the Senate Dole. Their initiative for the international food programs, which help American farmers and farmers in other parts of the world, is a very important way for America to protect our friendship and our values to the rest of the world. In this legislation, the McGovern-Dole initiative is mandatory, and it is funded to $890 million, a big increase, and paid for.

As a Californian, I take special interest also that the bill makes a historic investment in specialty crops, providing $1.7 billion in new mandatory spending. This investment was made possible by the leadership of Congressman DENNIS CARDOZA. And many provisions in his bill, the EAT Healthy America Act, which is a very important bill for us, EAT Healthy America Act, were incorporated in this bill that is before us today.

This legislation supports specialty crops, that is, fruits and vegetables, by increasing market access, encouraging and facilitating consumption of nutritious agricultural products, funding research initiatives and increasing opportunities for family farmers in conservation initiatives.

Specifically, just so you know what falls under this, the bill invests $365 million for Specialty Crop Block Grants; $350 million to expand the Fresh Fruit and Vegetable School Snack Program to all 50 States, and I repeat that, $350 million to expand the Fresh Fruit and Vegetable School Snack Program to all 50 States; $215 million to create a new dedicated research initiative for specialty crops; $200 million to create a new initiative for early detection, prevention, and eradication of emerging pests and disease; $55 million for organic agriculture.

What is important about all of this is many of these resources will be invested in the Northeast, in the Middle Atlantic States, in the Northwest and California, where agriculture is a very important part of the economy but where not very much attention had been paid in the past in the farm bills. This is a big change and signals a new direction in this farm bill.

Specialty crop producers, our fruit and vegetable growers, account for nearly half of all cash crop receipts in America and are a part of the farm economy in all 50 States, as I mentioned, especially important, California, the Northeast, Northwest, and Florida.

I mentioned that I was a Californian. I was also born in Maryland; so I know the importance of the Chesapeake Bay, and I salute the chairman for the initiative in here in support of the Chesapeake Bay. I see my colleague Majority Leader HOYER nodding his head in agreement. But I want to acknowledge Chairman CHRIS VAN HOLLEN, for whom this has been a priority since he came to Congress, and now he has been joined by JOHN SARBANES in support of this. And I know it has bipartisan support because Congressman GILCHREST supports these initiatives as well.

From Monterey Bay across the country to the Chesapeake Bay, this bill represents a new direction. Let me just say that is why this bill is supported by the Specialty Crop Farm Bill Alliance, a national coalition of more than 120 specialty crop organizations.

Before I leave that point, I want to talk about food safety. One of the reasons that many of us are in politics, and I know many moms come to politics, is for our having a safer, clean environment for our children. Clean air, clean water, food safety, these are things we can't do for them, but we depend on public policy to do; and the initiatives in this legislation for food safety are important. They will be greatly enhanced by the legislation put forth next week by the Appropriations subcommittee Chair, Congresswoman DELAURO, in her appropriations bill. But the bills are very compatible in that respect.

The farm bill also includes key provisions that invest in rural communities, including economic development initiatives and access to broadband telecommunications services to bridge the digital divide in rural, underserved areas. It also addresses health care, emergency, and first responder needs of rural areas, as well as creating new markets and rebuilding rural infrastructure.

And it pays special attention to the area of minority outreach and socially disadvantaged farmers by including an additional $150 million, all paid for, to provide greater outreach, coordination, and technical assistance.

Finally, this bill takes a critical step toward reform by eliminating farm payments to millionaires and closing loopholes that for decades have allowed some to evade the payment limits. More needs to be done, but we have gone in the right direction for change and for reform.

As I said before, this legislation is paid for. And that is a very, very important part of this. It is part of our PAYGO, no-new-deficit spending. It was a challenge. It has been met. And it has been met in a way that meets our values.

The Farm, Nutrition, and Bioenergy Act will ensure that future farm bills will never look the same as those of the past. I see one of the co-Chairs of our Rural Working Group here, very important, who is putting forth the initiative on energy independence for rural America, Congresswoman STEPHANIE HERSETH SANDLIN. I thank you for your leadership in that regard. And thanks as well to the efforts of Chairman PETERSON and many others who have made an historic investment in energy independence and nutrition assistance. This bill's effects will also be felt far from farm country.

As George Washington said: "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture . . . " That is as true now and it was then. President Washington understood, as this bill's authors understand, that encouraging and investing in American agriculture pays dividends to the entire Nation. In this legislation we will strengthen America's agriculture, but we also will do much more. We will help reignite rural America's economic engine and create good-paying jobs and create good businesses here at home. We will fuel a Nation's energy needs through clean, American-made renewable energy. We will be better stewards of the land and protect our environment. And, by the way, we hope to do much more in that regard when we go to conference. And we will be a more caring Nation by better meeting the needs of the most vulnerable.

Those great goals can be achieved with the help of this legislation and with the strong bipartisan support of the House today.

I just wanted to take a few minutes to tell you why I am supporting the Farm, Nutrition, and Bioenergy Act. And, once again, I salute the distinguished chairman for this achievement.

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Mr. GOODLATTE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to thank the Speaker for coming down to the floor and discussing the bipartisan nature of the farm bill that was produced by the House Committee on Agriculture. It was, indeed, a bipartisan product. There are things in the bill that I don't like, things in the bill that I do like, things in the bill the chairman does not like, things in the bill that he does like. But it was a bipartisan product. But it was written under very difficult circumstances, which we identified at the outset, because of the fact that there is a $60 billion cut in the baseline for the commodity program, a 58 percent cut. That meant we needed to have money to accomplish the goals that the Speaker outlined for reform, some of which I share with the Speaker for increased payments for conservation, for nutrition, for fruits and vegetables, for renewable energy. So we went to the Budget Committee in a bipartisan fashion and pointed out that you couldn't have a $60 billion cut, achieve these new reforms, which all entail new spending, without having the ability to also have some additional resources. Well, the Budget

Committee ignored that request and instead gave us a reserved fund. And their budget is papered over with reserve funds; no money in them, no way for the Agriculture Committee to find new funds without going outside of the committee.

We were assured inside the committee repeatedly that there would not be a tax increase. But nonetheless, in the closing hours of this debate, a tax increase, indeed, was what was put forth outside of this committee, without hearings in the Ways and Means Committee, without a markup in the Ways and Means Committee, without any input from this side of the aisle. And that is what caused the loss of the bipartisanship coming to the floor, because this is precedent setting. This is the first of many of these reserve funds that we're going to have to deal with, and it is readily apparent what the purpose is: to raise taxes in order to accomplish something that should have been paid for in a budget that had funds available, 9 percent increase in appropriations. It should have been made available to us so we could write a bipartisan farm bill all the way through this House going to the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I recognize the gentleman from Maryland (Mr. HOYER) for 1 minute.

Mr. HOYER. I thank my distinguished friend, Mr. ETHERIDGE, chairman of one of our subcommittees on the Ag Committee.

I rise to congratulate Mr. PETERSON; indeed, I rise to congratulate Mr. GOODLATTE as well, who did work together. In fact, as late as Monday, we were together coming back from New York and talked about this bill. He indicated he thought it was a good bill. He did express then, quite honestly, he wanted to look at the pay-fors. That was obviously fair. He has decided that because of them, he cannot support the bill. I regret that.

I want to thank the chairman of the committee, Congressman PETERSON of Minnesota, for his hard work on this important legislation and his efforts in crafting a bipartisan reform bill. I think he has a bipartisan reform bill. I understand the pay-fors may preclude some, hopefully not all, from voting for this.

I would say to my friends on the other side of the aisle, you were very good at spending money and not very good at paying for things. You are consistent to that extent today. You went from a $5.6 trillion surplus to a $3 trillion deficit because we did not pay for what we bought. This bill does that.

It is a testament to the hard work of Mr. PETERSON and others on the committee that this farm bill reauthorization passed out of the Agriculture Committee on a voice vote, that is, with unanimous bipartisan support.

I also appreciate the work of the gentleman from Wisconsin (Mr. KIND) who cares deeply and thoughtfully about agriculture and our rural communities. His effort, with respect to this bill, was a very positive one. He has made important contributions on this issue, and I congratulate Mr. KIND, one of the finest Members of this body.

I believe that this farm bill deserves to pass today with strong bipartisan support. And I note that the ranking member of the committee, as I have said, even expressed on the House floor yesterday, Mr. GOODLATTE said he would support this bill were it not for the inclusion of a pay-for.

About that provision, let us be clear. At literally the 11th hour, as this farm bill was about to be considered on this floor, the White House issued a veto threat and amazingly complained that we are actually trying to pay for this legislation, in part, by closing a corporate tax loophole. Now, when you close a loophole, does it mean that somebody is paying taxes that they otherwise would not pay? That's the definition of a loophole. Not just any corporate tax loophole, mind you, but a corporate tax loophole that the Bush administration itself recommended closing in 2002 and which Bill Thomas, the Republican chairman of the Ways and Means Committee, agreed with.

Let me quote Ken Dam, then-Deputy Treasury Secretary, and I quote, "Opportunities for earning stripping through artificial deductions and income shifting may exploit the network of tax treaties the United States maintains around the world." That's what we're dealing with. That's what Assistant Secretary Dam was talking about.

In 2002, the Treasury Department concluded, 2002, Republican Treasury Department concluded, "The prevalent use of foreign related-party debt in inversion transactions is evidence that these rules should be revisited." That is what we're doing.

So we're asking those who make good money in America to pay their fair share of the taxes in America. I believe the overwhelming majority of Americans agree with that proposition. Yes, Democrats would make it harder for overseas companies to use tax havens to avoid taxes on U.S. profits from hardworking Americans who buy their products and expect them to pay a fair share, a position formerly held, as I said, by the Bush administration, and even Bill Thomas.

The provision is not only good tax policy, but also a clear manifestation of this new Democratic majority's commitment to abide by the new pay-as-you-go budget rules that will help us restore fiscal discipline.

Those rules were adopted in a bipartisan fashion in 1990, reiterated in 1997 in an agreement which I voted for, President Clinton supported, and it was not until 2002 that those were abandoned by the Republicans because you could not pay for your tax cuts. That's why you abandoned PAYGO. And that's why the $3 trillion debt occurred from a $5.6 trillion surplus.

Now, as to the substance of this farm bill, Chairman PETERSON has written a bill that focuses on getting vital benefits to family farmers, investing in America's producer, stimulating rural economies, and securing renewable energy sources.

I, too, want to join in congratulating STEPHANIE HERSETH SANDLIN on the role that she has played in terms of the rural focus of this bill.

This bill imposes real payment limitations that will begin to reduce subsidies, moving in a new and right direction. It makes historic investments in programs to support food and vegetable producers, an important element for not only California and the northeast, the middle Atlantic, but other areas as well.

It improves funding and access to conservation programs. It imposes payment limits that prevent millionaires from receiving farm subsidy benefits and makes payments transparent. Could we go lower? We could. Should we in the future? Yes. But we have made, in my opinion, a very significant start.

It invests in nutrition programs that help families in need. In the richest country on the face of the Earth, we ought to make sure that no child in America goes to sleep at night or wakes up in the morning hungry. We're trying to move towards that. I see the gentleman from California (Mr. BACA) who has been very involved in these programs as well.

And it encourages the expansion of renewable fuel production, providing loan guarantees for the development of refineries that produce renewable fuels. Energy independence is a critical objective, and this bill moves us towards that objective.

Mr. Chairman, I am particularly pleased that this legislation includes more than $175 million in direct assistance to help our farmers in their ongoing efforts to be good stewards of the Chesapeake Bay. We have made some strides to restore this magnificent estuary, but much more work needs to be done.

I want to thank my friend TIM HOLDEN from Pennsylvania and Nona Darrell, his chief staffer, who helped work on this effort.

To move us forward in this regard, the bill will implement an innovative strategy targeting individual river watersheds, including the Patuxent and the Potomac, to help our producers prevent shoreline erosion, control sediments, reduce nitrogen loads, and establish a long-term monitoring program.

Again, my colleagues, I want to congratulate Chairman PETERSON on this bill. I also want to congratulate Mr. GOODLATTE. I wish he was supporting this bill at this point in time, but I know that he worked to get much of the bill, which but for the pay-fors it's my understanding he would support. But the pay-fors are critical if America is going to pay its bills and not simply pass them along to future generations, whether they be farm children, suburban children, or rural children.

This bill is a responsible, important step forward in farm policy and energy policy and nutritional policy and in conservation policy. I congratulate the members of the committee on their product, and I urge my colleagues to enthusiastically support this product.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds to say to the distinguished majority leader that I join him in the support of this bill for the efforts to help preserve and protect the Chesapeake Bay, but also to correct the assertion that I object to the pay-fors. I objected all along to a tax increase all through the process. And I went with the chairman to the Budget Committee at the outset and asked for a fair portion of the current Federal budget for agriculture, and that is what we expected to come forward from the budget. We didn't receive it. So that's what we expected the leadership to provide later on. It was not provided. Instead, we're asked to pay a tax increase on American businesses, and that is wrong.

Mr. Chairman, at this time, it is my pleasure to recognize the distinguished Republican whip, the gentleman from Missouri (Mr. BLUNT) for 3 minutes.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for the time this morning. I also want to join my good friend, the majority leader, and say how much I appreciate the work that's been done by Chairman PETERSON, by Mr. GOODLATTE, by the members on the committee in a bill that I had every intention of voting for as it went through the committee. I didn't like everything in it, but I did like some things in it a lot. There are some problems solved in this bill.

The big problem is created in the bill in a way that I wouldn't suggest intentionally, but certainly has the effect of taking a bill that would have had a huge bipartisan vote, giving this bill great momentum in the Senate, and I think needlessly minimized the House support for this bill.

Following up on Mr. GOODLATTE's comments that he just made, if the budget allocation could have been done in a way that the appropriations bill we voted on yesterday, it would have had a 5 percent increase instead of a 6½ percent increase, we wouldn't be having this debate today. In fact, I would be here today with enthusiasm about the bill, though again, I would say that I don't like everything in it, but I like some things in it a lot.

What happened was this bill deserved to have a chance in the committees to find the right kind of pay-fors. In the committee hearing itself, and I am quoting my friend, Chairman PETERSON, exactly when he was asked about whether there would be a tax increase, he said, "We think it will be something to do with collection of existing taxes, which has nothing to do with tax increases." Quoting the chairman further, "So far as I know, there is no effort to use a tax increase that I am aware of at this point. But given all of that, we do not have jurisdiction. If we had jurisdiction to raise taxes, we wouldn't be going through some of these machinations we are going through." And that ends the Chairman's quote.

This bill should have been in a committee to look at this pay-for. The Ways and Means Committee didn't meet. The Rules Committee didn't have the language for the pay-for when they did their markup earlier this week, according to Louise Slaughter, the chairman of the Rules Committee.

We've done things here that don't just affect people who are trying to avoid taxes. What this pay-for does is abrogates our tax treaties with countries where we do business, and people who do business here. 5.1 million manufacturing jobs and millions of other nonmanufacturing jobs affected by this, mistrust in whether you can invest money in this country in the future if you're a foreign investor. Some of our Members can make a passionate case about many jobs that have been saved in their districts because a foreign country, a foreign investor who just happened to make particular sense in what they did, came in and saved those jobs.

I think it's a shame that we've had to have this debate. I urge that all Members vote against the bill.

Mr. PETERSON of Minnesota. Mr. Chairman, I would like to yield myself 30 seconds.

The quote that my good friend read is an accurate quote; at the time, that's what I thought. But I just want to make clear that in my opinion what we're doing here is not a tax increase. And frankly, what we ought to be doing is investigating why we have all these people on the payroll at the State Department and at the Treasury going out and negotiating deals so we can have foreign corporations come to the United States and avoid paying taxes. And all we're doing is trying to stop that. So I don't see this as a tax increase.

Mr. Chairman, I yield 1 minute to my friend from Maine (Mr. ALLEN).

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Mr. ALLEN. I thank Chairman PETERSON for yielding for the purpose of a colloquy.

I want to congratulate him in the passage of this farm bill. I want to commend him for significant funding increases, in particular for the Senior Farmers' Market and Nutrition program, a program that provides fresh fruits and vegetables to low-income seniors through farmers markets, roadside stands and community-supported agriculture. When it is working properly, this program provides health benefits to seniors and new business opportunities to farmers.

I had submitted an amendment that was not made in order. My amendment would have made it easier for States to incorporate community-supported agricultural distribution programs into their Senior Farmers' Market Nutrition programs. In particular, my amendment would have given States the flexibility to set the maximum benefit level per senior in a way best suited to the needs of farmers and seniors in each State.

Our experience in Maine has been that community-supported agriculture works extremely well for farmers and is an excellent way to reach seniors who do not live close enough to a farmers market or who are not mobile enough to get up and go shopping. Indeed, Maine's community-supported agriculture program has drawn national acclaim since it was instituted.

Mr. Chairman, I would simply ask Chairman PETERSON if he is willing to work with me to incorporate these beneficial reforms into the 2007 farm bill.

Mr. PETERSON of Minnesota. Mr. Chairman, I appreciate the uniqueness of Maine and the gentleman's interest in tailoring this program to the needs of his State. I assure him I will work with him to try to find an acceptable solution to this problem, and I look forward to that.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), who has worked with us very diligently to craft a solution or start a solution for the Chesapeake Bay problem. I appreciate his leadership.

Mr. VAN HOLLEN. Mr. Chairman, I want to commend Speaker PELOSI and Chairman PETERSON and all the members of the Agriculture Committee for the work they have done in crafting this very important bill.

Mr. Chairman, I think we all understand that no bill that comes before this House is perfect. But this bill represents a very careful balancing of important national priorities: protecting the family farmer, strengthening the nutrition program. And I want to thank subcommittee chairman JOE BACA for those efforts, land conservation, environmental protection and renewable energy sources, and all done in a fiscally responsible manner.

I am especially grateful and thankful for the efforts of Chairman PETERSON and subcommittee Chairman HOLDEN for their efforts to protect the Nation's largest estuary, the Chesapeake Bay.

The Chesapeake Bay comprises six States and the District of Columbia as part of its watershed. The scientists have told us that the health of the Chesapeake Bay is in grave danger unless we take action now. Almost 50 percent of the excessive nutrient pollution in the Chesapeake Bay comes from the runoff from farm operations. Our farmers want to be part of the solution to this problem.

This bill provides farmers on the more than 66,000 farms in the Chesapeake Bay watershed with the tools they need to help protect the Chesapeake Bay. It represents a historic leap in Federal support for our efforts to protect this national natural treasure, the Chesapeake Bay.

Mr. Chairman, I want to thank again the members of the committee for taking this landmark step with respect to Chesapeake Bay protection. It is a national treasure. It is a bay, of course, in the backyard of our Nation's Capital. We need to lead by example. I thank the chairman, and I thank the committee.

Mr. Chairman, I urge adoption of this bill.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the House Republican Conference chairman, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my ranking member for the time.

Mr. Chairman, I rise today to lament a real missed opportunity here. I listened carefully to the Speaker's remarks and agreed with almost everything she said about this bill. I have enjoyed the leadership of our ranking member, Mr. GOODLATTE, Mr. CARDOZA on the other side of the aisle, and others from States that have a high production level of fruits and vegetables.

This bill, on a bipartisan basis, recognizes that need, makes investments that are necessary in research, and on a bipartisan, in fact, on a unanimous basis came out of committee that way. But a funny thing happened on the way to House floor, which was that at the last minute, and not from any committee process that has jurisdiction over tax law, $10 billion in tax increases were added.

So we are asked to take a bipartisan product that represents an important step forward in many ways for American agriculture and pay $10 billion in ransom. The tragedy of that long-term for American agriculture is that it is pitting 1.5 percent of the population that affords our Nation the safest, cheapest, most abundant food in the world, it is pitting those jobs against American manufacturing jobs. Long-term, the 1.5 percent of the population that represents farm country will lose that arithmetic.

This is an unprecedented move to use a farm bill as a vehicle to increase taxes. The taxes that will be due tomorrow that were not due yesterday are coming out of, in many cases, manufacturers who purchase the products that American farmers and livestock producers grow. It is a tax, in many cases, on the farm equipment manufacturers and the agricultural suppliers.

Are we so lost in the weeds of this that we don't realize that American farmers are part of a global economy, that they are part of an international, integrated, highly vertical organization that involves international companies like Nestle, like Cadbury, like Food Lion that buy what it is that we grow? Do we think that we are insulated from the impacts of additional taxes on our customers, our suppliers, our equipment manufacturers, that we can sustain that blow? That is the policy problem with this conundrum that we have been handed.

But the long-term political problem is the notion of pitting manufacturing jobs in America against agricultural jobs in America. That is not sustainable for American agriculture. That is not good public policy for the American consumer.

So we have taken a bill that would have sailed out of the House of Representatives with an overwhelming bipartisan margin and given great momentum to the lethargic Senate that has failed to even have a hearing on the farm bill, we could have put the House on the farm bill, and now it is veto bait. That is the tragedy.

Mr. PETERSON of Minnesota. Mr. Chairman, I am now pleased to yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN), another one of our outstanding members of the Agriculture Committee.

Ms. HERSETH SANDLIN. I thank the distinguished chairman for yielding for the purpose of a colloquy.

Chairman PETERSON, as you know, I have introduced legislation with the support of over 50 colleagues to fund the reduced-price school meal pilot, authorized in the 2004 Child Nutrition and WIC Reauthorization Act through the efforts of the Education and Labor Committee.

My legislation also enjoys support from a broad range of organizations that feel, like I do, that many low-income children across the country aren't participating in the school nutrition programs because they cannot afford the reduced fee. My legislation would provide the resources needed to test the effectiveness of harmonizing the WIC income guidelines, which are 185 percent of poverty guidelines, with the free school lunch guidelines, thereby eliminating the reduced-price meal category and expanding eligibility for free school meals.

While this proposal wasn't included in the committee bill due to its cost and committee jurisdictional concerns, I would welcome the opportunity to keep working with you and see how we might accomplish the objective of the legislation.

Mr. PETERSON of Minnesota. I thank the gentlewoman, and I want to commend her for her leadership on this issue. It is something I am concerned about. So I agree to work with the gentlewoman to accomplish the objectives of this legislation.

Ms. HERSETH SANDLIN. I thank the gentleman very much for his commitment and support for this initiative. It will obviously be very helpful going forward.

Mr. GOODLATTE. Mr. Chairman, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. I thank the gentleman.

Mr. Chairman, I am actually going to speak on the amendment that was offered almost 10 minutes ago. I just want to express my appreciation to you, Chairman PETERSON, for agreeing to this and working with us to make a good amendment even better by including switch grass and expanding it.

Certainly there is no doubt that ethanol is going to be a key ingredient in our recipe for energy independence. We have to do more research and development into cellulosic ethanol, of which sweet sorghum, which is pictured here in this graph, and switch grass, are going to be a key component. We can't do it all with ethanol from corn, so we need other products to develop the cellulosic, to add on top of that to be able to become less dependent on foreign oil. So we need to do the research.

This offers grants to universities that will compete. They have to show that they are competitive in this type of research to earn a $1 million grant to do this.

Our energy needs require us to speed up this process. Ethanol made from cellulosic materials, like sweet sorghum or switch grass, has nine times the amount of energy as regular ethanol. So that is another reason why we have to add this.

I want to compliment the ranking member and the chairman in putting together really a pretty good bill. Forty-eight hours ago I was telling all of our farm groups that I was very proud to support this type of legislation, especially because of the bioenergy issues in here. But, unfortunately, those of us that have said we will vote against tax increases have been put in a very tough position.

Mr. PETERSON of Minnesota. Mr. Chairman, I am now pleased to yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ), the esteemed Chair of the House Small Business Committee.

Ms. VELÁZQUEZ. Mr. Chairman, Chairman PETERSON and I agreed that I would not offer an amendment based on our mutual support for the amendment's purpose. I want to thank Chairman PETERSON for his leadership on H.R. 2419, and I would like to enter into a short colloquy with Chairman PETERSON.

This farm bill is critical for our economy, good nutrition, our small businesses, and it does a lot for underserved populations too. Low-income and minority communities suffer disproportionately from the lack of fresh fruits and vegetables.

In many neighborhoods of New York and across the country where farmers markets are scarce, corner stores are the only place residents shop for their weekly groceries. Unfortunately, due to the limitation of space and many obstacles, many of these stores cannot offer fresh produce and other healthy foods.

Farmers markets and other non-conventional fruit retail sites are essential and play a large role in bringing our communities nutritious food. But without simple and critical technologies, farmers markets are unable to serve low-income consumers. That is why I strongly support expanding wireless electronic benefit transfers. These EBT debit machines allow food stamp consumers to use their resources for fresher, healthier foods. Wireless EBTs are especially crucial for low-income consumers to use.

Mr. PETERSON of Minnesota. Mr. Chairman, I recognize the gentlewoman's leadership. I think we can solve this problem with a letter to USDA. So if the gentlewoman will work with me, we will do that. I think we can get this resolved. I support you on this.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the chairman for doing that. That is important not only to provide fresh fruit and produce, but also to fight obesity and other diseases in our country.

Mr. PETERSON of Minnesota. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

☐ 1145

Mr. CUMMINGS. Mr. Chairman I rise to enter into a short colloquy with the chairman. First of all, I thank the chairman for producing a balanced and outstanding bill.

I come to raise an issue of concern to me regarding the food stamp eligibility for people who seek assistance for drug and alcohol abuse. This is why I offered an amendment to H.R. 2419, to ensure equal access to this vital benefit program regardless of whether one participates in an institutional drug rehabilitation program or supportive housing.

Mr. Chairman, the Food Stamp Program was designed to allow those who participate in private and public drug and alcohol treatment programs and individuals who live in supportive housing to receive food stamp benefits. However, the current language in the law that provides this benefit has been misinterpreted by various State officials. This ambiguity has made it difficult for individuals in supportive housing and rehabilitation programs to access food stamp benefits for which they are eligible.

I would ask the chairman if you would work with me in conference to see if we can address this inequity.

I yield to the gentleman.

Mr. PETERSON of Minnesota. I appreciate the gentleman's leadership on this issue. We will work with you to help clarify the way States interpret food stamp eligibility guidelines and hope for a positive solution.

Mr. CUMMINGS. I thank you, Mr. Chairman.

The Acting CHAIRMAN. The question is on the en bloc amendment offered by the gentleman from Minnesota (Mr. PETERSON).

The en bloc amendment was agreed to.

Mr. PETERSON of Minnesota. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. BERRY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 2419

Mr. PETERSON of Minnesota. Mr. Chairman, I ask unanimous consent that, during further consideration of H.R. 2419 pursuant to House Resolution 574, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2419.

☐ 1149

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mr. SCHIFF (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendments en bloc by the gentleman from Minnesota (Mr. PETERSON) had been disposed of.

AMENDMENT NO. 21 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in part B of House Report 110-261.

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. UDALL of Colorado:

In section 1102(b)(6), strike "$0.0667" and insert "$0.06".

In section 2104 strike subsection (b) and insert the following new subsection:

(b) ENROLLMENT OF ACREAGE.—Subsection (b)(1) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n(1)) is amended by striking "2,000,000 acres" and inserting "2,224,000 acres".

In section 2401, insert after subsection (c) the following new subsection (and redesignate subsequent subsections accordingly):

(d) GRASSLAND RESERVE PROGRAM.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) For each of fiscal years 2008 through 2012, the grassland reserve program under subchapter C of chapter 2.".

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Colorado (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, let me start by thanking Chairman PETERSON and Ranking Member GOODLATTE for their hard work on this important piece of legislation. I will be very proud to support the bill on final passage.

While clearly this reform legislation, and I want to underline this is reform legislation, is a positive step forward in ag policy, I believe my amendment improves the bill. It is a win-win for ranchers and the environment.

Mr. Chairman, the amendment is modest and very simple. It would make a small reduction in the direct payment rate for cotton, just two-thirds of a cent. That savings, which would be $127 million, would be used to fund additional enrollment in the Grassland Reserve Program. The Grassland Reserve Program is a jointly administered program by the National Resources Conservation Service and the Farm Service Agency. It uses long-term rental agreements and easements to help landowners and producers restore and protect grasslands while maintaining them in a condition suitable for grazing.

This investment of Federal dollars also helps to leverage State and local monies to expand these preservation areas. The reserves that I am speaking of provide habitat for diverse wildlife, including prairie chickens, grassland birds, game species, and prairie plants. Unfortunately, it was underfunded in the previous farm bill. There remains, therefore, a significant backlog for those wanting to access the program.

According to data from the United States Department of Agriculture, the 2006 backlog of unfunded applications totaled more than $1.1 billion, or 11 million acres, and interest continues to grow.

Now, the Agriculture Committee has made great strides to enhance this grasslands program, but their hard work will be for naught unless there is additional funding to ease the backlog of program applicants. We really cannot wait to make this investment because much of America's grassland continues to be converted to row crops, and other grasslands throughout the west are being developed and subdivided.

According to CRS, between 1982 and 2003, we have lost more than 10 percent of our pastureland, which is over 10 million acres.

The amendment would reduce total direct payments in the bill by less than one-tenth of 1 percent. Direct payments are not the only support for cotton producers in the bill. As the committee report notes, there are important changes in the loan program to make American cotton more competitive and move stocks out of storage. The bill also allows the Department of Agriculture to continue to pay for upland cotton storage until 2012.

So the amendment doesn't cause real great hardship for cotton producers, but it would help many of our ranchers. I urge the House to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, I have to oppose the gentleman's amendment. Not that I don't support the Grassland Reserve Program, but the provisions of the commodity title were worked out by the committee very carefully in an effort to balance all of the various commodities' needs in that process. We don't think that it is fair to single out one commodity for changes even though it is for a worthwhile purpose. Cotton has already seen major changes with the bill's termination of the storage payments and also major reforms in payment limitations.

Additionally, the bill provides 1,340,000 acres to be enrolled in GRP, a substantial increase. I know that the gentleman from Colorado has been a leader in the coalition that has been advocating this program, and I appreciate his efforts and leadership in this area. Unfortunately, targeting any single commodity, in this case, cotton, for further reductions in their safety net is unwarranted and unfair. Therefore, I urge my colleagues to oppose the amendment.

I yield to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I also rise in strong opposition to the Udall amendment. This amendment singles out one commodity for reduction in order to increase an unrelated program.

This bill already increases funding to enroll nearly 1 million new acres in the Grassland Reserve Program. That is a significant amount of land.

Some might think this is a small change in direct payment. It doesn't seem like much; however, this bill does not make changes in any of the current direct payments, and this would single out only one commodity, that being cotton, for reduction in direct payments.

The House Agriculture Committee has already made significant changes to cotton. The bill reduces cotton target prices and eliminates cotton loan storage credits. In addition, payment limit changes are more likely to affect cotton farmers than any other commodity.

If you want to increase the grasslands program, the offsets should not come from one commodity that is already taking a fairly major change in this bill. Let's treat all commodities the same and oppose the Udall amendment.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 1 minute to the chairman of the General Farm Commodity Subcommittee that deals with this issue, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for his leadership.

Mr. Chairman, as you've heard, this commodity has already taken a major hit, a major change in the whole list of that commodity. It is really unfair to single out cotton.

I agree with the gentleman from Colorado; we have done some things in conservation and wish we could have done more and wish we had more money. You have already heard how we have been strapped for cash, but the truth is this amendment is unfair. And I will oppose the gentleman's amendment, and I would encourage my colleagues to oppose it as well.

We will continue to work with him as the bill moves forward to try and help, but it is absolutely unfair, once we have reached this very delicate balance within the bill, to reach in and single out one commodity that has already been hit harder in terms of cuts than any other commodity within all of the commodity titles.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the gentleman for giving me a quick minute.

I, too, rise in opposition to the Udall amendment, not because I am opposed to conservation of grasslands, but simply because hard choices were made to craft a bill that was as balanced as we can get it. If you were on the living end of the commodity program and cotton, you know already the dramatic changes that are going to be in the offing if this bill does pass. To come in now and ask for one more change, one more reduction, is inappropriate, and I would oppose that and hope that our good colleagues who support conservation would understand this is a very difficult process. We have set priorities, and I think the finely tuned bill that came out of the committee is one we ought to support and not make this change. I respectfully oppose the gentleman's amendment.

Mr. UDALL of Colorado. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentleman from Colorado has 2 minutes. The gentleman from Minnesota has 1 minute.

Mr. UDALL of Colorado. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I think that the other gentlemen have eloquently stated the case, and I want to reiterate that this is not a fair process to single out one commodity.

I want to take the balance of my time to recognize the tremendous efforts of the gentleman from Arkansas (Mr. BERRY) in working with us on this farm bill. And also, if he were here, he would be speaking out very strongly on this amendment as well. We oppose this amendment and encourage our colleagues to support us in that regard.

Mr. Chairman, I yield back the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the balance of my time.

As I close my arguments for this important amendment, I would again like to thank the chairman and ranking member for a bill that truly is about reform. That is the theme I would like to strike here. This amendment would take us further down the path of reform.

This is less than one-tenth of 1 percent to expand the Grassland Reserve Program. I would note for the record that a number of organizations that are highly respected in the States of Texas and Minnesota and all over the country support the amendment. The

American Farmland Trust, Environmental Working Group, Republicans for Environmental Protection, the National Wildlife Federation, the American Bird Conservancy, Defenders of Wildlife, the Trust for Public Land all think that this amendment makes real sense.

It is $127 million, less than one-tenth of 1 percent out of the direct payments program to preserve these important legacy areas, our grasslands, in the great American west. I urge an "aye" vote. This is an important amendment that would help strengthen the bill.

☐ 1200

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 110-261.

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. PUTNAM:

At the appropriate place in the conservation title, add the following new section:

SEC. 2___. ADJUSTED GROSS INCOME LIMITATION REGARDING PAYMENTS UNDER CONSERVATION PROGRAMS.

Section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)), as amended by section 1504 [and the manager's amendment, pages 34 and 35], is further amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR CONSERVATION PROGRAMS.—Notwithstanding subparagraphs (A) and (B), in the case of covered benefits described in paragraph (2)(C), an individual or entity shall not be eligible to receive any benefit described in such paragraph (2) during a crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.".

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Minnesota (Mr. PETERSON) each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. PUTNAM. Mr. Chairman, we have a number of speakers on this so I want to be brief.

One of the common misperceptions about the farm bill that didn't used to be a misperception, it used to be a reality and was very frustrating to taxpayers, was that professional athletes and broadcasters and people like that could game the system to receive conservation payments. And to the chairman and Mr. GOODLATTE's credit, this bill does make significant strides towards improving the commitment to conservation. However, there is a change in the bill that is disturbing which lowers the AGI limit for eligibility for conservation payments.

The effect of that is that it takes out what had been a requirement that 75 percent of your income be farm income, and in the process of doing that, it eliminates many of the most successful farmers who are doing their best to take advantage of government-matching dollars to improve their operations from an environmental perspective. It eliminates their ability to do so.

And setting aside the family farm narrative, if you are truly a family farm, where you have multiple generations operating, then for sheer survival you have to grow in order to feed grandpa and dad and two brothers and their families who are all in the dairy business or in the livestock business.

If this language were to remain in the bill as is, the Florida Department of Agriculture reports unofficially that roughly half of Florida producers would be ineligible for conservation payments. Many of the producers on the Chesapeake watershed, we've heard a lot today about the Chesapeake, the Everglades watershed, irrigation projects in the American West would be ineligible for these matching dollars because of this new AGI limitation.

And I would urge Members to review this carefully and adopt this amendment so that these conservation payments would find their way to the farmers that are doing the best job, that are the most successful and are full-time. These are not hobby farmers. These are full-time agricultural producers in America who are feeding this country.

Mr. Chairman, I yield 2 minutes to my fellow cosponsor from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Chairman, I want to thank my friend and colleague from Florida. I'm proud to cosponsor this important amendment with the gentleman, as he and his family are champions of Florida agriculture.

One recurring theme we've heard throughout this debate is that although this farm bill is historic for American agriculture, it does not give everyone what they wanted.

In the case of conservation programs, I believe it's a mistake for this bill to further restrict the American farmers' access to important conservation programs by lowering the adjusted gross income limits.

This is bad policy because it hurts farmers that produce high-value crops from accessing conservation programs. In Florida, we are fighting to protect our environment. We've spent billions to preserve the Everglades. These new, more restrictive limits will disincent Florida ranchers and growers from investing with the Federal Government to preserve our lands and clean our waters.

I urge my colleagues to use common sense. This amendment provides real farmers, not millionaires, access to critical conservation programs.

I urge my colleagues to take an important step in keeping our rural lands green, to protect our wetlands, and to support our national agricultural heritage.

This is a good amendment, and it deserves your support.

Mr. PUTNAM. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, we had a debate similar to this not too long ago, and I'll say it again, that while we've added several billion dollars to the conservation baseline, we still have backlogs in most of those programs.

And the question to me is the same: if large farms shouldn't be eligible for title I payments, why should they be eligible for title II payments? If these operations are diversified enough to have problems with farm income exemption, same question, do they really need Federal payments?

So I'd like to hear the arguments against because, to me, a strong title I is necessary to even carry out our conservation programs. If the farmers don't have a strong safety net, that work on conservation is going to be the first thing that's sacrificed. So with limited Federal funds for conservation, we need to make priorities, and providing funds for larger producers and folks with lots of off-the-farm income is a tough choice; but it's a choice we have to make.

I'd just like to say that one of the most important reforms that people have pointed to in this bill is that we have finally put a hard cap on adjusted gross income, and this has caused a lot of pain for a lot of people. So it just is not right to have a hard cap on the commodity title and not have a hard cap on conservation.

So I urge my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, does the gentleman have additional speakers opposed to the amendment?

Mr. PETERSON of Minnesota. I guess we have no further speakers, so I yield back the balance of my time.

Mr. PUTNAM. How much time is remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Florida has 1½ minutes remaining. The gentleman from Minnesota has yielded back.

Mr. PUTNAM. Mr. Chairman, I just want to reiterate, while this has a major impact on specialty crop and dairy and livestock States like California and Florida, it is a national issue because under current law, if 75 percent of your income is from farms, then you are eligible for this higher AGI. By taking that out, you are redirecting conservation dollars from people who are full-time farmers, full-time producers, presumably the people that the farm bill is intended to benefit, and directing it to hobby farmers, people who are enjoying their gentlemanly estates in the suburbs of Washington or New York or other metropolitan areas, where they enjoy the bucolic lifestyle, while the people who get up before dawn every morning and go to bed after dark every night, and live and die by the vagaries of the marketplace and pests and disease will be ineligible for the additional conservation help.

So you either drive them out of business because of the impact on watersheds, or you will pay for it out of a different program; but one way or the other you will either drive agriculture out of the Chesapeake, drive agriculture out of the Glades, drive agriculture out of the prairie potholes, out of the Dakotas, out of the flyways, or we can make this minor amendment to let the people who farm full time eligible for the green payments that recognize the social benefits that come from their activities.

I urge the adoption of this amendment, and I thank my friend from Florida for his assistance.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PUTNAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. COOPER

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 110-261.

Mr. COOPER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. COOPER:

At the end of the bill, insert the following new title:

TITLE XII—CROP INSURANCE

SEC. 1201. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) ADMINISTRATIVE FEE FOR CATASTROPHIC RISK PROTECTION.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended by striking subparagraph (A) and inserting the following:

"(A) BASIC FEE.—

"(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount which is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

"(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.".

(b) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended—

(1) in subparagraph (B)(i), by striking "67 percent" and inserting "62 percent";

(2) in subparagraph (C)(i), by striking "64 percent" and inserting "59 percent";

(3) in subparagraph (D)(i), by striking "59 percent" and inserting "54 percent";

(4) in subparagraph (E)(i), by striking "55 percent" and inserting "53 percent";

(5) in subparagraph (F)(i), by striking "48 percent" and inserting "46 percent"; and

(6) in subparagraph (G)(i), by striking "38 percent" and inserting "36 percent".

(c) REDUCTION IN PORTION OF THE PREMIUM PAID BY THE CORPORATION.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by adding at the end the following:

"(6) PREMIUM PAYMENT INCENTIVE.—The Corporation may increase payment of a part of the premium from the amounts provided under subsection (e)(2) by not more than 5 percent for a policy or plan of insurance that is not based on individual yield to provide an additional incentive to create broader use of such policies.".

(d) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to cede to the Corporation 22 percent of its cumulative underwriting gain or loss."

SEC. 1202. CROP INSURANCE PROGRAM COMPLIANCE.

(a) USE OF UNUSED FUNDING TO IMPROVE PROGRAM INTEGRITY.—Section 522(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(3)) is amended by striking "the Corporation may use" through the end of the paragraph and inserting the following: "the Corporation may use—

"(A) not more than $10,000,000 for each fiscal year to improve program integrity, such as

"(i) increasing the number of compliance personnel;

"(ii) increasing compliance related training;

"(iii) improving analysis tools and technology related to compliance;

"(iv) identifying, utilizing, and expanding innovative compliance strategies and technology; and

"(v) developing and maintaining the information management system developed pursuant to section 10706(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002(b)); and

"(B) any excess amounts to carry out other activities authorized under this section.".

(b) CONFORMING AMENDMENT REGARDING VIOLATION OF HIGHLY ERODIBLE LAND CONSERVATION REQUIREMENTS.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by inserting "or" at the end of subparagraph (D); and

(3) by adding at the end the following new subparagraph:

SEC. 1203. REAUTHORIZATION OF, AND INCREASED ENROLLMENT AUTHORITY FOR GRASSLAND RESERVE PROGRAM.

(a) EXTENSION AND FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) For each of fiscal years 2002 through 2013, the grassland reserve program under sub chapter C of chapter 2.".

(b) ENROLLMENT GOALS.—Section 1238N(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3838N(b)(1)) is amended by striking "2,000,000 acres" and inserting "5,000,000 acres".

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Tennessee (Mr. COOPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, everyone should be able to support the upcoming Cooper amendment, whether you're for or against the farm bill. It really doesn't make any difference because my amendment doesn't affect 99 percent of what's in the farm bill, but it does affect 1 percent.

And what is that? It's called the crop insurance industry, a little known curious part of the insurance world that is completely dominated by 16 fabulously rich companies. These companies, at taxpayer expense, made $2.8 billion in profits, underwriting gains, in the last 5 years. I don't begrudge anyone big profits out in the real world; but when it's at taxpayer subsidy expense, I get a little worried.

So what my amendment would do is two things. Number one, it would reform that industry and reform it in the way that the U.S. Department of Agriculture has recommended, and I'm proud that they strongly support my amendment.

But it also does something else, and we only found this out yesterday, and this is very important because it could well not only save the bill, it could save the reputation of many of our colleagues in the House because there is a provision in the bill today that I'm sure was unintended. I have no idea how it got in there, how it found a place on page 668 of the bill. It just happens to enrich forever these 16 crop insurance companies.

Now, what does that little slender provision do which the Bush administration has already said allows them to collude to raise prices for consumers and the government? That little provision allows them an antitrust exemption, an antitrust exemption that, of course, was never referred to the Judiciary Committee. No one on the Judiciary Committee knows about it. I haven't found anybody on the Agriculture Committee who knew about it, but it's a long-sought goal of the crop insurance industry so that they can collude to price-fix, to bid-rig in their negotiations with the government so they can get even more subsidies, because apparently $2.8 billion in profits in the last 5 years was not enough.

So my amendment is the only way to cut out that provision. Unless some of our colleagues are not attuned to antitrust laws, these antitrust obligations are not just wrong. Talking in contract negotiations is supposed to be an open-bidding process, a real free market competition. This sort of behavior is not just wrong; it is criminal, criminal.

So unintentionally and apparently unbeknownst to most folks on the committee, we are giving them a license to conduct what would otherwise be criminal antitrust behavior. This is wrong. This is so wrong it should not be part of any of this bill, and I am sure that no one intended it, although it just happens to benefit these 16 companies.

Now, these are not bad people who work for these companies; but it's a rotten system, and it doesn't need to be destroyed, but it does need to be reformed; and we need to follow the guidelines of the Bush administration in reforming it because I haven't found anybody else who's willing to take on this task.

But surely this can bring us together in a bipartisan fashion to cure this flaw in the bill.

MODIFICATION TO AMENDMENT NO. 27 OFFERED BY MR. COOPER

Mr. COOPER. Mr. Chairman, in order to discourage this illegal criminal behavior, I ask unanimous consent for a modification of my amendment so that it can be handled properly according to parliamentary fashion.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 27 offered by Mr. Cooper:

The amendment as modified is as follows:

In section 2104 strike subsection (b) and insert the following new subsection:

(b) Enrollment of Acreage.—Subsection (b)(1) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by striking "2,000,000 acres" and inserting "2,500,000 acres".

In section 2104, add at the end the following new subsection:

(f) Funding.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) For each of fiscal years 2002 through 2013, the grassland reserve program under subchapter C of chapter 2.".

At the end of subtitle A of title XI, add the following new section:

SEC. 110___. ADDITIONAL CROP INSURANCE AMENDMENTS.

(a) Expected Loss Ratio.—

(1) Projected loss ratio.—Section 506(o)(2) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)(2)) is amended—

(A) in the paragraph heading, by striking "1998" and inserting "2007";

(B) by striking "1998" and inserting "2007"; and

(C) by striking "1.075" and inserting "1.00".

(2) Premiums required.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking "1.1" and all that follows through "October 1, 1998" and inserting "1.00 on and after October 1, 2007".

(3) Effective date.—This subsection shall take effect on September 30, 2007.

(4) Annual reporting requirement.—The Risk Management Agency will report annually, by March 1st, in the Federal Register—

(A) the projected loss ratio upon which premiums are based for the coming reinsurance year; and

(B) the projected loss ratio of the Corporation for the coming reinsurance year that excludes the portion of the premium paid by the Corporation.

(b) Controlling Crop Insurance Program Costs.—

(1) Administrative fee for catastrophic risk protection.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended by striking subparagraph (A) and inserting the following:

"(A) Basic fee.—

"(i) In general.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount which is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

"(ii) Maximum amount.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.".

(2) Payment of portion of premium by corporation.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended—

(A) in subparagraph (B)(i), by striking "67 percent" and inserting "62 percent";

(B) in subparagraph (C)(i), by striking "64 percent" and inserting "59 percent";

(C) in subparagraph (D)(i), by striking "59 percent" and inserting "54 percent";

(D) in subparagraph (E)(i), by striking "55 percent" and inserting "53 percent";

(E) in subparagraph (F)(i), by striking "48 percent" and inserting "46 percent"; and

(F) in subparagraph (G)(i), by striking "38 percent" and inserting "36 percent".

(3) Reduction in portion of the premium paid by the corporation.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by adding at the end the following:

"(6) Premium payment incentive.—The Corporation may increase payment of a part of the premium from the amounts provided under subsection (e)(2) by not more than 5 percent for a policy or plan of insurance that is not based on individual yield to provide an additional incentive to create broader use of such policies.".

(4) Share of risk.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) Share of risk.—The reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to céde to the Corporation 30 percent of its cumulative underwriting gain or loss."

(5) Reimbursement rate.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

"(ii) for each of the 2008 and subsequent reinsurance years, 15 percent of the premium used to define loss ratio.".

(c) Renegotiation of Standard Reinsurance Agreement.—

(1) In general.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

"(8) Renegotiation of standard reinsurance agreement.—The Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement not more frequently than once every 3 years. Crop insurance companies are not allowed to collude during the renegotiation of financial terms of the Standard Reinsurance Agreement.".

(2) Conforming amendments.—Sections 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106–224) are repealed.

(d) Crop Insurance Program Compliance.—

(1) Use of unused funding to improve program integrity.—Section 522(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(3)) is amended by striking "the Corporation may use" through the end of the paragraph and inserting the following: "the Corporation may use—"

"(A) not more than $10,000,000 for each fiscal year to improve program integrity, such as

"(i) increasing the number of compliance personnel;

"(ii) increasing compliance related training;

"(iii) improving analysis tools and technology related to compliance;

"(iv) identifying, utilizing, and expanding innovative compliance strategies and technology; and

"(v) developing and maintaining the information management system developed pursuant to section 10706(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002(b)); and

"(B) any excess amounts to carry out other activities authorized under this section.".

(2) Conforming amendment regarding violation of highly erodible land conservation requirements.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) by striking "or" at the end of subparagraph (C);

(B) by inserting "or" at the end of subparagraph (D); and

(C) by adding at the end the following new subparagraph:

"(E) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);".

The Acting CHAIRMAN (during the reading). Without objection, the reading is dispensed with.

There was no objection.

The Acting CHAIRMAN. Is there objection to the modification?

Mr. POMEROY. Mr. Chairman, reserving the right to object, this is ridiculous. We have an Agriculture Committee. The Agriculture Committee has under it the jurisdiction of the crop insurance program. The crop insurance program's largely governed by the crop insurance law which is going to be up for reauthorization in the next Congress. We are close to completing a farm bill. The gentleman, who is not on the committee but participated in a hearing in the Government Oversight Committee, has developed a keen interest in the crop insurance program. He has advanced an amendment which has been made in order. It would have substantial consequences to the crop insurance program, and it has not had a hearing in the Agriculture Committee.

But beyond that, as with all amendments, there are timelines to submit to the Rules Committee, printed in the RECORD. Everyone has a chance to evaluate precisely what the gentleman is saying.

□ 1215

Well, that's not enough, because this morning, he comes to the floor and says that he has discovered, almost like a Grisham novel, discovered, on page 668, language. It's not just wrong, it's criminal, and if we only followed this man, we can alleviate ourselves of wrongdoing that must be criminal and save the reputation of our House and Members in it. Oh, what drama is unfolding here. What nonsense is purported by the gentleman asking for this unanimous consent request.

I will assert objection to the unanimous consent request. This is not accidental language. It didn't fall from the sky. It's part of a complete plan on crop insurance and the structure of a public-private partnership.

I look forward to working with the gentleman in an ongoing effort to really dig to the bottom of the gentleman's questions. But I will tell you something, none of us, certainly not me, is so doggone smart that after a hearing I go off and do a little more study, write a bill totally undoing vital risk protection to our farmers, and if that's not enough, come to the floor of the House and ask for unanimous consent to try and further rewrite this program right here as we go, without even having printed language before us.

Mr. Chairman, I assert the objection to the unanimous consent request.

The Acting CHAIRMAN. Objection is heard. The amendment is not modified.

Mr. COOPER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Tennessee has 1 minute remaining.

Mr. COOPER. Mr. Chairman, the gentleman who just spoke knows that we discussed this precise matter at dinner last night. He was not caught unawares at all. We discussed it at some length at dinner.

Second, it is the prerogative of any Member of this House to defend the honor of this institution. I am personally extremely disappointed that our provision allowing what would otherwise be antitrust violation, wrongful, possibly criminal behavior, would be allowed to be inserted in this bill, apparently without the knowledge of anyone on the committee, certainly not of anyone on the Judiciary Committee.

I regret his objection. But my intention is clear. We need to reform crop insurance in America. I only found out about this issue, as the gentleman said correctly, because I am fortunate enough to be a member of the Government Reform Committee.

Under the hearings led by HENRY WAXMAN, we did more to uncover abuse in this area than the Agriculture Committee ever did. In fact, when I attended the agriculture hearing, only four members of that committee were present to hear the government witnesses to describe the ongoing abuse in the crop insurance industry, witnesses from the GAO and USDA IG.

This is important information that every Member of the House deserves to have, because we should not be party to handing out free antitrust exemptions without anybody knowing about it.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. ETHERIDGE. Mr. Chairman, I claim time in opposition and yield the customary 2½ minutes to the ranking member from Virginia.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT), a member of the committee.

The Acting CHAIRMAN. Without objection, the gentleman from Virginia may control 2½ minutes.

There was no objection.

Mr. SCOTT of Georgia. Mr. Chairman, with all due respect to the gentleman from Tennessee (Mr. COOPER) whose intentions are certainly well meaning, here is the situation. This was never brought before our committee. We spent hour after hour, most times till 1:00 or 2:00 in the morning, working on a variety of these issues.

Now, if there are charges that he is speaking of, and they appear to be serious, they belong in the jurisdiction of the Justice Department, not in the Agriculture Committee.

That is where this argument needs to be taken, but not at this late hour at a time when it has not been brought before our committee. And, as he said, he might have mentioned it to the gentleman, Mr. POMEROY, at dinner, but that's a hue and a cry from having this discussion in the full Agriculture Committee.

The other point is that there are 16 companies who provide crop insurance. If this rather draconian amendment were even adopted, it would severely wreak havoc in the crop insurance industry as we know it and provide fewer choices for our farmers.

Again, it is beyond the jurisdiction of the Agriculture Committee.

I respectfully ask that we oppose the gentleman's amendment.

Mr. GOODLATTE. Mr. Chairman, the committee bill makes significant reforms to the Crop Insurance Program. The bill reduced the statutory loss ratio to an actuarially sound 1.0. By doing this, we were able to include a provision by Mr. NEUGEBAUER that makes additional crop insurance available, which has to be paid for, which will lessen need for disaster assistance.

Mr. NEUGEBAUER's provision is similar in many respects to the administration's crop insurance plan. The committee bill increases premiums for the catastrophic level of coverage.

We authorize the USDA to renegotiate the standard reinsurance agreement every 5 years. The committee bill specifically authorizes data mining to ensure compliance with rules of the program. The committee bill also reduces the reimbursement rate by 2 percentage points. These are significant changes that make the program more actuarially sound and make the program more responsible with taxpayer dollars.

Additionally, the committee-passed bill authorized an additional 1 million acres in the GRP land to protect sensitive grasslands in this country. While we all would like more money for many programs, this is a carefully balanced approach. I think we have done a good job of balancing the needs of both commodity producers and those that would like to preserve native grasslands.

I strongly oppose this amendment.

Mr. COOPER. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield.

Mr. COOPER. I have the highest respect for the gentleman and for all the members of the Agriculture Committee. I am sure this was not intentional. That's why I am trying to correct the problem.

When I looked into it, 84 percent of the savings that are in the agriculture bill from crop insurance happened only in year 5. Nothing happens in year 1, 2, 3, 4. Year 5 is the year in which the next agriculture bill will be drafted. It's very unlikely that those cuts will ever occur, when 84 percent of them are back-loaded in year 5. So that was my concern about those cuts.

But the larger provision, allowing these collusive discussions and negotiations with the government, surely the gentleman is disturbed by those.

Mr. GOODLATTE. Reclaiming my time from the gentleman, let me just say that these changes are real, they are legitimate, they will be put into effect. The chairman has committed to holding additional hearings and investigation into the matter. We will do that.

But to pull the safety net out from under American farmers and ranchers by doing something in a precipitous fashion is not a good idea.

Therefore, I oppose the amendment.

I yield back the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Some quick facts: the insurance industry operates in this country under an antitrust exemption. It was passed into law in 1945 in the McCarron-Ferguson Act. But for a relatively recent interpretation of the Department of Justice, in constant negotiation, the Federal Government to the private sector partner has always been conducted under the way anticipated under the bill.

Twenty years ago I was a State insurance commissioner. At that time there were more than 60 companies writing crop insurance. Now they are down to 16. Why is that? Because there is so doggone much money here? Heck, no. It's because it's a tough line of business to work.

I am not saying that we don't need to look at it, but the committee takes out $2.9 billion, and now we got a guy that thinks he knows we can take out billions more. I tell you, you take out billions more, my farmers don't have the vital risk protection they need when crops fail and they need to make the payment back to the banker on their loans. So this is serious stuff. This isn't an academic exercise. This is vital risk protection for the farmers.

Vote "no" on this amendment.

Mr. ETHERIDGE. Mr. Chairman, as chairman of the Subcommittee on General Farm Commodities and Risk Management, we have already held three hearings this year. The chairman has indicated that the committee is going to hold more hearings. We are going to look into this deeper. I think that's appropriate. To make this kind of change on the floor of the House at the 11th hour is unfair to the farmers of America.

I oppose the gentleman's amendment and would ask the Members of this body to do the same. Let it go back to the committee so we will have the opportunity to do it at committee level where it should be done.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. COOPER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110–261 on which further proceedings were postponed, in the following order:

Amendment No. 7 by Ms. JACKSON-LEE of Texas.

Amendment No. 12 by Mr. RANGEL of New York.

Amendment No. 13 by Mr. BOEHNER of Ohio.

Amendment No. 19 by Mr. DAVIS of Illinois.

Amendment No. 21 by Mr. UDALL of Colorado.

Amendment No. 25 by Mr. PUTNAM of Florida.

Amendment No. 27 by Mr. COOPER of Tennessee.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 3, not voting 12, as follows:

[Roll No. 748]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
  E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
  Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
  T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)

Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—3

Gohmert
King (IA)
Weldon (FL)

NOT VOTING—12

Castor
Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood
Slaughter

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Mrs. CAPPS and Messrs. CANTOR, BARROW, CAMPBELL of California, FRANKS of Arizona and FEENEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Florida. Mr. Chairman, on rollcall No. 748 I voted "no." I meant to vote "aye."

AMENDMENT NO. 12 OFFERED BY MR. RANGEL

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 245, not voting 10, as follows:

[Roll No. 749]

AYES—182

Abercrombie
Allen
Baird
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Camp (MI)
Capps
Capuano
Carney
Carson
Castle
Christensen
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emerson
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Harman
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lynch
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Payne
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Woolsey
Wynn

NOES—245

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Bordallo
Boustany
Boyd (FL)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Castor
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutierrez
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Higgins
Hobson
Hodes
Hoekstra
Hoyer
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pallone
Pascrell
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 1 minute remaining in this vote.

☐ 1255

Mr. HODES changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. BOEHNER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 271, not voting 13, as follows:

[Roll No. 750]

AYES—153

Allen
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Castle
Chabot
Crenshaw
Culberson
Davis (CA)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake

Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Harman
Heller
Hensarling
Hobson
Hoekstra
Holt
Honda
Hunter
Inglis (SC)
Israel
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Murphy (CT)
Murphy, Patrick
Myrick
Paul
Pence
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Shuler
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Stark
Stearns
Sullivan
Tancredo
Tiberi
Tierney
Turner
Upton
Walberg
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES--271

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Baker
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Camp (MI)
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doyle
Edwards
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—13

Broun (GA)
Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood
Maloney (NY)
Sali

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1259

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 282, not voting 11, as follows:

[Roll No. 751]

AYES—144

Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bean
Berkley
Berman
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Brady (PA)
Broun (GA)
Brown (SC)
Burton (IN)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Castle
Chabot
Christensen
Clay
Cooper
Costello
Courtney
Culberson
Davis (IL)
Davis, Tom
Deal (GA)
Dent
Doggett
Drake
Dreier
Duncan
Ehlers
Ellison
English (PA)
Eshoo
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Gordon
Gutierrez
Heller
Hensarling
Higgins
Hobson
Hoekstra
Holt
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, Sam
Jones (OH)
Jordan
Kanjorski
Keller
Kind
King (NY)
Kingston
Kirk
Langevin
Lee
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Manzullo
McCarthy (NY)
McKeon
Mitchell
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Myrick
Pallone
Pascrell
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Ramstad
Regula
Reichert
Rohrabacher
Roskam
Royce
Rush
Ryan (WI)
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Sullivan
Tancredo
Tiberi
Turner
Upton
Walberg
Wamp
Waters
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—282

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Baker
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Edwards
Ellsworth
Emerson
Engel
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Foxx
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)

McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Pearce
Perlmutter
Peterson (MN)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood
Saxton

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute remaining in this vote.

☐ 1303

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Mr. Chairman, on July 27, 2007, I inadvertently voted "aye" on Davis Amendment to H.R. 2419 (rollcall No. 751). I intended to vote "no" on the amendment.

AMENDMENT NO. 21 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 251, not voting 11, as follows:

[Roll No. 752]

AYES—175

Ackerman
Allen
Andrews
Baird
Baldwin
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Boucher
Boyda (KS)
Campbell (CA)
Cannon
Capps
Carney
Castle
Chabot
Clay
Cleaver
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Dreier
Ehlers
Ellison
English (PA)
Eshoo
Ferguson
Flake
Fortenberry
Fossella
Frelinghuysen
Garrett (NJ)
Gerlach
Gordon
Green, Al
Hall (NY)
Harman
Heller
Higgins
Hinchey
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Keller
Kennedy
Kind
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Musgrave
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Petri
Pitts
Platts
Pomeroy
Porter
Putnam
Ramstad
Rangel
Reichert
Reynolds
Rohrabacher
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Stupak
Sutton
Tancredo
Tauscher
Terry
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walsh (NY)
Waters
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—251

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Doyle
Drake
Duncan
Ellsworth
Emerson
Engel
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Foxx
Franks (AZ)
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Lampson
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Myrick
Neugebauer
Norton
Nunes
Oberstar
Ortiz
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Poe
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sali
Sarbanes
Schmidt
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Spratt
Sullivan
Tanner
Taylor
Thompson (MS)
Thornberry
Tiahrt
Turner
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Edwards
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1309

Ms. ROS-LEHTINEN changed her vote from "aye" to "no."

Mr. WYNN, Mr. TOWNS, and Mrs. BOYDA of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. PUTNAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 252, not voting 10, as follows:

[Roll No. 753]

AYES—175

Abercrombie
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bean
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Cardoza
Carter
Castle
Castor
Chabot
Costa
Crenshaw
Crowley
Culberson
Cummings
Davis, David
Davis, Lincoln
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Duncan
Ehlers
Ellison
Engel
English (PA)
Eshoo
Farr
Feeney
Ferguson
Filner
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Granger
Green, Gene
Hall (TX)
Harman
Hastings (WA)
Heller
Herger
Hill
Hinchey
Hirono
Hobson
Hoekstra
Hunter
Johnson, Sam
Keller
Kind
Klein (FL)
Knollenberg
Lamborn
Langevin
LaTourette
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Nunes
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schmidt
Sensenbrenner
Sessions
Sestak
Shays
Shea-Porter
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Tancredo
Taylor
Thompson (CA)
Thornberry
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Wamp
Wasserman Schultz
Waters
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—252

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Campbell (CA)
Capuano
Carnahan
Carney
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ellsworth
Emerson
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Flake
Forbes
Fortenberry
Fossella
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Hensarling
Herseth Sandlin
Higgins
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Shimkus
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wicker
Wolf
Wu
Yarmuth

NOT VOTING—10

Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Issa
Kucinich
LaHood

☐ 1313

Mr. POE changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. COOPER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COOPER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 250, answered “present” 1, not voting 11, as follows:

[Roll No. 754]

AYES—175

Ackerman
Allen
Altmire
Andrews
Baird
Baldwin
Bartlett (MD)
Bean
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Boucher
Buchanan
Campbell (CA)
Cannon
Capps
Capuano
Carnahan
Castle
Castor
Chabot
Chandler
Christensen
Cohen
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Dent
Dicks
Dingell
Doggett
Donnelly
Dreier
Duncan
Ehlers
Ellison
English (PA)
Eshoo
Faleomavaega
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gordon
Green, Al
Grijalva
Hall (NY)
Harman
Hensarling
Higgins
Hill
Hinchey
Hodes
Hoekstra
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kaptur
Kind
King (NY)
Kirk
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larson (CT)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McKeon
McNulty
Michaud
Miller (MI)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Myrick
Nadler
Neal (MA)
Olver
Pallone
Pascrell
Payne
Pence
Petri
Pitts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Reichert
Rogers (MI)
Rothman
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz
Sensenbrenner
Sestak
Shadegg
Shays
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sullivan
Tancredo
Tauscher
Taylor
Terry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—250

Abercrombie
Aderholt
Akin
Alexander
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Becerra
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Cardoza
Carney
Carson
Carter
Clay

Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Edwards
Ellsworth
Emerson
Engel
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Foxx
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutierrez
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hinojosa
Hirono
Hobson
Holden
Hooley
Hoyer
Hulshof
Inglis (SC)
Jackson (IL)
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Loebsack
Lucas
Mack
Mahoney (FL)
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sarbanes
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Young (AK)

ANSWERED "PRESENT"—1

Gingrey

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Emanuel
Fortuño
Frank (MA)
Hastert
Hunter
Issa
Kucinich
LaHood

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded they have 1 minute remaining in this vote.

☐ 1318

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment today to give pollinator protection and the concern of Colony Collapse Disorder a prominent presence in H.R. 2419, the Farm Bill Extension Act of 2007. This amendment reflects the contributions of countless organizations and a bi-partisan coalition of Members of Congress who share a common concern for pollinator decline.

When issues like Colony Collapse Disorder and pollinator decline threaten one-third of American agriculture, they must be taken seriously. I commend Chairman PETERSON and the Committee on Agriculture for their tireless work on provisions in the current Farm Bill Extension Act to address pollinator research. However, my amendment demonstrates the need to clarify that significant research and conservation programs will play an important role in combating Colony Collapse, Disorder and North American pollinator decline in years to come. If we want our children to enjoy food grown in this nation in the coming years, then we must save bees and other pollinators.

Mr. Chairman, this amendment adds a section to the bill authorizing $86.5 million over 5 years for facilities improvement and research grants to combat Colony Collapse Disorder and North American native/managed pollinator decline. These funds would be authorized through a combination of initiatives at the U.S. Department of Agriculture, USDA, including the Agricultural Research Service, ARS, the Cooperative State Research, Education, and Extension Service, CSREES, and the Animal Plant and Health Inspection Service, APHIS. This section of the amendment is very similar to my legislation H.R. 1709, the Pollinator Protection Act, which has the bi-partisan support of 50 cosponsors. This amendment also incorporates welcome adjustments to the Pollinator Protection Act which I collaborated with Senator BARBARA BOXER to develop in the companion legislation, S. 1694, the Pollinator Protection Act of 2007.

My amendment also clarifies the importance of native and managed pollinators in vital conservation programs of USDA. This component of the amendment reflects the content of H.R. 2913, the Pollinator Habitat Protection Act of 2007, which Representative EARL BLUMENAUER and I recently introduced, similar to S. 1496 introduced by Senator MAX BAUCUS. On the Senate side, this similar legislation has received vast bi-partisan support from 33 cosponsors.

Mr. Chairman. Moments like this truly demonstrate the collaborative capacity of this great Congress to meet a dire need with thoughtful policy that truly engages stakeholders and impacted communities.

I thank Members of Congress that worked with me in both chambers of Congress in this effort to save American agriculture. I also thank the many scientists and organizations for their endorsement of this amendment, namely: the American Beekeeping Federation, Inc., American Honey Producers Association, American Farmland Trust, California Farm Bureau Federation, California State Beekeepers Association, Center for Biological Diversity, Coevolution Institute, Defenders of Wildlife, Environmental Defense, Florida Farm Bureau Federation, National Wildlife Federation, Partners for Sustainable Pollination, Sonoma County Beekeepers Association, Sustainable Agriculture Coalition, Wild Farm Alliance, and the Xerces Society for Invertebrate Conservation.

I thank Chairman PETERSON for his support and I urge my colleagues support this vital amendment.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to continuation of a failed farm policy that takes from the poor to give to the rich. Although the Farm Bill, H.R. 2419 before us is being sold as a reform package, it is little more than a dressed up version of previous "Farm Bills" that have paid over $1 billion to dead farmers and $1.3 billion to individuals who do not farm.

Our so-called "farm policy" overwhelmingly benefits the wealthiest landowners at the expense of small farmers. The top 10 percent of recipients collect 60 percent of all payments. Large landowners receive the most subsidies, which allows them to purchase the best land from smaller farmers. This drives many farmers out of business and increases the price of land.

This bill does lower the income cap and prohibits individuals with more than $1 million in annual income from receiving direct payments. Unfortunately, there are numerous loopholes in this provision, which led the Bush Administration's own Agriculture Department to estimate that as few as 3,000 out of the 1.5 million individuals receiving direct payments will be cut off. This bill therefore does little to end the corporate welfare that has become the hallmark of our agriculture policy.

Congressmen KIND and FLAKE are offering real reform. I support their Fairness in Farm and Food Policy Amendment because it creates a meaningful income limit to make sure no subsidies go to farmers with a yearly income over $250,000. It gradually reduces direct payments and reforms the bloated crop insurance program. These savings are then invested into conservation, minority farmers, fruit and vegetable production, and a $5.6 billion boost to vital nutrition programs. This is the new direction in which America's farm policy should be headed.

I applaud the efforts of my many colleagues who worked hard to include additional funding for the Food Stamps program and the McGovern/Dole International Food program. Their efforts will help millions of hungry families in this country and around the world. However, this bill, does not go far enough to provide food for the hungry and looks to the wrong place to pay for the limited funding it does provide. If we are truly concerned about our Nation's hungry and poor, we could stop subsidizing agri-business and put the money we recoup from eliminating current subsidies to feed our neighbors and support family farms.

I urge my colleagues to vote for meaningful reform, support the Kind/ Flake amendment, and oppose the underlying bill.

Mr. KIND. Mr. Chairman, during debate tonight on the Fairness in Farm and Food Policy Amendment to the farm bill I offered with my colleagues Mr. FLAKE, Mr. BLUMENAUER, Mr. RYAN, and others, a false claim was made regarding the budgetary impact of the amendment, and I would like to correct the record to reflect the truth. While the error, to the best of my knowledge, was not intentional and the false statement was not made knowingly, I believe it is important that I make the accurate information known.

Tonight, Chairman PETERSON stated that the savings claimed by the reforms made by the amendment were not realized, and he questioned, therefore, the validity of these reforms. Unfortunately, the statement was based on inaccurate information. After consulting with the Congressional Budget Office, it appears the Chairman was basing his comments on a comparison with current law rather than a comparison to H.R. 2419, which was how our amendment was drafted. The official CBO score shows that our amendment would have, in fact, saved the government billions of dollars during both the five- and 10-year windows in relation to the bill as reported by the Agriculture Committee.

It is unfortunate this mistake was made on the House floor tonight and was not corrected at the time. When writing policy that affects every single American, it is important that we base our decisions on timely and accurate information. I appreciate this opportunity to provide the real facts on our amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of section 10404 of the 2007 Farm Bill, which would provide $35 million in funding over the next five years for farmers' markets through the Farmer Marketing Assistance Program. This provision also designates that 10 percent of the funding will be used to support the use of Electronic Benefits Transfer, EBT, technology at farmers' markets. I want to thank Representative KAGEN for his leadership and his amendment to the bill that strengthens our nation's farmers' markets and provides much needed resources for food stamp recipients to use their benefits at farmers' markets. I also appreciate his working with me on this issue.

As someone who regularly shops at a farmers' market in my hometown of Evanston, IL, I have seen first hand that farmers' markets are a positive force wherever they crop up, providing consumers with fresh food options, preserving family farms, increasing health and nutrition and connecting urban and rural Americans. Direct marketing of farm products has ballooned in recent years from 1,755 farmers markets in 1994 to over 4,385 in 2006. These markets average $245,000 per year in revenue, with the typical farmer netting about $7,108. Even though farmers' markets are highly seasonal, 25 percent of vendors rely on them as their sole source of farm-based income.

Even as farmers' markets are expanding to unprecedented numbers, the 2006 USDA Farmers' Market Survey found that only 6 percent of these markets have implemented EBT technology. In my home city of Chicago, we only have one farmers' market that can accept EBT cards: the Logan Square market became the first farmers' market in Illinois just last month. However, at a time when obesity, food insecurity and chronic illnesses impact millions of low-income Americans, most still cannot use their food stamp benefits to purchase nutritious food at farmers' markets.

This past May, I participated in the Food Stamp Challenge and lived on the national average food stamp benefit for one week. Even though the $3 per day allotment was inadequate, I had the good fortune of access to nearby grocery stores. Millions of Americans, however, have no grocery stores near their homes and live in what are known as "food deserts." In fact, a 2004 study by Mississippi State University found that in the midwest, 34 percent of Americans live in food deserts, with this percentage approaching 50 percent in western States. Investments in farmers' markets are a low-cost solution to the crisis of food deserts and provide new options for Americans who currently have limited access to healthy food.

In 2006, USDA received over $15 million in grant applications from farmers' markets across the country under the Farmer Marketing Assistance Program and with only $1 million in available funds, it was only able to meet a fraction of the need. That represents a tremendous missed opportunity to improve the health of Americans. Today's raising of funding of the Farmer Marketing Assistance Program to $35 million over 5 years will help us get closer to meeting the need we know is out there. I urge my colleagues to pass the 2007 Farm Bill, which includes the Kagen Amendment, and to retain this important measure in Conference.

Ms. BORDALLO. Mr. Chairman, I rise in support of H.R. 2419, the Farm, Nutrition, and Bioenergy Act, because I recognize its value to rural America and the promise it brings for renewing our national commitment to agriculture, nutritional research and food safety, and alternative energy and conservation.

I recognize that this legislation has been carefully crafted by a committee chaired by our highly respected colleague, the gentleman from Minnesota, Mr. PETERSON. I commend him for his leadership. This legislation sets Federal farm policy and will be the basis for agricultural governance over the next 5 years. Importantly, it takes into account in several respects, the needs and priorities of farmers and ranchers residing in the territories.

The bill earns my support because it provides a reliable safety net for commodity crops, buttresses, in many respects, core conservation programs, and will now strengthen important domestic and international food nutrition programs.

Within this bill is a renewed and increased commitment to specialty crops. Specialty crops are important to the farmers and ranchers and consumers in the territories. Mr. Chairman, in the territories, we live and share the experiences of everyday life in rural America. We have much in common with our fellow Americans living and working in the small States and in the heartland of the U.S. mainland. We are economically challenged and strong Federal-local partnerships are the backbone of our ability to grow and diversify our economies.

Conservation in the islands is achieved through such partnerships. This bill presents a means through which such partnerships can be continued and strengthened. Historically, the Government of Guam has sought and utilized loans and programs under the Rural Development umbrella of the United States Department of Agriculture, USDA, to build its public works and infrastructure. Our utilities have largely and historically been constructed with Rural Development support. The continuation of authority for the range of Rural Development programs administered by USDA through Title VI of H.R. 2419 is one reason why I lend my support to this bill. These programs will be relied upon as a means to help our community of Guam meet additional and projected needs associated with the rebasing of Marines from Okinawa to Guam and realignment of defense forces in the Pacific Rim.

The bill carries other provisions of unique interest to me and to my colleagues from the territories. In particular, I am grateful for the accommodations made and the support received from Chairman PETERSON and the gentleman from Virginia, Mr. GOODLATTE, for two specific provisions.

First, now within the research title of the bill, as a result of the amendment I sponsored with the gentlewoman from the Virgin Islands, Mrs. CHRISTENSEN, the gentleman from American Samoa, Mr. FALEOMAVAEGA, and the gentleman from Puerto Rico, Mr. FORTUÑO, that was packaged into the en bloc amendment offered by Chairman PETERSON, USDA will have authority to award grants to the land grant institutions in the territories for facilities improvements, construction, and equipment acquisition and repair.

Congress designated the University of Guam and the University of the Virgin Islands as land grant institutions by an Act passed in 1972. That Act was amended by Congress in 1980 to designate American Samoa Community College, the Northern Marianas College, and the College of Micronesia, as land grant institutions.

The land grants colleges and universities in the territories are a unique set of institutions with special needs and challenges within the national land grant college and university family. Our institutions are known informally as the 1972 community, and like the 1890 and 1994 communities, are an underserved set of institutions that USDA has authority to support in key areas.

The new authority under this bill for a grants program in support of facilities improvements and equipment acquisition will strengthen the institutional capacity at the land grant institutions in the territories to sponsor research and execute extension activities of national value. This is a $40 million authorization across 5 years. We have requested that this authority be included within the bill to complement USDA resources to support research and extension and instruction capacity building in the territories. Our land grant institutions are vital to our success in the islands—economically, agriculturally, scientifically, and environmentally. Our institutions have limited resources, but these institutions and the territorial governments meet the matching requirements under the Hatch Act each year because these programs are so important to our communities.

The bill also extends the authorization for two grants programs authorized by the 2002 farm bill. These are the resident instruction and distance education grants programs for the territories.

Second, is an amendment that we proposed and that was placed into the bill to amend the definition of "State" in the Specialty Crops Competitiveness Act of 2004 to include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States, as eligible recipients of block grant funding that stands to be reauthorized by this bill. The inclusion of this provision is a significant victory for the territories. I am grateful for the support received from the gentleman from California, Mr. CARDOZA, for its inclusion in the bill.

Our farmers have invested in harvesting many traditional and tropical fruits, nuts, and horticultural specialties. Avocados, bananas, beans, betel nuts, breadfruits, coconuts, cucumbers, grapefruit, guavas, limes and lemons, mangoes, oranges, papayas, peppers, pineapples, squash, sweetsops, tangerines, tomatoes, and watermelons, are, for example, several of the specialty crops harvested in the territories whose market competitiveness stands to be improved now as a result of this bill.

The inclusion of the territories in this block grant funding will help our local Departments of Agriculture increase the capacity of our farmers to competitively farm and sell specialty crops. On Guam alone, the market value of specialty crops sold was estimated in 2002 by the National Agricultural Statistics Service (NASS) at $3.4 million. We hope this new funding will result in increased production of fresh vegetables and local fruits and make Guam's market prices competitive.

It is for these reasons, and others, that I support H.R. 2419. As the Chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans, I recognize the value the bill presents for conservation. I support it because of its conservation provisions. I look forward to working with the leadership to protect the provisions important to the territories and to national conservation by the conference committee.

Ms. WOOLSEY. Mr. Chairman, I rise in support of this bipartisan Farm Bill, and, in particular, section 4302. This section includes language directing the Secretary of Agriculture to undertake training, guidance, and enforcement of current Buy American Statutory requirements. I applaud the Agriculture Committee for including this important provision in the Farm Bill.

Congress has time and time again expressed its desire that taxpayer dollars be used to purchase domestically produced goods. We have consistently stated, through public law and senses of the Congress, that American-made goods should be given top priority.

Despite the repeated efforts of Congress, however, the United States Department of Agriculture (USDA) has chosen not to enforce the law. Schools, if they are even aware of the Buy American requirement, need training and assistance in how to incorporate the requirement into their bid solicitations.

Some companies blatantly disregard the requirement. A year ago, at a national school food conference, a food company marketed their peaches to school foodservice authorities. However, these peaches were clearly marked: "peaches from China, packed in Thailand." If a school foodservice authority were to purchase this product for use in the national school lunch and breakfast programs, it would be an outright violation of Federal law.

After this was brought to the attention of USDA, a letter was issued to the conference host. No additional guidance, no additional training, no attempt to bring awareness to the issue. Obviously, the problem has not been adequately dealt with. A year later, at the same national school food conference, held just a week ago, the same product was exhibited: "peaches from China, packed in Thailand." Evidently, nothing has changed. USDA needs to take responsibility to fulfill its duty to implement the law.

We produce, and should be promoting, plenty of high quality fresh, canned, and frozen product in the U.S. There is no reason to violate the law and purchase foreign goods. Now, more than ever, when our farmers need support, when we are facing food imports of questionable safety, it is vital that we ensure our school children are eating products produced by American Agriculture.

I applaud the Agriculture Committee for including this important language.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in support of the Farm Bill.

I commend Chairman PETERSON and Ranking Member GOODLATTE for producing a fair compromise that will go a long way in sustaining our agricultural system as well as supporting vital nutrition, conservation and research programs.

I would also like to thank the Chairman for including language directing the Government Accountability Office to conduct a study of waste water infrastructure along the U.S.-Mexico border.

Many rural communities along the border are living with inadequate waste water treatment plants and sewer management systems.

Without improved infrastructure and access to clean water these communities face significant public health threats.

This study will determine what steps the Federal Government can take to bring inadequate waste water systems in rural border communities up to date.

In my district alone I have heard from the communities of Sabinal, Clint, Fort Stockton, Presidio and Fort Hancock, Texas, all of which are in desperate need of assistance with their waste water management systems.

I represent over 600 miles of the U.S.-Mexico border and when I travel through my district I hear over and over again that these communities need help.

Our rural and underserved populations need our support in addressing the health hazards that come with insufficient water management systems and this study is a critical first step.

Current programs at the USDA Rural Development agency provide for loan/grant awards for rural infrastructure needs.

More often than not, the loan portion is 75 percent or more of the award. As we all know, waste water systems can range from $5 to $10 million or more. Rural communities do not have the revenue or tax base to take on loans for millions of dollars.

If these programs are the only assistance we have to offer, then we need to reevaluate these programs.

It is my hope, that this GAO study will shed some light on this issue and will provide a critical first step to bring adequate waste water systems to our rural communities on the border.

Again, I thank the Chairman for his work on the Farm Bill and for the inclusion of this important language.

Mr. DINGELL. Mr. Chairman, I would first like to commend Chairman PETERSON and the members of the Agriculture Committee for completing the difficult task of bringing this bill to the floor in a bipartisan fashion.

I supported the 2002 farm bill, which has served Michigan farmers well. The agricultural sector in this country is strong, and it is a good time to take a look at our farm support system and figure out how we can make it better for small farmers and specialty crop farmers.

We must recognize that farming is an inherently risky enterprise; producers are exposed to both production and price risks. Therefore, it is incumbent upon our government to be there for farmers when markets fail. We cannot afford to turn our back on America's farmers and our farm policy should be structured so that those who produce the safest and most abundant food supply in the world have an adequate safety net. We should also promote research to find new uses for the agricultural products grown in our fields and to promote these products in the global marketplace. However, it is not our responsibility to give cash payouts to millionaires, dead farmers or suburbanites who have no involvement in farming but just happened to purchase a house located on farmland.

In 2005, 92 percent of the total farm payments last year went to just five crops. Michigan has the second-most diverse agriculture base in the Nation and I am glad to see that for the first time, the farm legislation before us today guarantees a historic $1.5 billion in funding for fruit and vegetable programs, including the school fresh fruit and vegetable program, the farmer's market promotion program, specialty crop block grants and research and organic food programs—all of which provide valuable support for the fresh fruit and vegetable growers in Michigan.

The legislation before us today strengthens incentives for farmers to conserve valuable natural resources and protect the environment. Currently, three out of four farmers are turned away from conservation programs due to lack of funding. It is unacceptable for farmers who are trying to do the right thing for the environment to be rejected because we have not allocated enough resources to help them. H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007, adds $4.3 billion more to preserve farm and ranchland, improve water quality and quantity, and enhance soil conservation, air quality, and wildlife habitat on working lands.

I support the Fairness amendment offered by my colleague RON KIND not because I am dissatisfied with H.R. 2419 but because I believe that it goes one step farther towards curbing taxpayer subsidies by reforming our farm payment system to direct aid to those who need assistance. Make no mistake, the Fairness amendment does not dismantle the safety net—it just modernizes the program so that it works better for family farms and 348 Congressional Districts, including Michigan's 15th District, which would gain $6 million under the Kind proposal.

The Fairness amendment does not weaken any of the commendable nutrition or conservation provisions in H.R. 2419—rather, it makes them better by adding $2 billion for nutrition programs and $3 billion for conservation programs. Moreover, it does all of this without requiring spending offsets or new taxes.

Mr. Chairman, H.R. 2419 contains no legislative text expressing a view on whether manure should be deemed a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, or the Emergency Planning and Community Right to Know Act, EPCRA. The absence of any such text is proper both for parliamentary and policy reasons.

The report that accompanies this legislation, however, references a "sense of the committee" amendment that farm animal manure should not be deemed a hazardous substance pursuant to CERCLA and EPCRA.

I strongly disagree with these sentiments, which would create a blanket exemption from important environmental laws for those large concentrated animal feeding operations that pollute public drinking water supplies with phosphorous and emit more than 100 pounds per day of ammonia and hydrogen sulfide into the air.

Manure is not at risk of being deemed a "hazardous substance" or "hazardous waste." That is misinformation put forth by some. Phosphorous, however, is a "hazardous substance" under CERCLA and the Environmental Protection Agency, EPA, has determined that both ammonia and hydrogen sulfide are "extremely hazardous substances" for the "reportable quantity" reporting requirements of EPCRA.

Congress clearly intended that the Superfund program deal with the improper and excessive application of fertilizer that pollutes drinking water supplies or damages natural resources. This is manifestly clear because Section 101 (22) of the Superfund statute creates an exemption from the definition of release for "the normal application of fertilizer." If substances such as phosphorous that emanate from the excessive application of manure fertilizer are exempted, the only people being protected are the bad actors.

These large concentrated animal feeding operations produce huge amounts of animal waste. For example, an animal feeding operation with 2 million hogs produces a volume of manure equal to the solid waste stream of a U.S. city of about 2.7 million—a city similar in size to Chicago's 2.8 million population.

The Environmental Protection Agency has found that large-scale concentrated animal feeding operations present significant human health and environmental risks. Let me quote EPA's findings:

"Significant human health and environmental risks are generally associated with large-scale Concentrated Animal Feeding Operations, CAFOs. Improper handling of manure from feedlots, lagoons and improper land application can result in excessive nutrients (nitrogen and phosphorous); pathogens (i.e., fecal coli form); and other pollutants in the water. This pollution can kill fish, cause excessive algae growth, and contaminate drinking water. In addition, emissions of air pollutants from very large CAFOs may result in significant health effects for nearby residents."

A blanket exemption from CERCLA for excessive application of manure fertilizer would also shift the costs onto community water systems and their ratepayers for additional treatment to make water potable. I attach the July 23, 2007, letter from the Association of Metropolitan Water Agencies that highlights the serious consequences that any such an exemption would have for the quality our Nation's drinking water supplies.

Mr. Chairman, the Farm Bill Extension Act also makes changes to the Rural Utilities Service broadband loan and loan guarantee program. While this program is in dire need of reform, I am concerned about several provisions in the measure as drafted.

The measure wisely limits loans and loan guarantees in areas where consumers already have broadband service available to them. I am deeply concerned, however, that it describes those areas where broadband is available too broadly, so that applications to provide broadband to large areas of a community that currently have no broadband service at all would be denied.

The bill also prohibits support in areas where more than 75 percent of households have access to broadband. National satellite broadband providers can in theory reach close to 100 percent of households. However, while satellite-delivered broadband is a rapidly-improving and valuable service, particularly in remote areas, today it is often not comparable to terrestrially-delivered broadband. It typically cannot reach the same speeds and is more expensive and subject to outages in heavy rainstorms and other severe weather. While I appreciate the bill's commitment to technological neutrality, if satellite-delivered broadband is not excluded from the 75-percent requirement, there may be few areas that would be eligible for loans.

When it comes to broadband service, speed is critical, and the measure could also be improved by giving priority to applications that, other things being equal, propose to offer higher broadband speeds to consumers.

I also strongly disagree with creating within the Department of Agriculture a National Center for Rural Telecommunications Assessment to increase broadband penetration and develop assessments of broadband availability in rural areas. These are matters that fall squarely within the expertise of the Federal Communications Commission (FCC) and should be left to that agency's expertise. Likewise, any report describing a comprehensive rural broadband strategy should be developed by the FCC rather than by the Department of Agriculture. I applaud the goal of working toward universal broadband availability and urge my colleagues to ensure that we attain that goal by allowing the FCC, the agency with the most expertise, to spearhead that effort.

ASSOCIATION OF
METROPOLITAN WATER AGENCIES,
Washington, DC, July 23, 2007.

Subject: Oppose CERCLA Animal Waste Exemption in Farm Bill.

DEAR REPRESENTATIVES: As the House of Representatives prepares this week to consider legislation to reauthorize the Farm Bill, we urge you to reject language that would exempt components of animal waste from designation as a hazardous substance pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Enactment of such an exemption would bring about serious consequences for the quality of America's drinking water supplies.

During last week's markup of the legislation, the Agriculture Committee adopted an amendment expressing the "sense of the committee that farm animal manure should not be considered as hazardous substance" under CERCLA. This follows the introduction earlier this year of legislation in the House and Senate that would specifically exempt animal waste and its components from the law.

As representatives of community drinking water systems, we believe it is important to note that animal manure itself is not currently considered a hazardous substance, pollutant or contaminant under CERCLA. Moreover, the law already contains an exemption for the normal application of fertilizer that includes manure.

However, phosphorus and other CERCLA-regulated hazardous substances that are known to compromise the quality of drinking water are commonly present in animal manure. If Congress were to provide a blanket CERCLA exemption for animal waste, consolidated animal feeding operations (CAFOs) would be free to discharge manure containing such hazardous substances into the environment without regard to its impact or liability for its damages. As a result, the costs of additional treatment to make water potable would be forced upon community water systems and their ratepayers, unfairly shifting the burden of cleanup away from polluters.

Later this year, Congress will celebrate the 35th anniversary ofthe Clean Water Act, landmark legislation modeled on the belief that all Americans must share the responsibility of maintaining the health of our nation's water supply. Exempting CAFOs from their fair share of this duty not only threatens to reverse the water quality gains that have been realized over the recent decades, but would also set a dangerous precedent encouraging other polluters to seek waivers from our environmental laws.

Again, we urge you to oppose a blanket exemption for animal waste and its components from the important requirements of CERCLA.

Sincerely,

DIANE VANDEHEI,
Executive Director.

Mrs. McCARTHY of New York. Mr. Chairman, during debate on H.R. 2419, the Department of Agriculture Appropriations bill, the issue of school nutrition came before the House. As the Chairwoman of the Committee on Education and Labor's Subcommittee on Healthy Families and Communities, ensuring our Nation's youth have access to healthy school lunches and understand the importance of a healthy lifestyle is of vital importance to me.

As a nurse, I have seen first hand the importance of a balanced diet. Many health issues can be avoided by simply maintaining a balanced diet. Unfortunately, our Nation's youth do not always have healthy options. The high sugar snacks they see advertised on television provide no nutrition and are a major factor in weight gain. It is important that our Nation's youth have healthy options that taste good and are appealing to them.

Obesity is a major problem facing our Nation's youth. Childhood diabetes is also on the rise. Type II diabetes, which only used to be seen in older adults is now becoming prevalent in children. These issues clearly extend beyond children to the whole family and the community in which they live. One way Congress can help reduce these numbers is by providing healthy school lunches.

Although meals provided in schools are required by law to follow nutrition standards in accordance with the "Dietary Guidelines for Americans", a child with the money available can just as easily avoid nutrition and grab a soda and a bag of chips down the hall in the vending machines. These items, although bad for one's health, often taste better to students and there are no guidelines for schools on healthy living and eating.

Another issue facing school nutrition is the reduced price meal program. This is a vital program that helps low-income families afford meals for their children. Unfortunately, for many families, the cost is found to be a challenge. It breaks my heart to read that families struggle to afford the 30 cents for breakfast and 40 cents for lunch which is the charge for the reduced price meals.

Families cannot afford less than $1 a day to have two solid, nutritious meals provided to a child. This is a travesty, and I support study to see the effects of using the WIC income guidelines as the free meal guidelines.

As Chairwoman of the Subcommittee on Healthy Families and Communities, I understand the importance of a healthy lifestyle, and as a parent I know that we must teach our children the value of nutritious food and healthy living. We cannot ignore the factors outside the classroom that contribute to the education of our youth. They are the future of our Nation.

Mr. FARR. Mr. Chairman, I rise in support of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007 and urge my colleagues to pass this meaningful legislation.

I want to thank Chairman Peterson for crafting this legislation and I also want to again thank the Chairman for visiting my district and talking and listening with my farmers and ranchers on the Central Coast of California.

I am glad the Chairman got to experience the rangelands of South County Monterey and the mile after mile of nutritious fresh produce as we drove through the Salad Bowl of the World, the Salinas Valley.

As the number one agriculture State in the union, California for too long has been the stepchild of farm policy. My own district grows more than 85 crops commercially with a value of more than $4 billion.

Our region leads the nation in the production of artichokes, broccoli, brussels sprouts, cauliflower, celery, garlic, several varieties of lettuce, spinach, strawberries, flowers and foliage.

The Central Coast contains some of the most fertile and productive farm land in the world. It's a combination of soil, climate, and private risk capital because for too long specialty crop growers in California have sat on the sidelines as other commodities received the largess of Federal assistance.

H.R. 2419 takes farm policy in a new direction, for the first time in the history of the Farm Bill we have a package that has something for everyone.

Specialty crop growers finally will get the investment of mandatory funds for vital research, technical assistance, pest detection, market promotion, and much needed produce food safety will all receive mandatory funding.

With this influx of money we can go beyond new farm policy, we can promote health policy as part of the farm bill.

This great health debate is taking place in American homes, in the medical community, and in schools. For the first time we now have a link from farm programs to healthy nutritious fruits and vegetables.

Here we are as a society, talking constantly about obesity and diets, and yet until now our farm policies were not structured to encourage the kind of diet that the food pyramid suggests we should adopt.

I have said it many times—if people would eat more of what California grows we would be healthier for it. Specialty Crops are now taking its rightful place at the center of the debate on how to solve the problem.

The Agriculture Committee's version provides funding for important conservation programs, nutrition programs, and a strong farm safety net to protect America's farm economy.

H.R. 2419 includes additional funding for conservation programs, $350 million to expand the fruit and vegetable snack program to schools throughout the country, $365 million to fund the specialty crop block grant program, funding for pest exclusion activities, $215 million for specialty crop research, and $30 million for organic research.

I want to make special note of the $25 million in mandatory spending for the produce food safety grants included in this bill. As ground zero for the spinach E. Coli outbreak last year I understand all too well what happens when the food system breaks down.

I am thankful for the $25 million investment in mandatory research grants so we can gain the needed knowledge and understanding so we never have to go through this kind of outbreak again.

All of these provisions provide significant benefits to California's specialty crop growers, who make up the majority of California agriculture.

Ms. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Farm Bill Extension Act of 2007 not because it is a perfect bill but because of the many good things that it does for poor people and minorities in our country.

I want to begin by commending Chairman Peterson and Subcommittee Chairman Cardoza for their willingness to work with me and other members to address concerns we had with the bill.

I am especially pleased that the bill includes language to correct an apparent oversight in the 2004 Specialty Crops Competitiveness Act that defined a State to exclude the Virgin Islands or any of the other smaller territories; which meant that my district, the Virgin Islands has been denied any specialty crop block grant funding by the USDA.

Mr. Speaker, the Virgin Islands once had a significant history of agricultural production. A substantial portion of our current agricultural production now consists of vegetables (e.g., cucumbers, lettuce, and tomatoes), fruits (e.g., bananas, mangoes and papayas) and horticultural specialties, including ornamental plants. The Government of the Virgin Islands and in particular our Department of Agriculture, believes that there are considerable opportunities to expand production of these specialty crops.

As an island economy, we must import a large portion of its fruits and vegetables for its own residents and for the 2 million tourists who visit the Islands each year. We see great opportunity to increase local production of fresh specialty crops to serve both its residents and visitors. The eligibility for us to receive specialty crop block grant funding would greatly assist us in our efforts to expand and enhance specialty crop production in the Virgin Islands.

The bill before us provides $365 million in mandatory funding to expand the specialty crop block grant program, meaning that our farmers will not have to rely upon annual renewal of the program through the appropriations process.

I am also very pleased the Farm Bill Extension offers significant improvements to the Food Stamp Program, 1890 land-grant institutions, and improved access to programs for Socially Disadvantaged Farmers and Ranchers, including language and funds to address outstanding claims from Pigford v. Veneman.

Mr. Chairman, as I noted at the outset, this bill is not a perfect bill. But as the old saying goes, we should not let the perfect be the enemy of the good. This is a good bill for the American people and I urge my colleagues to support its adoption.

Mr. HALL of New York. Mr. Chairman, I thank the Chairman and rise to offer an amendment to help farmers in regions across the country simultaneously meet the goals of continued production and environmental protection.

My amendment would establish a Conservation on Muck Soils program that would provide conservation assistance tailored to the specific needs of farmers who grow crops on what is known as muck soil.

In politics I know we hear a lot about wallowing in the partisan muck or muckraking, but I'm sure that some of my colleagues are scratching their heads and asking, "What exactly is muck soil?" Well, muck is a special type of dirt that develops a thick organic layer of topsoil that is highly vulnerable to erosion when the lands are exposed to air. It's extremely fertile, loose soil in which farmers grow crops like onions, potatoes, lettuce, celery, and other specialty crops.

Mr. Chairman, I am very supportive of the conservation programs administered by the USDA. They make an important contribution by making it economically feasible for farmers to manage their land while being environmentally responsible. In States like my home of New York, they are critical to making sure that farmers aren't penalized for doing the right thing. I'm extremely pleased by the increases in conservation program levels under this bill, and I'm sure that they'll make these programs more accessible and effective.

However, they are broad programs built to accommodate a wide array of conditions. Because of muck's special characteristics, existing conservation programs don't necessarily provide support to growers on these lands in the most efficient, effective way possible. My amendment would attempt to acknowledge the nature of this soil with a tailored approach that improves on the current application of the Conservation Reserve Enhancement Program.

The CREP program is a good program. It attempts to further the important goals of preventing soil erosion and protecting water quality through a voluntary retirement program. In order to obtain conservation payments, the CREP program requires farmers to enter into 10–15 year agreements to remove qualifying land from agricultural production.

As I said, this is a good program but it does not always present an adequate conservation solution, particularly for farmers who want to prevent soil erosion or runoff pollution without foregoing production.

At times, this aspect of the program has created unintended consequences, including the retirement of specialized, productive soil from farming and a lack of land maintenance leading to weed and pest threats on neighboring lands.

My amendment would address these concerns and help muck soil farmers remain viable by providing support for conservation activities on working lands.

In addition to being actively involved in farming on muck soil, in order to qualify farmers would have to have a spring cover crop planted with the primary crop to prevent soil erosion, maintain a winter cover crop to prevent off season soil loss, have surrounding ditch banks seeded with grass on a year round basis to stave off runoff and erosion.

These are practices specifically designed to prevent erosion, runoff, and water pollution. By doing so, it would not force farmers to make the choice between conservation and cultivation.

Mr. Chairman, the COMS program would provide a unique opportunity to support active farmers and protect the environment. That's why it has been endorsed by the New York Farm Bureau and the National Farmers Union. I urge support for the amendment.

Ms. NORTON. Mr. Chairman, I rise to support the Farm Bill, with great appreciation for the many challenges it presented to Chairman COLLIN PETERSON, and respect for the Chairman's skill in meeting a multitude of complicated and often competing demands. I want to say a word about a small change in the bill that nevertheless rises to historic dimensions. I thank Chairman PETERSON and his staff for providing equal treatment in the bill for the University of the District of Columbia, UDC, the only all urban 1862 Land Grant Institution in the United States. The University performs valuable urban agricultural research and extension services. The fact that the provisions the Chairman has included were in the Congressional Black Caucus farm bill package underscores the UDC changes as necessary to afford the University equality under the law. The changes end the disparate treatment of UDC by removing obligations not required of other land grant institutions, particularly mandatory local matching funds.

By statute, UDC has been left out of funding opportunities granted to other land grant institutions. For example, the University is required to provide 100 percent matching funds for its Expanded Food and Nutrition Education Programs, EFNEP, the only 1862 Land Grant Institution required to do so. Under the bill, this inequitable requirement will be removed, putting UDC on par with all other 1862 institutions, and like other small land grant institutions, UDC will qualify to have matching requirements for Hatch Act programs and extension programs reduced or waived. We particularly appreciate access to grants to significantly enhance the University's teaching and research capacity building and its ability to upgrade its research, teaching and extension facilities.

We still require clarification on one issue related to Smith-Lever Act funds. We will seek to clarify this issue during conference. However, the substance of the changes we requested is in this bill. We are grateful for the historic breakthroughs in the equal treatment for the country's only all urban land grant institution.

Mr. PETERSON of Minnesota. Mr. Chairman, I submit the following information for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 26, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your letter regarding the Committee on Ways and Means' jurisdictional interest in H.R. 2419, the Farm, Nutrition, and Bioenergy Act 2007.

I appreciate your willingness to expedite this legislation for floor consideration, with the understanding that it does not prejudice your Committee's jurisdictional prerogatives on this or similar legislation.

I will submit a copy of your letter and this response as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your support of H.R. 2419 and your cooperation as we work towards enactment of this important legislation.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 23, 2007.

Hon. COLLIN PETERSON,
Chairman, Committee on Agriculture,
Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 2419—the Farm Bill Extension Act of 2007—which was ordered to be reported by the House Agriculture Committee on July 19, 2007, and is expected to be on the House Floor this week.

As you know, the Committee on Ways and Means has jurisdiction over import matters, such as the administration of tariff-rate quota programs like sugar. Accordingly, some provisions of H.R. 2419 fall under the Committee's jurisdiction.

There have been some very productive conversations between the staffs of our committees. Our understanding is that your staff has conceded the Ways and Means jurisdiction over the issues listed above. In order to expedite this legislation for Floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the House Floor. This is being done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 2419, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 26, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in HR 2419, the Farm, Nutrition, and Bioenergy Act 2007.

I appreciate your willingness to expedite this legislation for floor consideration, with the understanding that it does not prejudice your Committee's jurisdictional prerogatives on this or similar legislation.

I will submit a copy of your letter and this response as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your support of H.R. 2419 and your cooperation as we work towards enactment of this important legislation.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 26, 2007.

DEAR CHAIRMAN PETERSON: I write to you regarding H.R. 2419, the "Farm, Nutrition and Bioenergy Act of 2007".

H.R. 2419 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Transportation and Infrastructure waiving its jurisdiction over H.R. 2419.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 25, 2007.

Hon. JOHN DINGELL,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: Thank you for your letter regarding the Committee on Energy and Commerce's jurisdictional interest in H.R. 2419, the "Farm, Nutrition, and Bioenergy Act of 2007".

I appreciate your willingness to expedite this legislation for floor consideration, with the understanding that it does not prejudice your Committee's jurisdictional prerogatives on this or similar legislation. I would support your request for conferees should a House-Senate conference be convened on this or similar legislation.

I will submit a copy of your letter and this response as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your support of H.R. 2419 and your cooperation as we work towards enactment of this important legislation.

Sincerely,
COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 25, 2007.
Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN PETERSON: I am writing with regard to H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007. The Bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I support passage of the bill, and I recognize and appreciate your desire to bring it up on the House floor in an expeditious manner. The Committee did not send a letter to the Speaker seeking a sequential referral of the bill. This decision was based on my understanding that you have agreed that the inaction of the Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any House-Senate conference on the bill, the Committee on Energy and Commerce reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction. It is my understanding that you have agreed to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I request that you send a letter to me confirming our agreements as to jurisdiction, including with respect to conferees, and that our exchange of letters be inserted in the Congressional Record as part of the consideration of the bill.

The portions of the reported bill that are of jurisdictional interest to the Committee on Energy and Commerce include sections 2105, 6002, 6006, 6007, 6012, 6022, 6023, 6024, 6028, 6029, 6030, 6031, 7203, 7403, and 7410, and portions of title IX.

I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me.

Sincerely,
JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 25, 2007.
Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our mutual understanding regarding the consideration of H.R. 2419, the "Farm, Nutrition, and Bioenergy Act of 2007," which was reported on June 23. I am aware that the Committee on Education and Labor has a jurisdictional interest in several provisions contained within H.R. 2419, as reported.

Due to the importance of expediting this legislation, I respectfully request that the Committee on Education and Labor forgo requesting a sequential referral of H.R. 2419. My request should not be construed as my asking the Committee to relinquish its jurisdictional interests and prerogatives in this bill or other similar legislation, and should not be construed as setting a precedent for consideration of matters of jurisdictional interest to the Committee on Education and Labor in the future.

Please send me, at your earliest convenience, a letter of exchange, and I will ensure that both letters are included in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,
COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 25, 2007.
Hon. COLLIN PETERSON,
Chairman, House Committee on Agriculture,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN PETERSON. I am writing to confirm our mutual understanding regarding consideration of H.R. 2419, the "Farm, Nutrition, and Bioenergy Act of 2007," which was referred to the Committee on Agriculture and reported to the House on June 23. As you know, the Committee on Education and Labor has a jurisdictional interest in several provisions in the bill.

Given the importance of moving this bill forward promptly, I will not request the sequential referral of H.R. 2419 to the Committee on Education and Labor. However, I do so only with the understanding that this procedural route should not be construed to prejudice this Committee's jurisdictional interests and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Education and Labor in the future.

I appreciate your cooperation working with us in advance of your Committee's markup of this bill and your commitment to include a copy of our exchange of letters in the Congressional Record during its consideration on the House Floor. In addition, the Committee on Education and Labor reserves the right to seek appointment to any House-Senate conference on this legislation and looks forward to your support if such a request is made.

If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,
GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 25, 2007.
Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Ford HOB, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your recent letter regarding the Committee on Homeland Security's jurisdictional interest in H.R. 2419, The Farm, Nutrition, and Bioenergy Act of 2007 Section 10401 repeals section 421 of the Homeland Security Act of 2002 (P.L. 107-296) and restores import and entry agricultural inspection functions to the Department of Agriculture.

Although this provision was removed from H.R. 2419 in the Manager's Amendment, I would support your request for conferees from the Committee on Homeland Security should a House-Senate conference to be convened on this or similar legislation which contains such a provision.

I will submit a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your support of H.R. 2419 and your cooperation as we work towards enactment of this important legislation.

Sincerely,
COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2007.
Hon. COLLIN C. PETERSON,
Chairman, House Committee on Agriculture,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN PETERSON: I am writing regarding the Committee on Homeland Security's jurisdictional interest in H.R. 2419, the Farm Bill Extension Act of 2007. I appreciate your willingness to work with me to address a concern in H.R. 2419, in advance of its consideration by the Full House of Representatives.

As I expressed to you, section 10401 in the Horticulture Title would have a significant impact on the organization and administration of the Department of Homeland Security. Under Rule X of the Rules of the House of Representatives, legislation impacting the organization and administration of the Department of Homeland Security fall within the committee on Homeland Security's jurisdiction. Like both H.R. 1706 and H.R. 2629, this provision would repeal section 421 of the Homeland Security Act of 2002 (P.L. 107-296) and would nullify the March 2003 transfer of the Animal and Plant Health Inspection Service (APHIS) inspectors from the Department of Agriculture to the Department of Homeland Security. I am pleased that though we may disagree about this policy question, you agreed to strike the provision. I am also pleased to work with you in order to ensure consideration of this important legislation on the House floor later this week.

Should the provision at issue or any matter related to the operations of the Department of Homeland Security find its way into H.R. 2419 or companion legislation, I request your support for any effort I undertake to secure an appropriate number of conferees in a House-Senate conference on this or similar legislation.

As a former member of the Agriculture Committee, I have watched my fair share of farm bills work their way through the legislative process. I believe you should be commended for shepherding this wide-ranging bill, as Chairman, in a very effective manner.

Finally, I request that a copy of this letter, together with your response, be inserted in the Congressional Record when the legislation is considered by the House later this week.

Thank you, again, for your prompt attention to this matter.

Sincerely,
BENNIE G. THOMPSON,
Chairman.

Mr. CONYERS. Mr. Chairman, I rise today in strong support of H.R. 2419, the Farm Bill Extension Act of 2007. The House Agriculture Committee has produced a comprehensive farm bill that represents true reform. Not only is the focus on getting vital benefits to family farmers and investing in America's producers; but it aims at stimulating rural economies, and securing renewable energy resources.

Chairman PETERSON has constructed an outstanding House Farm bill of which my colleagues on both sides of the aisle can be proud. H.R. 2419 protects family farmers and agriculture in America in a fiscally responsible way, and provides the freedom and the support that farmers need to compete and succeed at the business they know best—providing food, fiber and fuel for all Americans.

Furthermore, the 2007 Farm Bill addresses many of my grave concerns about improved access to socially disadvantaged, and more specifically black farmers by providing Mandatory funding of the 2501 Socially Disadvantaged Farmers and Ranchers Outreach Program. Allowing deserving claimants in Pigford v. Glickman an opportunity to have their cases heard with a fund created to redress civil rights abuses against Black Farmers is an important step to providing justice to these families.

This bill further makes major and timely reforms to the nutrition title, especially the Food Stamp program which increases and indexes benefits for the 26 million Americans that participate in this program each month. The House Agriculture Committee has also taken into consideration the need for expanding senior farmer markets and school snack programs, so that our elderly and youth have access to the proper amounts of fruits and vegetables to lead healthier lives.

Mr. Chairman, I encourage passage of H.R. 2419 that will both extend and reform our nation's farm and nutrition programs into 2012. It is a well balanced approach to maintaining the gains we have made in prior legislation, and makes the necessary improvements to lead us into the future.

Mr. LARSON of Connecticut. Mr. Chairman, today I rise in strong support of H.R. 2419, the Farm, Nutrition and Bioenergy Act of 2007, which would make historic investments in conservation, nutrition and renewable energy while maintaining a strong safety net for America's farmers and ranchers.

For the first time, this Farm Bill cracks down on farm subsidies and would redirect more than a half billion dollars to working family farmers and ranchers. The legislation would provide $4.6 billion in funding for important conservation programs, which includes the Environmental Quality Incentives Program (EQIP), Farm Ranch Lands Protection Program (FRPP), and the Wildlife Habitat Incentives Program (WHIP). As a member of the House Select Committee on Energy Independence and Global Warming, I am pleased that this bill would provide $3.2 billion in funding for renewable energy research, development and production in rural America. This will expand the role of U.S. agriculture in our movement to greater energy independence.

In addition, this Farm Bill would provide more than $1.5 billion in critical funding for specialty crop and organic growers in the United States. Under this bill, $365 million in mandatory funding would expand the specialty crop block grant program. The block grants are provided to states, including Connecticut, to support projects in research, marketing, education, pest and disease management, production, and food safety. The legislation would also increase and expand the Fresh Fruit and Vegetable Snack Program to schools in all 50 States, which will continue to encourage healthy diets to our Nation's children. More than 11,000 dairy farmers in the Northeast will benefit from the extension of the Milk Income Loss Contract (MILC) program in the bill.

Hunger in America is a reality for more than 11 percent of households. To this end, the legislation would make a long overdue funding increase for Food Stamps and nutrition programs by $4 billion over the next five years. Among other things, the bill would reform the program by indexing asset limits and eliminate the current cap on childcare costs to help the working poor meet rising costs. This will benefit the estimated 210,000 individuals in Connecticut who receive food stamps every month.

The legislation before us today was a collective effort from members of the House Agriculture Committee who made new investments and important reforms in this Farm Bill. I would like to especially thank Agriculture Committee Chairman COLLIN PETERSON for his leadership in putting forward a comprehensive bill that meets the 21st century needs of the United States and enhances programs in Connecticut. I urge my colleagues to vote for a new direction in our Nation's agriculture policy.

Mr. UDALL of New Mexico. Mr. Chairman, today we vote on one of the most critical bills that will come to the floor during the 110th Congress. While essential to farmers and ranchers across the Nation, the Farm Bill also impacts each one of us. Its provisions directly affect school children in this Nation and others, seniors and families struggling to live on fixed incomes, wildlife and wilderness, and international farmers struggling to become viable participants in a global marketplace.

I applaud Chairman PETERSON and the Agriculture Committee for their tireless efforts to produce a compromise bill that dissolves partisan boundaries, and improves upon the 2002 Farm Bill authorization. The bill takes modest steps towards improving commodity programs, by preventing the most wealthy from exploiting this safety net meant for assisting ranchers and farmers whose livelihoods precariously teeter at the mercy of climate and market fluctuation.

The committee's bill extends and modestly increases funding for effective conservation and food security programs. Conservation programs help farmers to manage their lands in a sustainable manner that positively impacts wildlife, watersheds, and open spaces. Nutrition programs included in the bill bolster the fruits and vegetables industry, by increasing fresh food supplements for schools, children, families, and seniors.

The 2007 Farm Bill also takes initial steps towards redistributing commodity programs to those who need them most. The bill's authorization of new funding for organic farmers, specialty crops, and farmer's markets will assist small farmers in meeting organic standards and in getting their products into local markets.

I applaud the committee for initiating this redistribution of commodity programs and taking unprecedented steps towards expanding funding, outreach, and technical assistance for socially disadvantaged, beginning, and minority farmers. The committee's effort in this area brings the issue of the 2002 Farm Bill's exceptional lack of support for socially disadvantaged, beginning, and minority farmers to light. While an improvement, the bill could do more to affect real change in this area.

One quarter of all farmers participate in commodity programs. Of these, just 10 percent receive 75 percent of all commodity subsidies. Congress must readjust the reach of the farm bill. Too many minority farmers lack access to USDA programs, too many farmworkers transitioning into farm owners lack access to federal safety nets that would help them get on their feet, and too many socially disadvantaged farmers lack access to the tools that would help them maneuver through the maze of commodity programs.

With the reauthorization of the Farm Bill, Congress has the opportunity to make monumental changes to the distribution of agricultural and conservation programs. The Kind amendment would have brought such monumental changes to our Nation's agricultural sector and to the world economy. By gradually removing depression-era subsidies that have turned from a safety net into a security blanket, the Kind amendment would have lowered the federal deficit and redirected money into nutrition, food insecurity, and conservation programs at rates much greater than those outlined in the Farm Bill we are voting on today. The Kind amendment would have almost tripled funding for outreach and technical assistance for socially disadvantaged and beginning farmers, and would have put a moratorium on foreclosures on farms owned by socially-disadvantaged farmers and ranchers while creating a commission to investigate the causes of foreclosure.

I am proud to have supported the Kind amendment and hope that such comprehensive reform will be possible in the future. Nevertheless, I am pleased that the Agriculture Committee has at least taken initial steps in the direction of reform, and I will vote in support of their 2007 Farm Bill.

Mr. LANGEVIN. Mr. Chairman, I rise today in support of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007, better known as the Farm Bill. This measure reflects Rhode Island's priorities: protecting our farmers and surrounding environment and caring for the most vulnerable members of society.

There has been much discussion about reforming the Farm Bill, particularly with regard to how payments are structured to producers of certain commodities like cotton, rice and sugar. H.R. 2419 begins this process by lowering the annual adjusted gross income of farmers eligible for subsidies from $2.5 million to $1 million. For farmers making $500,000 to $1 million, 67 percent of their income must come from farming or they cannot receive Federal subsidies. This structure will prevent millionaires from receiving farm subsidy benefits, and will also make payments transparent. While I believe we should go further with reform, I look forward to building on this restructuring in future legislation.

This legislation increases funding for important conservation programs for Rhode Island, including the Environmental Quality Incentive Program, the Farm and Ranchland Protection Program, and the Wildlife Habitat Incentive Program. I am also pleased that H.R. 2419 includes funding for specialty crops, which will benefit our fruit, vegetable and nursery crop farmers. These farmers, which make up a large percentage of Rhode Island's farming landscape, will now receive equal assistance and access to conservation programs.

H.R. 2419 increases funding for the nutrition title, which includes food stamps and other programs aimed to combat hunger and improve nutrition for children, the elderly and low-income Americans. This bill reauthorizes programs such as the Community Food Projects program, which awards grants to nonprofit groups that establish community food projects targeted to low-income individuals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools.

Finally, H.R. 2419 also encourages the expansion of renewable energy research and production, contains a new section for horticulture and organic agriculture, and includes funding to make sure our food supply is safe and stable. Mr. Chairman, this legislation helps farmers meet growing environmental challenges, gives consumers more health food choices, and promotes critical renewable energy development. I look forward to passing this measure into law.

Mr. SHAYS. Mr. Chairman, I want to express my opposition to the Farm Bill Extension Act for a number of reasons, including the extension of our depression era system of quotas and commodity support payments. One issue I particularly want to highlight is the opportunity we have missed here to make meaningful strides towards establishing the humane treatment of farm animals. I am disappointed that there are no provisions in this bill that work to this end.

I believe that there is a need to encourage agriculture companies to work towards adding protections for farm animals into their work practices. Billions of animals are raised for food every year in the United States, giving our families nourishment and helping feed the world. But there is no Federal law regarding the humane treatment of the animals while they are on the farm.

On March 28, 2007, Congressman PETER DEFAZIO and I introduced the Farm Animal Stewardship Purchasing Act. This legislation that would require that those supplying food to the Federal Government—including the military, federal prisons, school lunches, and other programs—meet a basic set of modest welfare standards for farm animals.

The humane treatment of animals speaks to our Nation's core values. Modest standards preventing Federal suppliers from engaging in the most inhumane current industrial farming practices is a step in the right direction.

In 1958 Congress passed the Humane Methods of Slaughter Act, deciding that farm animals deserve a merciful death. Half a century later, we must take steps towards giving them a merciful life on the farm. And just as the Federal Government already imposes numerous standards on contractors, including wage and labor requirements and fuel economy standards for government vehicles, we believe it's time to have basic humane standards for food purchased with tax dollars.

I urge opposition to this legislation.

Mr. PETERSON of Minnesota. Mr. Chairman, the attached language was inadvertently omitted from H. Rept. 110–256, in regard to Country of Origin Labeling, to H.R. 2419, the Farm, Nutrition and Bioenergy Act of 2007.

COUNTRY OF ORIGIN LABELING FOR MEAT AGREEMENT

The Committee recognizes that the issue of Country of Origin Labeling for meat has become increasingly contentious. With implementation of the statute enacted in the Farm Security and Rural Investment Act of 2002 looming, the Committee leadership requested that representatives of the various interested parties discuss opportunities to resolve issues of division. These discussions resulted in general agreement on aspects of the law which could be modified to achieve the goals of: improving marketability of meat products; providing consumers the information they may seek with regard to the origin of meat products; and, doing so in a manner which minimizes the cost of compliance on livestock producers and the meat trade.

During consideration of H.R. 2419, the Committee was presented with a list of items that were agreed upon by the various interested parties. The list included suggestions to improve the statute with regard to issues including product labels, records, and recordkeeping.

With regard to product labeling, the Committee adopted amendments to Section 281 of the Agricultural Marketing Act of 1946 that would establish four categories of country of origin labels for meat. The legislative language outlining these categories is self-explanatory.

Another area of concern was labeling of ground meat products. The amendment adopted by the Committee provides that the label will include a narrative list of reasonably possible countries from which the product may have been derived.

While the Committee recognizes the interest in providing consumers with information regarding the origin of their meat products, the Committee also recognizes the potential cost associated with complying with any label mandate. As such, the Committee has adopted a grandfather provision to address concerns about the transition.

With regard to requirements for records and recordkeeping, the Committee has adopted provisions that will enable less burdensome verification requirements. Specifically, the Committee has adopted an amendment that will place limits on the authority of the United States Department of Agriculture (USDA) to audit covered entities. To further shield all parties from liability, the amendment limits the records upon which these USDA audits may rely. By limiting these records to those kept as part of a normal business practice, it is the intent of the Committee that retailers and other covered entities will not impose unnecessary or burdensome obligations on their suppliers.

The final item of agreement dealt with the issues of liability and enforcement. The amendment adopted by the Committee will limit the applicability of civil penalties to a covered entity that has not made an effort to comply and continues to willfully violate this section. The Committee specifically intends that violations resulting from a good faith effort to come into compliance shall not be subject to civil penalties.

Ms. DELAURO. Mr. Chairman, while I was very supportive of the great work that was done by House Agriculture Committee Chairman PETERSON on the farm bill, there is one provision that I have significant concerns about and I will work to ensure that the language is removed from the bill before it is enacted into law.

The farm bill contains language that would change the Federal Meat Inspection Act and the Poultry Products Inspection Act that would allow state inspected meat and poultry products to be sold in interstate commerce. Current law limits the sale of state-inspected meat and poultry products to the state in which they were produced. The stated purpose of the provision is to encourage the creation of new small meat and poultry processing businesses and give farmers new markets for their products. Because current law permits state-inspection programs but requires that they be "equal to" the federal program, supporters of this provision insist there would be no health risk in permitting state-inspected products to be sold any where.

However, do not be misled by the argument—the proposed change in the law would create a serious threat to public health and result in the serious weakening of the federal meat and poultry inspection programs. Instead of creating new markets for farmers, the reduced health standard that this provision would establish ultimately would reduce the market for all meat and poultry products.

There are no data to support the belief that federal inspection requirements are too onerous for small companies. In fact, thousands of small and very small meat and poultry plants in every single state operate successfully under the federal inspection process. There are currently 5,603 plants now under federal inspection, and 2,878 of those (51 percent) employ ten or fewer people. In addition, there are approximately 1,654 other plants that have between 10 and 50 employees.

While the federal inspection laws require that state inspection programs be equal to the federal program, based on reports by the USDA Office of Inspector General, plants subjected to state inspection may not be as clean and sanitary as federally inspected plants. In October 2006, the USDA Office of Inspector General published an audit of FSIS's oversight of state meat and poultry inspection programs that outlined how state inspection programs failed to meet sanitation standards. The report also found that FSIS was failing to hold states responsible for protecting public health by allowing meat plants in four states to continue to sell meat even after finding that the state programs were not meeting legal safety standards.

Although meat and poultry inspection laws require that state programs be equal to the federal program, USDA focuses its reviews of equivalence on state plans. So, while it is possible to have adequate inspection plans on paper, the USDA does not certify that each state inspected plant meets federal standards. The agency also does not return to these plants to determine that they are continuing to meet federal standards.

Mr. Chairman, you will be disturbed to learn that the USDA conducts a far more rigorous oversight of foreign plants that want to export meat to the U.S. than it does over state inspected plants. Before a plant in a foreign country can ship meat to the U.S., USDA must first determine that the foreign country's inspection program is "equal to" the U.S. program. Then, USDA must examine and certify as acceptable each individual plant that wants to ship meat or poultry to the U.S. There is no comparable requirement for state-inspected plants to be initially certified.

The U.S. Court of Appeals for the Sixth Circuit, rejected the state of Ohio's contention that the prohibition on interstate sale of state-inspected meat violated the Fifth and Tenth amendments to the U.S. Constitution. The court explained that the difference between federal, international and state inspection programs justified the limitations on the shipment of state inspected meat. They found that "though the U.S. Department of Agriculture keeps an eye on state inspection programs, it keeps yet a closer eye on its own plants and on meat and poultry entering the country, and it is possible that a state program could deteriorate without the USDA's knowledge. This possibility provides a rational basis for Congress to restrict the interstate transport of state-inspected meat."

Another important component of this issue to consider is that it would be extremely difficult for a state government to manage an effective recall of adulterated meat or poultry that has been shipped outside the state. The USDA and state governments do not possess mandatory recall authority, and recalls must be negotiated between the regulatory agency and the company. While a state meat inspection agency may direct a state-inspected plant to undertake a recall, a state inspection program does not have the legal authority to travel to other states to assure a recall of meat and poultry products has been executed thoroughly.

The proposed language in the farm bill would have the unintended consequence of opening the door for a major exodus of meat and poultry plants from federal inspection to state inspection programs. The language would allow 80 percent of all federally inspected plants to be eligible to transfer from federal inspection to state inspection if the plant is in one of the 28 states that have an inspection program. This means that a federally inspected plant that is under pressure from a federal inspector to improve its sanitation practices could decide to transfer to the state inspection that might offer less stringent oversight.

Mr. Chairman, as you can see, this is a very critical food safety issue that needs to be addressed. A Democratic Congress cannot be responsible for jeopardizing our food supply and we must work to ensure that this provision is not enacted into law.

Last week, the Safe Food Coalition sent a letter that outlined the concerns on this issue in greater detail. I ask that the letter be included in the RECORD.

JULY 25, 2007.

DEAR REPRESENTATIVE: The undersigned members of the Safe Food Coalition and the American Federation of Government Employees strongly oppose the state-inspected meat and poultry provisions in the "Farm Bill," H.R. 2419. These provisions would lower food safety standards and increase the risk of food poisoning in the U.S. They would encourage the least responsible and competent meat and poultry federally inspected processors to escape the rigorous safety enforcement of federal inspectors and search for more "understanding" and "flexible" enforcement by state inspectors.

The provisions amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit meat and poultry products inspected by state inspectors to be sold in interstate commerce. The goal, according to supporters, is to "create new markets for state-inspected meat" which they say would encourage the start-up of new, small meat and poultry processing companies that would compete with giant international slaughter and processing companies and offer farmers better prices. We agree that both farmers and consumers might benefit from increased competition in meat and poultry processing, but we reject the assumption that new companies and competition must be encouraged by dismantling the federal inspection system, reducing food safety standards, and raising the risk of foodborne illness.

These provisions do not permit states to establish higher food safety standards. Federal meat and poultry laws pre-empt the states from raising standards. USDA's Inspector General reports that the Department has not closed state programs that fail to provide safety protection "equal to" federal standards.

The provisions affect federal, as well as state, inspected meat and poultry plants. They would make 80 percent of all federally inspected meat and poultry processing plants—4,532 of 5,603 plants—eligible to switch from federal inspection to the more "business-friendly" state inspection. With that change, if a federal inspector pressures a meat packer to improve sanitation, the packer could instead try to negotiate a more understanding regulatory response from his state inspection program. It is not surprising that both the American Meat Institute and the National Meat Association, whose members are federally inspected plants, have signed off on this language despite the authors' claims that it creates new competition for them.

A major exodus from federal to state inspection programs would not only threaten food safety but would also adversely affect thousands of federal inspection employees, contributing to a loss of federal inspection positions. Their loss would hurt American consumers who have benefited from the work of well-trained federal inspectors, all sworn to protect the public's health, who have, for over 40 years, been an important part of the nation's public health protection structure.

The provisions would also unleash lobbying campaigns to set up state inspection programs in the 22 states that currently do not have them so plants in those states can also seek "more understanding" enforcement of food safety laws under state programs.

Thousands of very small plants thrive under federal inspection. Fifty-one percent of all federally inspected plants (2,878 of 5,603) have 10 or fewer employees and 80 percent have 50 or fewer employees. These federally inspected small operations comply with federal inspection and make a profit. We do not support providing an unfair advantage to small companies who don't or can't make the commitments necessary to comply with federal food safety requirements.

The USDA Office of Inspector General reports that plants subject to state inspection may not be as clean and sanitary as federally inspected plants. In 1994 the IG said, "state programs are weak in policing plant sanitation and the federal government is weak in following up to make sure deficiencies in the state inspection system are fixed."

In October 2006, the OIG released an audit of state inspection that included stomach turning examples of state inspection programs failing to meet basic sanitation requirements and of FSIS failing to hold states responsible for protecting public health.

The OIG reported that FSIS visited 11 meat plants in Mississippi in October 2003. None of the plants met all HACCP requirements. FSIS reported that cutting boards in one plant were heavily contaminated with meat residues from the previous day's work and noted that some plants failed to monitor cooking temperatures, potentially exposing consumers to bacteria that cause foodborne illness.

The Mississippi meat inspection program allowed the plants to continue operating. FSIS allowed the Mississippi program to keep operating though it was not meeting the "equal to" federal inspection legal requirements.

FSIS allowed meat plants in four states—Missouri, Wisconsin, Delaware and Minnesota to continue to operate, selling meat to unsuspecting consumers, even after finding that the state programs were not meeting legal standards for "equal to." Under current law, the risk from lax state meat and poultry inspection programs is limited because the products cannot leave the state in which they were produced. If Congress approves these provisions the problems would become nationwide as the products travel across the country.

The USDA does not certify that each state inspected plant meets federal standards before coming into the program, nor does it go back to check to determine that the plants continue to meet federal standards. FSIS officials determine "equal to" status primarily by looking at paper, not plants. They examine state plans. They almost never actually go into a state-inspected plant to see what is really happening.

The U.S. Court of Appeals for the Sixth Circuit explains why Congress is justified in limiting the shipment of state-inspected meat to the state in which it is produced: ". . . though the U.S. Department of Agriculture keeps an eye on state inspection programs, it keeps yet a closer eye on its own plants and on meat and poultry entering the country, and it is possible that a state program could deteriorate without the USDA's knowledge. This possibility provides a rational basis for Congress to restrict the interstate transport of state-inspected meat."

There is no effective way for state governments to assure recall of state inspected adulterated meat or poultry that has been shipped away from the state where it was produced. These provisions, therefore, will increase the risk of serious foodborne illness. Neither USDA nor state governments has mandatory recall authority. Recalls are negotiated between the regulatory agency and the company. The USDA, however, has the staff and capacity both to negotiate with a company about the size and timing of a recall and to go to all the places where the product may have been distributed to be sure the recalled products are being removed. No individual state agriculture department has the authority or the capacity to institute and manage the recall of adulterated meat or poultry from another state.

The provisions were approved by the House Agriculture Committee without the benefit of public hearings to explore the crucial issues or give opponents an opportunity to be heard. The provisions were drafted by the National Association of State Departments of Agriculture whose members want to expand their programs. Meat packing trade associations, whose members may welcome the leverage of threatening to switch to state inspection, signed off on the provisions. Consumer and public health experts, as well as the unions who represent federal inspectors and workers in meatpacking plants, had no opportunity to address the issues.

The provisions assure that the details of implementation would also avoid transparency and exclude public participation. The provisions direct the Secretary of Agriculture to promulgate rules for the major new program within 180 days after the bill becomes law, effectively foreclosing any meaningful opportunity for notice and comment rulemaking, open meetings and public discussion. One of the provisions creates an advisory committee limited to officials of state inspection programs, excluding public health experts and representatives of consumers who might challenge whether public health is being given first consideration.

Neither the House of Representatives nor the American people are well served by the substance of these provisions or the process that produced them. We believe that approval of the Farm Bill language allowing state inspected meat and poultry products to be sold in interstate commerce would mark the beginning of the end of the nation's strong, uniform federal meat and poultry inspection system and would seriously undermine the public health protection federal inspection has built over the past 40 years.

Sincerely,

Carol Tucker Foreman, Founder, Safe Food Coalition; Patricia Buck, Center for Foodborne Illness Research & Prevention; Chris Waldrop, Consumer Federation of America; Wenonah Hauter, Food & Water Watch; Jacqueline Ostfeld, Government Accountability Project; Linda Golodner, National Consumers League; Nancy Donley; Safe Tables-Our Priority; Michael J. Wilson, United Food and Commercial Workers International Union; American Federation of Government Employees.

Mr. TIAHRT. Mr. Chairman, I rise today with great reluctance that I am not able to support the Farm, Nutrition, and Bioenergy Act of 2007, H.R. 2419. The Agriculture Committee worked for many months in a bipartisan manner to craft an omnibus farm bill that would have achieved broad support in the House. H.R. 2419 was not a perfect bill, but it was a compromise that I would have supported in hopes that an even better package could be produced during conference negotiations with the Senate.

Unfortunately, Democrat leadership decided to insert a last-minute tax increase into the farm bill after the bill had left the House Committee on Agriculture. The tax provision represents a $7.5 billion increase in taxes on companies that supply high-quality, high-paying jobs for American workers. These are often union jobs held by hard-working men and women trying to earn a living for their families. Instead of producing a farm bill that meets the needs of America's farmers, ranchers, landowners and those who rely on nutrition programs, the Democrats have instead resorted to a tax-and-spend policy instead of an invest-and-create-jobs policy.

The $7.5 billion tax increase on foreign-owned American businesses inserted in H.R. 2419 could result in more jobs being sent overseas. In a time when the United States should be encouraging investment in our country and in American jobs, this kind of tax policy takes our economy a step backward. The last-minute Democrat tax increase will make it less attractive for foreign companies that employ American workers to initiate or expand operations in the United States. And that means bad news for American workers.

The United States has negotiated 58 tax treaties with 66 different countries. The Democrat tax proposal applies a tax increase on companies located in countries with which we have a tax treaty. This calls into serious question the United States' upholding our end of the treaties, which could invite retaliation.

Aside from the damage H.R. 2419 would do to American jobs, the Democrat's farm bill would cut a total of $3 billion from the crop insurance program compared to the 2002 farm bill. Most troubling, is that $1 billion of these cuts were made without consideration by the full Agriculture Committee to determine how this will effect risk-management services farmers in Kansas rely upon. With nearly every county in Kansas being declared as a federal disaster area in 2007, we should think long and hard about cuts to the federal crop insurance program. It is disappointing that Democrat leadership chose to make this cut without first considering what it will mean for America's farmers.

Another harmful provision included last-minute in the farm bill would apply Davis-Bacon act wages to new ethanol plants being built if those plants utilize loans or grants from the USDA. This provision negates any positive benefit that would have been provided by the USDA's loan guarantee program. By artificially dictating what wages have to be paid to workers constructing a new ethanol plant, the farm bill will result in increased ethanol costs. This translates to higher costs at the pump for consumers of ethanol-blended gasoline. Instead of allowing price competition for newly constructed ethanol plants that access USDA loans or grants, this artificial wage provision is another example of unnecessary federal manipulation in a private-market matter.

I am also disappointed the bill included a prohibition on States being able to use private contractors to perform administrative functions for the food stamp program. States that choose to enact reforms within their systems to provide better food-stamp services at a savings to taxpayers are denied that ability under H.R. 2419. Rather than defer to States and allow some common-sense savings for taxpayers, the Democrats have drafted a farm bill that restricts certain reforms at the State level.

The commodity title of H.R. 2419 proposes a commodity spending cut of 42 percent compared with the 2002 farm bill. The 2007 farm bill proposes $42 billion in baseline spending on commodities, representing just 14 percent of the entire farm bill. I think Kansas farmers deserve better.

As a State that is renowned for being the breadbasket of the world, Kansas and its farmers deserve a farm bill that provides a solid safety net while remaining fiscally responsible to taxpayers. I do not believe this $297 billion farm bill meets this standard. And as my colleague from Kansas, Mr. MORAN, has pointed out, this farm bill fails to fully implement a revenue counter-cyclical program that would better respond to Kansas farmers in times when they need support the most.

I urge my colleagues to join me today in voting against H.R. 2419. The American farmer, the American taxpayer and the American worker deserve a better farm bill. I can only hope negotiations with the Senate will address this bill's shortcomings and that the House will have another opportunity to vote on comprehensive farm policy that is good for all Americans.

Mr. CARTER. Mr. Chairman, I want to lend my support to the committee-passed Farm Bill, and specifically the provisions related to research. In my District we have one of the Nation's best research teams at Tarleton State University, and through the expansion of the research title we have the opportunity to use this resource and further address water quality and dairy industry issues.

In the bill there is an expansion of the Nutrient Management Research Provision to allow us to address "unique regional concerns" and "dairy cattle waste"—both of which are ideally suited for the work being done at Tarleton State University. Accompanying this expansion is report language that calls attention to the challenges and opportunities facing the Southwest dairy industry, and environmental security issues addressed through the Texas Institute for Applied Environmental Research (TIAER) and the Southwest Regional Dairy Center.

This language will allow the Department of Agriculture to use a program such as TIAER for further development of cost efficient tools and policies for agriculture, with the goal of cleaner water through better science and research. This expanded language will also provide expanded dairy research initiatives in line with research already in place at Tarleton. The State of Texas has invested $11.1 million dollars to construct the Southwest Regional Dairy Center at Tarleton to address the needs of the robust dairy industry in the Southwest Region of the United States. The Southwest Region is predicted to host the greatest concentration of dairies in the nation within 15 years. This rapid expansion will create unique economic and environmental challenges and opportunities. It's fitting that we, the Federal Government, also do our part in supporting this initiative by giving it authorization to further develop this regional opportunity.

The bill also provides for expanded research in the Chesapeake Bay, and TIAER is uniquely qualified to assist with the further development of this research activity. By using their expertise in water quality policy, monitoring, and modeling we can take advantage of existing research capabilities to expedite the goals of the Chesapeake Bay initiative. I hope these two programs are authorized and funded, as it would be foolish and wasteful to ignore and duplicate the experience and talent we have developed over the years.

It is clear that the research language is intended for the use in developing sound scientific, economic and environmentally effective research and watershed programs. Through programs like TIAER and the Southwest Regional Dairy Center we will see coordinated research with other research institutions and universities on watershed programs, modeling tools, monitoring, applied research, and dairy cattle waste management to include bioenergy recovery. With federal assistance, the Southwest Regional Dairy Center will research, develop, and implement programs to recover energy and other useful products from dairy waste and identify best management practices in support of the dairy industry.

The research provisions expanded in this bill would place TIAER as the leader in watershed modeling and allow them to establish the International Modeling Application Clearinghouse. With this action we can save millions of dollars through coordinated research activities. If authorized, TIAER will also facilitate the use of the Center for Environment and Private Lands (CEPL) and Industry Led Solutions (ILS) under the direction of the Institute. With past Congressional funding, ILS provides for a group of commodity diverse producers from geographically different parts of the U.S. to examine environmental policy options for private landowners. This group has been proactive in examining environmental initiatives that affect agriculture.

I appreciate the Committee recognizing the need for the additional research in water quality, modeling, program development, monitoring, animal waste management and bioenergy recovery for the southwest dairy industry. While I continue to encourage expansion of this language to outline not only the work to be done through groups like Tarleton and the Institute, I realize this is the first step in making sure that quality research is not only scientifically sound, but cost efficient.

I echo the committee in encouraging the Secretary of Agriculture to establish these programs promptly so that we can soundly address environmental and water quality issues and how they relate to agriculture.

The Acting CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Florida) having assumed the chair, Mr. SCHIFF, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, pursuant to House Resolution 574, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLATTE. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Goodlatte of Virginia moves to recommit the bill H.R. 2419 to the Committee on Agriculture with instructions to report the same back to the House promptly with the following amendments:
>
> Strike the two titles designated as title XII in the amendments contained in part A of House Report 110-261 and adopt such amendments as may be necessary to comply with the Committee on Agriculture allocation under H. Con. Res. 99 of the 110th Congress.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the chairman of the Agriculture Committee, the members of the Agriculture Committee on both sides of the aisle, and the staff of the Agriculture Committee for working in a bipartisan fashion to write a good farm bill.

This farm bill has a lot of things in it I don't like, a lot of things I do. I think the chairman would say the same thing about the bill. But, Mr. Speaker, I cannot support this legislation because of what happened after this bill left the Agriculture Committee and came to this floor with a tax increase added in the middle of the night with no hearings in the Ways and Means Committee and no markup in the Ways and Means Committee.

This is the wrong way to maintain bipartisan comity in this House, and to force the American people and the Members of this House to choose between tax increases and the farm bill that America's farmers and ranchers need.

I yield to the ranking member of the Ways and Means Committee, Mr. MCCRERY.

Mr. MCCRERY. Mr. Speaker, the tax proposal in the farm bill is directly aimed at international companies that invest in the United States, where they support more than 5 million jobs. These are well-known and well-respected companies: Honda, Bridgestone, Toyota, BASF, Panasonic. They're not tax dodgers. The jobs they create here are good, high-paying jobs. By raising taxes on these businesses by more than $7 billion over the next decade, we will make America a less attractive place for them to invest.

The majority keeps asserting that the Treasury Department supported this provision back in 2002. I want to set the record straight on that. It is true that Treasury wrote a report then that income-stripping and earning-stripping is a potential problem, but since that 2000 report, the Treasury has worked to update our tax treaties, inserting strong "limitation of benefits" language that prevents abuse by denying treaty benefits to companies headquartered elsewhere but who establish a shell company in the treaty country.

The Treasury has never, never embraced the sort of ham-handed policy that the majority is proposing in this bill. And Secretary Paulson made that clear to me yesterday in a letter me sent to me.

Another contention is that, "Oh, the President's own budget contained this proposal." Wrong. The President's budget contained a targeted proposal that would raise over 10 years $2.6 billion.

Mr. DOGGETT's proposal, which is in the farm bill, raises $7 billion over 10 years. Is that the same proposal? Of course not. It's more than double. It's huge. It's broad. It's ham-handed. It will discourage investment in the United States, and we ought to reject it in this bill. It's bad policy; never should have been added to the farm bill; should have come through the Ways and Means Committee, where it's supposed to come, so we could have a good hearing and Mr. DOGGETT and I could debate it. But that didn't happen. We should vote against this bill.

I thank the gentleman for yielding.

Mr. GOODLATTE. Reclaiming my time, this motion to recommit is very straightforward. It takes out the tax increases in this bill, sends it back to the Agriculture Committee. And we would be delighted to work with the leadership that did not work with us before to find a pay-for that works for this.

We went to the Budget Committee at the start of this process in a bipartisan fashion and pointed out that the reforms in this bill cost money, and asked for that money to be forthcoming. It was not.

Now, based upon previous experience, I would not be at all surprised to see a cameo appearance in a moment from the majority leader saying that, because this bill is sent back to committee to report back promptly, that we're killing the bill. We are doing no such time thing. We are doing what is necessary to make sure that this bill is treated in a bipartisan fashion and that the bill is paid for in a way that adjusts our budget fairly to make sure that agriculture and America's farmers and rangers got treated the way they should have been treated at the outset of this process when $60 billion was lost because of the baseline in agriculture.

And then we're asked to make reforms, many of which I support, but this, mark my words, is a tax increase that is not fair to the American people. It puts pressure on companies investing in this country. It will increase taxes on those workers. It will also call into question the credibility of the United States for future investment in this country if we violate treaties, 58 treaties that we have negotiated. And finally, it will cause retaliation against American investment overseas as well.

So I urge my colleagues to vote for this motion to recommit. Send it back. Do the right thing. Do not put America's workers against America's farmers and ranchers. Support this motion to recommit.

Mr. Speaker, in my time remaining, I would point out that this is a tax increase because the chairman of the Ways and Means Committee, when he came to the floor last night, said it was a tax increase. The tax experts I've spoken to say it's a tax increase. Notwithstanding what anybody says, it's a tax increase. Don't support it.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, I recognize the distinguished chairman of the Ways and Means Committee, Mr. RANGEL, for such time as he may consume.

Mr. RANGEL. So, "the chairman of the Ways and Means Committee said that this was a tax increase." What is this, Taxes 101? When you and other people come to me and say that we need to get this great bipartisan agriculture bill out, you didn't go to the chairman of the Transportation Committee. You didn't go to the chairman of the Appropriations Committee. You went to the tax-writing committee.

Now, when you say you want revenue enhancers, when you say you want to raise the money to pay for food stamps, it means you have to get it from somewhere. If you're lucky enough, if you work hard enough, you will find that certain people are not paying their fair share of taxes. And you would find that they go out of their way to go to foreign countries in order to avoid paying the United States obligation.

I would be less than honest if I didn't tell you that as far as those people who don't pay any or little taxes, oh, yes, they will consider this a tax increase. Give me some language that I can call it something else. But I'm saying that equity and fair play means if you're not paying what you should pay and we catch up with you, you can run to your accountant and say, "We gotcha."

Now, I can understand how philosophically you don't like to talk about taxes. But just, Mr. Ranking Member, when your time expired yesterday, you said on the floor that none of us ever came to you and asked for the money. Now, I don't know where you thought, when you asked me where do you go to get the money, when I say "you," I mean you by name.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Members are reminded to address their remarks to the Chair.

Mr. RANGEL. I agree with you. But anyway, let me thank all of you that thanked me for making it possible for you to get a bill out. And if something happened on the way to the floor, believe me, politically, I understand it. But for all of you who thanked me, we did the best we could. We catch the devil for it. But if you take a look at foreigners that are avoiding taxes and hardworking farmers that deserve a better break, you explain it; we don't have to.

□ 1330

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman from New York for that statement. I want to alert the Members of the body that this motion to recommit has the word "promptly" in it. What that means is if this goes back to the committee, this kills this bill. It kills the reform that we have done in this bill. It kills the additional nutrition that has been put into this bill, the energy, all the other hard work of this committee.

Now, I am a CPA, and I used to do taxes for a living. I agree with the chairman of the Ways and Means Committee: this is not a tax increase. This is doing what is right for this country.

What we ought to be looking into is why we are having the taxpayers of this country fund people in the Treasury Department and fund people in the State Department to go out and make treaties with other countries so we can have foreign corporations come to this country and avoid taxes.

That is what this is about. If you have a straight-up deal between the United States and Germany, this does not affect you. It only affects you if you set up a corporation in another country that doesn't have a tax rate and go through that process.

Mr. Speaker, you can call this whatever you want. But the truth of the matter is that if you send the bill back to the Agriculture Committee, we do not have the offsets in the Agriculture Committee to do what is in this bill. So you are, in effect, killing this bill. I just want everybody to understand that.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, it is noteworthy that throughout this debate not one company anywhere in America has come forward and said "if you pass this bill, you raise my taxes," because the vast majority of foreign companies and no American companies are impacted whatsoever.

Today, we must choose who to stand with. We choose to stand with the farm and ranch families that need this assistance and the small American businesses that are paying their fair share of taxes. We reject the notion that the only way you can lure a foreign company to come to America is to tell the foreign company that they should pay less taxes than Americans. It is a clear choice.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry, a point of clarification.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, that this bill could be reported back to the respective committee from which it was assigned and passed out, and that the bill could be reported back to the House tomorrow?

The SPEAKER pro tempore. The Chair cannot say what the Committee on Agriculture might do or speculate about possible proceedings anew in the committee. The pending motion proposes to take the pending bill from the floor without reaching the question of passage today.

Mr. WESTMORELAND. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, I am trying to get a point of clarification from you. The parliamentary inquiry is, is it true that this bill could be reported back to the committee and reported back to this House on the next legislative day?

The SPEAKER pro tempore. The Chair cannot speculate.

Mr. WESTMORELAND. Mr. Speaker, further parliamentary inquiry. Is there any rule that would preclude a bill going back to committee and the committee reporting it back the next legislative day?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker. I am not talking about any bill.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it true that this bill, this bill, if this motion passes to this bill and this bill is promptly reported back to the committee, is it possible under the rules of this House that this bill could be reported back to this House the next legislative day?

The SPEAKER pro tempore. Once again, that would require an interpretation of the committee's rules. The Chair is not in a position to speculate.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, are there any parliamentary impediments to this bill being reported back on the next legislative day after being promptly reported to the committee of jurisdiction?

The SPEAKER pro tempore. The gentleman may need to review the rules of the Committee on Agriculture.

Mr. DANIEL E. LUNGREN of California. No, Mr. Speaker. I am asking, under the rules of the House, are there any parliamentary impediments?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry. The Chair has responded to the gentleman's parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I believe you misunderstood my parliamentary inquiry. My parliamentary inquiry was, under the rules of the House, are there any parliamentary impediments to having this bill considered on the next legislative day if it is promptly reported to the committee of jurisdiction?

The SPEAKER pro tempore. Repeatedly the Chair has said, and says again, that the Chair cannot speculate.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLATTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 198, noes 223, not voting 11, as follows:

[Roll No. 755]

AYES—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—223

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Emanuel
Frank (MA)
Hastert
Issa
Kucinich
LaHood
Sali
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1354

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SALI. Mr. Speaker, on rollcall No. 755. I was inadvertently detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLATTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 10, as follows:

[Roll No. 756]

AYES—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Inslee
Johnson, Sam
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waxman
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Clarke
Cubin
Davis, Jo Ann
Emanuel
Frank (MA)
Hastert
Issa
Kucinich
LaHood
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

☐ 1402

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2419, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make other such technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2070

Mr. UDALL of Colorado. Mr. Speaker, I ask unanimous consent that Mr. BARTLETT of Maryland be removed as a cosponsor of H.R. 2070. He was added by mistake.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 567 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 567

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

I also ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to myself, I yield to the gentleman from New York for a unanimous consent request.

Mr. MCNULTY. Mr. Speaker, I rise in strong support of both the rule and the conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 567 provides for consideration of the conference report to accompany H.R. 1, to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. The rule waives all points of order against the conference report and its consideration.

This is a typical rule for a conference report and was reported out by the Rules Committee by a bipartisan voice vote.

Mr. Speaker, when Americans decided last November that they were tired of the way business was being done in Washington, they elected Democrats to the majority.

We promised them that we would implement the recommendations of the 9/11 commission, and today we are fulfilling that promise in bipartisan fashion. We are showing that compromise can, indeed, yield good policy. Democrats have shown with this bill that that compromise can indeed be positive for America.

There were many who did not want to see Democrats succeed in completing work on this bill. They preferred political posturing over protecting the American public. For them, inaction is an acceptable solution, and obstructionism their plan to get back into the majority.

The American people should take great comfort in knowing that we will not allow them to succeed.

I commend my good friends, the distinguished chairman of the Homeland Security Committee, BENNIE THOMPSON, and the ranking member for their tireless work on this conference report. It was not an easy job, but their diligence and commitment to protecting America persevered.

This product takes significant steps to further protect the American people. Democrats are leading in delivery while fixing the shortcomings in our homeland security network highlighted by the 9/11 Commission.

First, this conference report places a priority on providing homeland security grants based on risk and not political preference. This is especially important to my constituents, as south Florida has seen its recent homeland security grant allocations decreased as political consideration has increased in the process.

When it comes to first responders, the conference report includes $1.6 billion for a first responder interoperability grant program.

The report also invests in rail, transit and bus security, authorizing more than $4 billion for these crucial grants.

Further, this report requires the screening on all passenger air cargo within 3 years. This is, without doubt, the furthest that Congress has ever gone to ensure that the flying public is safe and protected.

Within the next 5 years, the conference report requires the screening of all container ships as they leave foreign shores and head to the U.S. This, too, was another of the 9/11 recommendations.

If America is going to be safe, Mr. Speaker, then Congress must do everything in its power to ensure that cargo coming into our ports has been screened and checked. As someone who represents a district which is within just miles of three major international seaports, I'm pleased that the committee included this provision in the bill. The safety and security of south Florida literally depends on it.

I'm also pleased that the Homeland Security Committee and the House Intelligence Committee, of which I'm a proud member, were able to reach an agreement regarding the public disclosure of total spending in the intelligence community. This was another key recommendation from the 9/11 Commission, and Democrats are again keeping their promise to turn those recommendations into law.

It is a new day in the House of Representatives. With honesty and transparency as our guiding principles, Democrats are working to strengthen and restore faith in our intelligence community. Even more, we are sending the message to the American people that this Congress will no longer allow the intelligence community to operate without proper oversight.

This conference report is another installment of how Democrats are working to protect the American people and hold the Bush administration accountable for its failures and shortcomings.

This is a good conference report and a good rule. I urge my colleagues to support both.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in opposition to this rule and to the woefully incomplete conference report that the Democrat majority is bringing to the House floor today.

Despite the repeated campaign promises made by Democrat leaders to the American people that they would take action on all of the remaining 9/11 Commission recommendations, that is not what is being done and not what is being brought to the floor of the House today.

It now appears that those claims were nothing more than just a hollow campaign promise because, as anticipated, they have failed to address a key recommendation of the 9/11 Commission.

While the Senate included a simple sense of Congress that congressional operations should be streamlined so that overlapping and duplicative oversight issues could be addressed, even this simple symbolic measure was dropped from the final legislation.

The 9/11 Commission stated: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need."

It went on further to say: "Congress should create a single, principal point of oversight and review for homeland security."

In the 109th Congress, House Republicans provided the responsible leadership needed on this issue by making the Committee on Homeland Security a standing committee, but there are still 10 other House committees that have overlapping and redundant oversight over the Department of Homeland Security.

House Democrats could have enacted this change with a simple rules change at the start of the 110th Congress. They failed to do so then; and with this legislation, they are once again ignoring this important issue entirely, including a campaign promise.

Thankfully, Mr. Speaker, this conference report is not a complete failure. Thanks to the leadership of President Bush and House Republicans, two important provisions were fixed in this conference report that will help keep Americans safe and improve our ability to combat terror at home.

First, this legislation wisely does not contain a mandate that collective bargaining rights be required for the Transportation Security Administration screeners. This dangerous provision was originally buried in the House Democrat leadership's version of this legislation; and thanks to President Bush's veto threat, it has been removed from the legislation that we are considering today.

The 9/11 Commission did not recommend collective bargaining for TSA screeners. In fact, to the contrary. The commission stressed the need to improve airport security and screening procedures. Collective bargaining would have prevented implementing fluid operations for protecting our country by requiring TSA management to consult with union bosses before making critical homeland security decisions.

As Homeland Security Director Michael Chertoff explained, "Marines don't collectively bargain over whether they're going to wind up being deployed in Anbar province in Baghdad. We can't negotiate over terms and conditions of work that go to the heart of our ability to move rapidly in order to deal with the threats that are emerging."

□ 1415

Secretary Chertoff also noted that the proposed negotiations with unions would have seriously threatened operations such as the interception of the London bombing plot or a response to Hurricane Katrina. Thankfully, in what may be the first missed opportunity for increasing the power of labor bosses this year in the House, good sense prevailed and this provision did not survive the legislative process.

Additionally, good sense and Republican-proposed policy prevailed in this conference through the inclusion of a provision to protect vigilant observers who support suspicious terror-related activity. By including these John Doe provisions, my good friend, the Homeland Security Ranking Member PETER KING, won a great victory on behalf of the American people.

As Congressman KING recently noted, in a post-9/11 reality, vigilance is essential to security. Despite the Democrat opposition to this Homeland Security measure, common sense has prevailed and heroic Americans who report suspicious activity will be prevented and protected from frivolous lawsuits. The American people were heard, and our country is safer because of it.

I commend Congressman KING and other Republicans that served on this conference committee for insisting that Congress not let trial lawyers and the fear of litigation get in the way of promoting one of our best and most dynamic lines of defense against domestic terrorism, having everyday Americans report potential threats and terrorist activities to the proper authority.

While the Democrat party may not trust American men and women to use their good sense in reporting suspicious activity, I know as Republicans that's what we will do, and I really do appreciate PETE's efforts for this hard work.

I also appreciate all the hard work that was put into developing the conference reports on both sides of the aisle. I am also pleased to note that this conference report represents the first time that labor bosses and trial attorneys have been denied their every wish on this House floor. Unfortunately, I am not confident that we will see another commonsense bill that puts the safety and well-being of the American people over these special interests any time soon.

I also appreciate the Democrat leadership's attempt at almost fulfilling one of their many unfulfilled campaign promises by bringing this legislation back to the House floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very privileged to yield 3½ minutes to the distinguished chairman of the Homeland Security Committee of this House, my good friend from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, it is my privilege, as the first Democratic chairman of the Homeland Security Committee, to rise in strong support of this rule and the underlying bill.

At the direction of the Speaker, I authored H.R. 1, legislation to complete the unfinished business of the 9/11 Commission. It had 200 original cosponsors.

H.R. 1 was the first bill of the 110th Congress. It passed the House by a vote of 299–128; 32 House conferees on a bipartisan basis, including Ranking Member KING, signed the conference report. Late last night the Senate passed it by a vote of 85–8.

It would seem that 6 years after the 9/11 attacks and 3 years after the release of the 9/11 Commission report, Congress is finally embracing what the 9/11 families have been saying all along. It takes more than vigilance for our Nation to be more secure against the threat of terrorism. It takes a willingness to do things a different way.

The 9/11 Commission challenged the administration, Congress and the American people to think a different way and take concrete steps to deter and prevent future attacks. Over the past 3 years, some progress has been made, most notably, the reforms in the intelligence community. However, until today, many of the key recommendations of the 9/11 Commission remain unfulfilled.

The conference report on H.R. 1 ensures that most grant funding is allocated based on risk. It authorizes $1.6 billion for an interoperability grant program to improve communications for first responders. It provides over $4 billion in rail, mass transit and bus security grants to ensure that our at-risk communities have the security they deserve.

Additionally, the conference report on H.R. 1 puts in achievable benchmarks for ensuring that 100 percent cargo carried on passenger planes is screened. It also mandates the screening of all U.S.-bound ships in foreign ports for 5 years, but gives the Homeland Security Secretary flexibility to delay implementation in certain cases.

The conference report requires a new electronic travel authorization system to screen visitors from companies participating in the Visa Waiver Program. This bill also strengthens a board that oversees privacy and civil liberties issues.

It requires the President and Congress to publicly disclose total spending requested and approved for the intelligence community for 2 years. The bill provides civil immunity to those in good faith who report suspicious activities that threaten the safety and security of passengers on the transportation system, or that could be an act of terrorism.

Before I yield back, I want to say on the record that the provisions I authored to give TSA screeners collective bargaining rights and whistle-blower protections was not included in the final bill. Though not an explicit 9/11 Commission recommendation, I believe that giving voice to the eyes and ears in the airports will make America more secure. I will keep working to get them the protections they deserve.

That said, the bill that is being considered today will make America more secure.

I strongly urge a "yes" vote on the rule, as well as the underlying bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, as many of my colleagues know, I have been working on legislation to temporarily suspend the Visa Waiver Program until our ports of entry are secure with the technology outlined and required by the 2001 PATRIOT Act and the Visa Entry Reform Act of 2002.

For those who don't know, the Visa Waiver Program was established back in 1986 as a temporary program allowing tourists or short-term business visitors to enter the United States for 90 days or less without obtaining a visa. The program was later made permanent by Congress, and it currently includes 27 countries.

The problem with this system is that terrorists are not limited by borders, nationality or even ethnicity. A terrorist with a French passport can be just as dangerous as one from Iran. In short, we need to make sure everyone who enters this country is appropriately screened.

This conference report will expand the Visa Waiver Program simply at the discretion of the Secretary of State.

Many of us read in the news this summer that the failed London and Glasgow bombings are linked to homegrown British terrorists with ties to al Qaeda in Iraq. I don't doubt that the United Kingdom is one of our closest allies, but this goes to show that even our greatest friends can be vulnerable to homegrown terrorists possessing legitimate citizenship documentation and authorized legal passports.

Giving terrorists a free pass of any type into our country only welcomes more strikes on our homeland, and it strengthens these organizations, these terrorist organizations right here in the United States. We cannot afford additional visa waiver countries and provide more opportunities for terrorists to breach a loophole in our security.

How much time does our Nation have before immigration, customs enforcement, our air marshals, the TSA, Transportation Security Administration, misses the next Richard Reid.

In closing, this conference report will not secure our Homeland Security if it expands the opportunity for terrorists to travel to the United States. As a Member of the House Senate Conference Committee, I would not sign a report with language expanding this program.

I urge my colleagues, vote down the rule and the underlying legislation. Let's send it back to the conference and secure our Homeland Security.

Mr. HASTINGS of Florida. Mr. Speaker, I am very privileged to yield 3½ minutes to the distinguished gentleman from California (Mr. LANTOS), who is the chairman of the Foreign Affairs Committee and has worked actively and diligently for the security of this Nation.

Mr. LANTOS. I want to thank my friend for yielding.

Mr. Speaker, I rise in strong support of the conference agreement. Let me express my appreciation for the fine work of the chairman, the Homeland Security Committee, my friend, BENNIE THOMPSON.

When the perpetrators of the 9/11 attacks boarded their flights that crisp September morning, they hoped to crush the American spirit. They were profoundly mistaken.

In the first few weeks following the terrorist attacks, our Nation rallied to help the victims and their families to reconstruct New York City and the Pentagon, but our resolve did not stop there. We steadfastly committed to the long-term goal of preventing future terrorist attacks on our shores.

To accomplish this, we convened some of our best and brightest minds from both the Democratic and Republican parties to map out a comprehensive strategy to prevent another terrorist disaster. With this bill today, we willfully implement the sound recommendations of this bipartisan 9/11 Commission and take concrete steps to strengthen the security of our Nation.

I am pleased that the conference agreement contains several provisions authored by the Foreign Affairs Committee to fight terrorism and to stop the proliferation of dangerous weapons. The conference agreement will boost our efforts to work with other nations to secure nuclear materials and rein in loose nukes more effectively.

It will also increase the visibility of the Voice of America and our other broadcasting services to quickly ramp up their public diplomacy efforts in future crises.

With this bill, we will require the administration to develop a better strategy for cultivating U.S. relationships with three countries crucial to our counterterrorist efforts: Saudi Arabia, Afghanistan, and Pakistan.

Finally, I am gratified that the conference agreement includes provisions from the ADVANCE Democracy Act. This important bill firmly affixes the advancement of freedom and democracy as one of our top foreign policy objectives and requires long-term plans to promote democracy throughout the world.

Recently, the Department of State has begun drafting strategies for Middle Eastern countries. The conference agreement includes a requirement for new written specific strategies for all nondemocratic and democratic transition countries building on the important work the Secretary of State has already been doing in the Middle East. This method ensures that we focus on institutions, not just elections.

As this bill becomes law, our country will begin to turn its thoughts to the sixth anniversary of the September 11 attacks. We will, of course, mourn the victims, honor the heroes, and contemplate the lessons of that event. But we will also renew our efforts to fight extremism and terrorism around the globe. I urge all my colleagues to support this important conference agreement.

□ 1430

Mr. SESSIONS. Mr. Speaker, I yield 4½ minutes to the gentleman from Florida, the ranking member of the Transportation and Infrastructure Committee, Mr. MICA.

Mr. MICA. Mr. Speaker, I thank the gentleman from Texas for yielding.

My colleagues, I have spent some time on transportation security as chairman of the Aviation Subcommittee for some 6 years, helping to craft some of the TSA legislation, working actually with the 9/11 Commission.

First of all, if anyone thinks that this bill is going to make us safer by any of the major provisions in the bill, they are wrong. They are dead wrong. What is unfortunate is they are adopting today in this so-called 9/11 Commission Report many things that will actually take our limited resources and put us greater at risk by diverting those resources to programs that make no sense. And I will try to show you in a few minutes.

First of all, let's look at the major provisions of this bill. First, cargo security, maritime cargo security. Here is a picture of one of the test cargo security maritime screening operations. I brought a little model, I made my own little model to show you how this works. There is the truck going through there. It goes through. You can either have a fixed location for this screening equipment or a portable one; they can move it around. Then the truck goes through the screening like that. And then when it goes through, we have completed that. Then we take the cargo.

Now, if you have been to the ports, and I have been to the foreign ports that they are requiring this procedure for, this cargo goes and it sits on the dock somewhere. It may be days, weeks before it is ever loaded. What a complete farce for cargo containers to go through this exercise.

Then if you have been to the ports, let's try Marseilles, I have been to Marseilles, let's try Livorno. Let's try others. What about this guy who is a dock worker? That dock worker can take this cargo and penetrate it. We have talked to the dock workers and they say that what you are instituting is an absolute joke. And it is not a recommendation. I defy anyone to get a copy of this and look at it.

Page 393 is what they recommend. They said: TSA should expedite the installation of an advanced in-line baggage screening system. You are going to hear somebody tell you that we have done that. Folks, this is how many airports we have done out of 440 airports: five of our major airports in the United States. A total of 18, but five of our major airports; 29 airports handle 75 percent of the air passengers. And that is what they recommended. It is right here. It says: TSA also needs to intensify its efforts to identify, track, and appropriately screen dangerous cargo in both the aviation and maritime sectors.

I am telling you, this is an expensive exercise in diverting limited resources and will put us even greater at risk. The terrorists have to be laughing at us today.

Even worse are some of the other provisions. This lifts the 45,000 caps on screeners. We are paid $5.4 billion for 45,000 screeners. In fact, we should be spending that $5.4 billion on technology that does, I can't reveal the classified results, but it does an incredible job. Instead, we have an army of 16,800 screeners who are hand-checking checked baggage at the airport. A complete farce. And that is a provision.

Here is another provision that is a disaster: require the disclosure in the Intelligence budget, that is almost criminal, in 2007 and 2008 but not I guess not in 2009, to tell the other side exactly what we are doing. So this does a lot of damage.

And then, finally, it creates a whole new bureaucracy. I didn't think the conference committee, and I wouldn't sign the report, could create a bigger bureaucracy. But it did just that.

If you love bureaucracy, you will love this bill. Not only what I just described, but we have had a Department of Transportation that administers transit grants, has done so, has the bureaucracy in place, and can expedite the quick distribution. Instead, we have 185,000 people in the Department of Homeland Security who haven't done this before now are going to set up another bureaucracy in the Department of Homeland Security. This is a great bill; it is a nice bumper sticker thing to go back and say we did something about homeland security. But, folks, we are doing damage.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to Mrs. MALONEY, who was directly affected in her district in New York during 9/11, I would just say to my friend from Florida that when he and his party were in charge, the question is, what did they do? Did they pass $250 million annually for airport checkpoint screening? Did they pass $450 million annually for baggage screening? Did they do 100 percent screening within 5 years? Did they protect from lawsuits people who in good faith report what they believe are terrorist activities around airplanes, trains, or buses? Did they do stronger security measures? No. They did none of that.

I yield 3 minutes to the distinguished lady from New York, who really knows about 9/11, Mrs. MALONEY.

Mrs. MALONEY of New York. I rise in strong support of this rule and the underlying bill, and I congratulate this Democratic majority and this speaker for making security an absolute priority and for implementing all of the recommendations of the 9/11 Commission and making it a priority.

This bill was H.R. 1, the first bill introduced under the Democratic Congress, and it increases funding in many areas, particularly the interoperability of first responders' phones. The phones did not work on 9/11; the communications did not work. They still do not work. This will move us towards safer responding of our first responders. Over $4 billion for rail and security and trains and buses. And very, very importantly, it calls that our grants, our grants that are based on high threat, on security risks is based just on that, security risks, so that the money goes where it is needed, not in pork barrel politics.

And today marks the end of a very long journey that, along with many of my colleagues on both sides of the aisle, including Representative SHAYS and 9/11 family members, when we joined together and formed the 9/11 Commission Caucus and introduced legislation to implement all of the recommendations. While the bill that was signed into law in 2004 did not include everything in the recommendations that our bill called for, it was a necessary first step in the process, and we are completing that process today.

The first bill was the first bill of major reorganization of our government since 1946. It coordinated all of our 15 different agencies under the National Intelligence Director, and it moved us in the right direction. This bill completes the recommendations of the commission in a bipartisan way. All the members have endorsed this legislation.

I want to note the heroic efforts of the 9/11 family members, including Mary and Frank Fetchet; Beverly Eckert; Carol Ashley; Abraham Scott; Rosemary Dillard; and Carrie Lemack. They have worked selflessly and tirelessly for years to pass this. They are an inspiration to me and this body, and I do not believe these bills would have passed without them.

Particularly, I want to note the provisions in the conference report that strengthen the privacy and civil liberties board more to the way that the 9/11 Commission recommended: a strong board, not the very weak one that the previous majority championed.

This bill establishes a strong, independent board with subpoena power. And this conference report will achieve many more significant reforms. It will make our country safer. I urge my colleagues to support this rule, the underlying bill, so that we will strengthen our homeland security and our defenses against another terrorist attack. It is based on merit. It is based on the 9/11 Commission Report. I urge an "aye."

Mr. SESSIONS. Mr. Speaker, I would like to engage the gentlewoman, if I can, since she is an expert on this important piece of legislation if she would. And the question I would like to ask the gentlewoman:

Republicans tried our very best, other than demanding, that the terrorist watch list would be applied to trains and passengers for people like on trains and Amtrak. And I wonder if the gentlewoman can tell me whether that was added in this conference report.

Mrs. MALONEY. It is not in the conference report. It is not in the underlying bill.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, people stand up and talk about what a great job they are doing to protect this country, but they fail to get the essence because it might be a privacy concern. The fact of the matter is that all the people that are on our trains, Amtrak, that we are spending billions of dollars that are being spent for more security officers; and yet the Democrats fail to do the simplest thing, and that is, at the time you buy a ticket, seeing if you are on the terrorist watch list.

It is incredibly arrogant that this Congress would stand up and say we are doing all we can do, and yet we do not even apply the terrorist watch list to people who would be on our trains.

Mr. Speaker, I yield 4 minutes at this time to the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank my good friend and colleague from Texas, Congressman SESSIONS, for yielding. And, Mr. Speaker, I oppose the conference report to H.R. 1, and I oppose this rule that provides for its consideration as well.

Mr. Speaker, while the conference report claims to protect Americans from foreign terrorists, we should be aware that in fact it does just the opposite. Specifically, changes in the Visa Waiver Program can do us great harm.

The Visa Waiver Program enables citizens of certain countries to travel to the United States for tourism or business for stays of 30 days or less without obtaining a visa. To qualify for participation in the Visa Waiver Program, countries must meet certain established criteria which include security standards for their travel documents, and a very low rate of nationals whose visas are denied.

The conference report language needlessly lowers the standards of the Visa Waiver Program. How can we consider the expansion of this program knowing that it has already been abused by two terrorists?

Peter Gadiel, president of 9/11 Families for a Secure America whose son was killed on 9/11, says, "As family members of Americans who were murdered on 9/11, we are deeply concerned that some in Congress are working to expand the Visa Waiver Program. It is reckless and irresponsible to consider expanding the program in these perilous times, especially to accept countries that do not even meet current standards. Congress cannot and should not pass a law that would leave the door wide open for more terrorists."

Lowering the standards for the Visa Waiver Program threatens national security and makes a mockery of our efforts to combat illegal immigration. Many illegal immigrants come to the U.S. legally on a temporary basis and never return to their home country. The conference report allows the administration to permit countries with a history of visa overstayers to participate in the Visa Waiver Program, guaranteeing an increase in illegal immigration.

The administration plans to admit countries to the Visa Waiver Program that come nowhere close to meeting current standards. They want to reward countries that have cooperated with us in the war on terror, and we all appreciate the assistance of our allies, but this is no way to conduct foreign policy.

It is irresponsible to lower the standards for the Visa Waiver Program and make it easier for terrorists to get into the U.S. This is no way to protect American lives.

It is bad enough that the administration doesn't enforce many current immigration laws. It is inexcusable that it would intentionally change the law knowing that it will endanger American lives and increase illegal immigration. It is so obvious that this change in the Visa Waiver Program will result in more illegal immigration and the inevitable entry of terrorists that the administration must now take responsibility for the predictable results.

Mr. Speaker, I urge my colleagues to oppose this rule and the conference report as well.

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Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), who is the chairwoman of the Intelligence Information Sharing and Terrorism Risk Assessment. The gentlewoman and I served on the Intelligence Committee, and perhaps she might be able to educate my friend from Texas regarding watch lists and how difficult it would be in order to have watch lists, as Mrs. MALONEY put it, for 800,000 people on one rail line in New York alone.

Ms. HARMAN. Mr. Speaker, implementing the recommendations of the 9/11 Commission has been a passion for me, to honor the memories of those who tragically and needlessly died on that day, to show respect for their amazing families, and to keep our country safe.

My roles as coauthor of the intelligence reform legislation and lead House cosponsor with Mr. HOEKSTRA on its conference was a personal highlight of my service here, and I'm honored to be a conferee on this bill and to stand with Chairman THOMPSON and Ranking Member KING in support of it.

The report passed the Senate 85-8 last night. Are people seriously going to oppose a bill to implement the recommendations of the 9/11 Commission?

Sure, there's more to do. But here are many terrific things in this bill. Number 1, it improves vertical information sharing between the Federal intelligence officials and local first responders, crucial if we're to prevent future attacks, a growing possibility according to the recently released NIE on terrorism. The next attacks could be anywhere. We need our capable first preventers to have accurate and actionable information.

Second, it will reform the Visa Waiver Program which, I agree, as it currently operates, is a potential loophole.

I worry that a terrorist trained in the Pakistani tribal areas and traveling on a British passport could use that program to come here and to enable a homegrown cell to conduct an effective operation against Americans in America. We need to tighten that program, and this bill does it.

There are things that are not in this bill. I still think we need more reorganization of Congress, and I also think that the legislation proposed by all nine Democrats on the House Intelligence Committee last year to provide an expedited emergency warrant process under FISA should be enacted by this House. That's all the reform of FISA we need. We have authority now to listen to foreigners abroad, despite some claims by the other side. The only thing necessary are procedural reforms, and we should enact them promptly.

Mr. SESSIONS. Mr. Speaker, I'm pleased to know how much we're protecting this country and what's included in this bill.

I think what the gentlewoman also forgot to say is that in committee they denied CBP the ability to even look at passengers' names who are coming in on rail from other countries to the United States. Once again, another failure from this Democrat Congress.

Mr. Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I would ask my colleagues to vote against the rule for the consideration of this conference report. And if the rule is defeated, this House should turn its immediate attention to a critical problem facing this country.

We have the perfect opportunity here, and the conferees had a perfect opportunity to add the most important action that this Congress must take, before we leave in August, into this conference report, and that is critical reforms to the Foreign Intelligence Surveillance Act.

The problem is what this bill does not do. It is the perfect vehicle, the perfect train leaving the station to get a bill down to the President and get his signature immediately on foreign intelligence surveillance reform. But it's going to go to the President without the most critical piece of legislation that we should be working on. This is our responsibility, to fix the Foreign Intelligence Surveillance Act.

Just yesterday, the Director of National Intelligence, Mike McConnell, wrote to the members of the House Permanent Select Committee on Intelligence, and in his letter he said, "Simply put, in a significant number of cases, we are in a position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas."

He went on to say, "in short, resource allocation is not the fundamental issue we face in this area, but instead a fundamental problem with a law that requires modification to ensure we are protecting America, while respecting the privacy rights of Americans."

"It is essential," he said, "that the administration and Congress work together and without delay to close the current intelligence gap by amending the FISA statute."

The responsibility is here in this body to fix this law as quickly as possible, without delay, to make sure that we can listen to foreigners in foreign countries who are using our communications networks to plot to kill us.

This House has failed to act. I, again, call on the leadership of the Democratic Party and to the Speaker of the House, personally, before we adjourn for August, to bring FISA reform legislation to this floor, and I would ask my colleagues to oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who is on the Committee on Homeland Security, and the chairman of the Select Committee on Global Warming.

Mr. MARKEY has fought diligently regarding airport screening. The gentleman from Florida isn't in here now that talked about screening as not being something that's important.

Mr. MARKEY. Mr. Speaker, September 11 was a very important day in Boston history. Mohammed Atta and nine other terrorists hijacked two planes with hundreds of people on them 2 miles from my house and flew them into the World Trade Center, killing not only the people in the World Trade Center, but all of the people on those two planes from Logan airport.

For the last 5 years, we've had a fight over whether or not we should screen the cargo which goes on passenger planes in our country. Yes, each of us has to take off our shoes, our bags have to go through, we have to take off our wristwatches, children's baby carriages have to be inspected. But, believe it or not, then the cargo is placed right under our feet, and it's not screened. Billions of pounds of cargo not screened.

And so this cargo loophole has been fought by the cargo industry, opposed by the Bush administration, but now it is in this legislation. And henceforth, all of the cargo which goes onto passenger planes in our country, placed next to the bags of passengers, placed under the feet of passengers on planes, will also be screened. And so now cargo will have this on it. Screened, safe to place upon those planes. It is a huge moment in security. This bill is historic.

And secondly, although the Bush administration has opposed it, this legislation also includes my language which is going to require the screening of cargo on ships coming into ports in the United States.

Right now cargo with a nuclear bomb in it, which we know is al Qaeda's top goal, to obtain a nuclear weapon from someplace in the former Soviet Union, move it to a port in the world and move that ship with the cargo into New York, into Long Beach, into Boston, and then detonate the nuclear bomb before it is taken out of the cargo hold of that ship, destroying that American city. Because of the language in this bill, that cargo will now be screened in the port overseas before it ever leaves for our country. It will be screened for a nuclear bomb overseas, thwarting the highest objective which al Qaeda has, which is to detonate a nuclear bomb.

Now, I can understand the Bush administration's misgivings about it, and I understand that many of the Senators, Republican Senators will not sign this conference report because of this requirement. I think they're making a historic mistake. This is at the top of the terrorist target list. This is what they want to do to American cities, detonate a nuclear bomb on a ship already docked in a port in the United States before it's ever taken off that ship.

This legislation is historic. I congratulate Chairman THOMPSON. I congratulate the staff. I congratulate the bipartisan nature for the vast majority of this legislation. It is overdue. It is overdue.

We must put in place the defense, now, against al Qaeda returning to finish their plot against us here in the homeland.

Al Qaeda came to Boston to begin this attack. There's no reason to believe they can't return to those very same planes, to those very same docks where al Qaeda came in. They came in through the ports of Boston to, in fact, wreak this catastrophic event on our country.

Vote "yes" on this bill.

Mr. Speaker, as the principal author of the air cargo security provision in Section 1602 of the conference report—Screening of Cargo Carried Aboard Passenger Aircraft—I want to make several points clear.

While the House version of the bill used the term "inspected" and the Senate version used "screened", neither bill actually defined these terms. The language in the final version of the bill does define "screening", and it makes clear that screening does not mean what DHS currently considers screening—reviews of manifests, information about shippers (Known Shipper program), etc.

To make clear what is meant by screening, the final bill states that:

The system used to screen 100 percent of cargo carried on passenger planes must provide a level of security on par with the level of security for passengers' checked bags. Specifically, the language states that the system "shall require, at a minimum, that equipment, technology, procedures, personnel or other methods approved by the Administrator of TSA are used to screen cargo carried on passenger planes to provide a level of security *commensurate with the level of security for the screening of passenger checked baggage.*" (emphasis added). A 3-year deadline is established to get to 100 percent, with an interim benchmark of 50 percent of cargo within 18 months of enactment.

Screening means an examination of the cargo's contents, not just information about the cargo, consistent with the mandate that the cargo screening must be on par with the security standard for screening of passengers' checked bags. The bill stipulates the cargo screening methods TSA is to use to meet this standard: "Methods of screening include x-ray systems, explosive detection systems, explosive trace detection, explosive detection canine teams certified by the TSA, or a physical search together with manifest verification." These are methods currently used for checked bags.

While TSA may approve additional methods, *they cannot be solely data checks, and must also utilize physical checks.* As the final language makes clear: "The Committee is also concerned about TSA using data checks of cargo or shippers . . . as a single factor in determining whether cargo poses a threat to transportation security. The Conference substitute, therefore, requires that if such data checks are used, they must be paired with *additional physical or nonintrusive screening method approved by TSA that examines the cargo's contents.*" (emphasis added).

There has been some discussion in the media about Congress's intent in passing this provision. I want to address these points and make clear the intent of the provision.

One concern that was raised is that as much as 60 percent of air cargo could be exempt from a mandatory physical inspection at airports, under a new program to be called Certified Shipper.

As noted above, the language in the final version of the bill requires that the system for screening all cargo on passenger planes must "provide a level of security commensurate with the level of security for the screening of passenger checked baggage." All cargo on passenger planes must be physically examined before it is loaded onboard, a major departure from current practice. While TSA may be considering a so-called "Certified Shipper" program that would require physical examination of all cargo in a location off the airport grounds and then a sealing of the cargo containers with tamper-proof seals, this plan, and any such system developed by TSA, must provide a level of cargo security on par with the level of security for checked bags, which includes the requirement that the contents of all the cargo must be physically checked.

The final version of the bill mandates that the Department of Homeland Security issue a rule to implement a system consistent with the bill's 100 percent cargo screening requirement. Congress, along with stakeholders who have been working to require 100 percent screening of all cargo carried on passenger planes, will be watching TSA's plans closely to ensure that the implementation of the cargo screening mandate in the bill is performed in a manner that complies with the mandate in the final version of the bill. If TSA's system does not "provide a level of security commensurate with the level of security for the screening of passenger checked baggage" as required in the bill, it will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Another concern that has been raised is that companies that participate in the Certified Shipper program would still have to follow security rules, including conducting their own package inspections and putting special tamperproof seals on containers, but packages handled by these companies, which will probably represent the bulk of the air cargo industry, would generally be exempt from mandated electronic, canine or other physical inspections at the airport.

Again, a so-called "Certified Shipper" program or any other program that TSA develops to implement the mandate to screen 100 percent of the cargo on passenger planes must meet the standard that it provides a level of security on par with the level of security for passenger checked bags. At this point, it is unclear whether a program that screens and then seals cargo outside the airport perimeter would meet this standard.

In an April 2007 report requested by Representative MARKEY and other Members, the Government Accountability Office (GAO) noted that the Department of Homeland Security is conducting pilot programs to test a number of currently employed technologies used in other areas of aviation and transportation security, as well as new technologies. These pilot programs include an air cargo security seals pilot, which is exploring the viability of potential security countermeasures, such as tamper-evident security seals. According to GAO, TSA anticipates completing its pilot tests by 2008. (GAO–07–660 Aviation Security). Before implementation of any TSA air cargo program relying on seals, a thorough, comprehensive assessment of the effectiveness of such seals will have to be conducted. Again, if such a system does not "provide a level of security commensurate with the level of security for the screening of passenger checked baggage" as required in the bill, it will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Another concern that has been raised is that a program similar to Certified Shipper that is used by Customs and Border Patrol for ship cargo has frequently been criticized. Auditors have found that companies in this program are sometimes permitted to move their goods more quickly even though there is insufficient proof that they have a robust security system in place.

The program referred to above is called the Customs—Trade Partnership Against Terrorism (C–TPAT). I have criticized C–TPAT for many of the same reasons cited above. In fact, in addition to the air cargo screening requirement, the final version of the bill also includes a requirement that 100 percent of maritime cargo must be screened and sealed overseas before it arrives in U.S. ports. Clearly, with the inclusion of this mandate in the final version of the bill, Congress rejected C–TPAT as a substitute for 100 percent scanning of maritime containers. It did not intend, nor would it permit, a program for screening 100 percent of air cargo that is based on the flawed C–TPAT program.

By establishing the standard that TSA's system for screening 100 percent of cargo on passenger planes must *"provide a level of security commensurate with the level of security for the screening of passenger checked baggage",* the final version of the bill creates requirements much more stringent than the C–TPAT program. C–TPAT uses risk-based process, not mandatory, comprehensive screening. Specifically, C–TPAT security guidelines state that "C–TPAT recognizes the complexity of international supply chains and endorses the application and implementation of security measures *based upon risk* analysis. Therefore, the program allows for flexibility and the customization of security plans based on the member's business model. As listed throughout this document appropriate security measures, *based on risk,* must be implemented and maintained throughout the Air Carrier's supply chains" (emphasis added, http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/security_guideline/guideline_air_carrier.xml)

The air cargo provision requires 100 percent screening, not risk assessment. The air cargo provision mandates screening of all cargo carried on passenger planes within 3 years. Under the air cargo provision in the conference report, no risk calculation is permitted to determine whether or which cargo to screen; rather, all cargo is presumed to present a risk and must be screened, just as all of passengers' checked bags must be screened under the current policy.

The C–TPAT program relies on data and manifest information, not physical checks. C–TPAT guidelines advise program participants in the procedural security measures they should use for the shipping and receiving of cargo. These procedures rely on data and manifest checks, not the physical screening of the cargo to determine and evaluate its contents. Specifically, the C–TPAT guidelines state that: "Arriving cargo should be reconciled against *information* on the cargo manifest. The cargo should be accurately described, weighed, labeled, marked, counted and verified. Departing cargo should be checked against purchase or delivery orders." (emphasis added)

Whatever system TSA establishes to implement the 100 percent air cargo screening requirement in the bill will be subjected to close congressional scrutiny to ensure that it meets the standard established in the bill; namely, the system must provide a level of security commensurate with the level of security for the screening of passenger checked baggage, as stipulated in the bill. Again, any TSA system that fails to meet this standard will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Mr. SESSIONS. Mr. Speaker, at this time I'd like to yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, I think the last speaker set the perfect tone for what I'd like to talk about. He talked about the threat from al Qaeda and that high on their list is their desire to explode a nuclear weapon in the United States. I think their quote goes something along the lines, if, by the grace of God, we get access to a nuclear weapon, we will use it.

We know that in their writings they talk about they want to move the violence from what they call the outlying areas of the world, from the Middle East, from northern Africa, from Asia, and they want to move it to the core countries. And they define the core countries as being Western Europe and the United States. It's clear that they want to take every opportunity to attack the United States. And it's great to see one of my colleagues on the other side of the aisle acknowledge that threat. Sometimes I really believe, with the strategies that they are proposing, as to whether that threat is really perceived.

So what are we going to do in this bill?

I find it very ironic that as we move forward with this bill, we're going to give radical jihadists and al Qaeda more information about our Intelligence Community than what they have today. This bill says that we're going to tell al Qaeda, radical jihadists, and our enemies around the world exactly how much we spend in the intelligence community. If that makes us safe or makes us safer, I suppose that the next strategy will be, let's break it down and outline how much we spend in every category. Because if telling them the total number makes us safer, giving them even more detail probably makes us more safe, makes us safer yet.

Why would we want to tell al Qaeda more about what we are doing in the intelligence community?

And then the other question is, while we tell al Qaeda more about what our strategies and tactics are to confront them, we don't deal with the most pressing homeland security issue that we face today. Our intelligence community has significant gaps as we try to listen and determine what their plans and objectives and strategies are.

The Director of National Intelligence recently sent our committee a letter saying significant gaps exist in our intelligence. The National Intelligence Estimate that came out in the last week says that we are at a heightened level of threat. Things are more dangerous perhaps in the United States today than they were earlier this year. We've had this information since the middle of April, that because of changing circumstances and various other issues, this intelligence gap exists. We have this opportunity to change it.

So we know that we are at a heightened threat level. We know that there are gaps in intelligence. We are on the verge of passing this major bill, and we decide we're going to take this opportunity. We're going to use this as an opportunity to give radical jihadists more information about our Intelligence Community. But we are not, we are not going to provide the intelligence community with the legislation and with the opportunity and the authority to go in and listen to foreign intelligence by foreign terrorists who are located outside of the United States. They are in foreign countries.

I would encourage every single one of my colleagues to read the letter that Director McConnell sent to our Intelligence Committee. It is unclassified. You can see clearly in his statement that a gap does exist, that he does need to get a warrant, and that this is about foreign intelligence on foreign terrorists.

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Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Texas, my good friend (Ms. JACKSON-LEE) of the Committee on Homeland Security.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Rules Committee for yielding.

I would like to say to my good friend the provision is simply a 2-year pilot that only indicates the amount of the Intelligence budget. We know how important intelligence is, but I think we need to look at the whole bill of H.R. 1. And many of us sometimes need to be reminded of the enormity of that day.

I am very glad to stand here and support the rule for H.R. 1, the 9/11 conference report, because it emphasizes unique and new approaches to security. How more comforted we are as travelers to know that cargo is being inspected in ports, consumers or those who understand how vulnerable ports are. I know it well. I have one of the larger ports in the United States in my community, the Houston port.

How many of us are more comforted about cargo being inspected in airlines. How many of us are more comforted by the fact that we will have transportation security grants that go directly to the transportation entities like buses, like airplanes, like subways, like mass transit, Amtrak, and others to focus on the traveling public.

How disappointed I am that we didn't recognize the hardworking people who work for us every day that we could not give collective bargaining rights for the Transportation Security Administration workers. But we are getting better. We are going to do developmental training, professional training.

This is a bill to remind us of where we have come from and where we are going. Interoperability, incident command system.

And, finally, let me just say we lost lives on 9/11 because we were not prepared in terms of the intelligence community. We were not prepared in terms of supporting the law enforcement community. Today we are prepared. We shall never forget.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Oregon (Mr. WU), who is chairman of the Science Subcommittee on Technology and Innovation.

Mr. WU. Mr. Speaker, I rise in support of the rule and of the conference report.

I was honored to serve on the conference committee. It was a good team effort. And as anyone in team sports knows, it takes a good offense and a good defense to make a good team. This bill takes important steps toward building a good defense, and good defense today is more important than ever because our offense has miscarried so badly.

There we were pursuing Osama bin Laden literally to the ends of the Earth, to Tora Bora, when this administration steered us off that course and into the cul-de-sac of Iraq.

This bill will build a better defense because we need it more than ever. We need this bill not just as legislation but as a reminder to carry forth with the oversight that this Congress has traditionally exerted.

The jurisdiction of my subcommittee and of the Homeland Security Committee over the Domestic Nuclear Detection Office is more crucial than ever as that body chooses technologies to protect this Nation going forward.

Eternal vigilance is the call for the day, and I am committed to exerting that vigilance going forward from this day.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 1½ minutes to a distinguished new Member of the U.S. Congress from Pennsylvania who is chairman of the Subcommittee on Management, Investigations, and Oversight (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I would like to thank Mr. HASTINGS for the time.

I rise today in support of the rule, certainly.

I find it a little bit odd, perhaps curious, that our friend from Texas on the other side talked about security failures. This talks about fixing security failures. And I am very pleased with this bill and the bipartisan efforts to ensure our Nation's safety and to make our homeland more secure.

Since coming to Congress, one of the first things I have been concerned with is the interoperability question between first responders. The 9/11 Commission in effect cited this as one of the critical weaknesses in our security system. This bill addresses that failure and puts $1.6 billion, in fact, into fixing that and to addressing the problem over 5 years. This is critical for the urban areas and certainly for the rural areas that I represent.

The bill also contains measures to promote information sharing between local, State, and Federal law enforcement officers. This is another recommendation, something we must strengthen.

We have also strengthened efforts to prevent terrorist travel. The bill strengthens the Human Smuggling and Trafficking Center and adds personnel to it, again in direct response to the 9/11 Commission's recommendations.

The bill will also enhance the security in the transportation sector. We must do more to make our transportation infrastructure safe and this does that.

In closing, I urge all my colleagues to support this bipartisan effort to make our Nation safer and to vote in favor of the rule.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to another distinguished member of the Committee on Homeland Security, my very good friend from the Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the rule and the conference report on H.R. 1, which implements the recommendations of the 9/11 Commission. And I am proud to be associated with this bill as a member of the Homeland Security Committee and as a member of the conference.

I want to join my colleagues in applauding our committee Chair, BENNIE THOMPSON, for skillfully leading the House conferees and working with the Senate to reach a compromise between the Senate and House negotiators on this legislation that strengthens the safety of all Americans against terrorist attacks and catastrophic disasters.

H.R. 1 was the first bill we Democrats passed when we assumed leadership of this Congress, and this conference report fulfills our promise to fully implement the recommendations of the 9/11 Commission.

With this conference report, we will see greater distribution of homeland security grants for States, territories, and high-risk urban areas based on risk, while still ensuring that all of our districts have funds available for basic preparedness. It creates a dedicated grant program to improve interoperability at local, State, and Federal levels. The conference report requires 100 percent screening of maritime cargo within 5 years, and it also recognizes the important role that the private sector plays in securing our Nation by engaging the private sector to strengthen and secure 85 percent of the Nation's infrastructure.

Mr. Speaker, I also want to congratulate Leader PELOSI and all of our leadership for their steadfast commitment and dedication to making protecting our homeland one of the top priorities for Democrats.

I urge my colleagues to support passage of this conference report.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield at this time 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. HASTINGS, for this time.

Mr. Speaker, I rise in support of the rule and the bill.

This is an important day in American history. Today the Congress will send to the President a bill that provides the framework for our homeland defense community and takes a giant leap towards that service.

On intelligence, cargo scanning, transportation grants, and a host of other issues, this bill reforms and enhances our existing structure to maximize our security.

In particular, I am pleased that we were able to add the Transportation Technology Center in Pueblo, Colorado, to the National Domestic Preparedness Consortium. As the Nation's premier rail security facility, adding this to the consortium will improve our Homeland Security Department's ability to train first responders.

I want to note the hard work of my colleague JOHN SALAZAR on this important issue, and I want to thank Chairman THOMPSON and the members and staffs of both sides of the aisle in crafting a bipartisan bill that will work for the American people.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time until the gentleman has closed.

I would ask the Speaker how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 2 minutes remaining; the gentleman from Texas has 5 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I will be asking for a recorded vote on the previous question for this rule. If the previous question fails, I will ask the House to amend the rule to provide for the separate consideration of H.R. 3138, which would amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

Mr. Speaker, our country is facing a serious problem that must be addressed before the House adjourns in August. And to date the Democrat majority has continued to shirk their responsibility to keep America safe by ignoring the seriousness of this threat.

Today the Rules Committee met to pass a rule for the Eightmile Wild and Scenic River Act; however, this Democrat leadership cannot seem to find time to schedule consideration of legislation that clarifies one very simple and critical thing, and that is that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States.

Mr. Speaker, repeatedly Members of this House have come to the floor for weeks and weeks and weeks asking for that ability to make sure we can get this done to protect the American people. The Director of National Intelligence, Michael McConnell, and the Director of the CIA, Michael Hayden, have testified to Congress that under current law their hands are tied. As Director McConnell recently testified, FISA is outdated and has been made obsolete by technology. I might also say, and the laws governing that. And today our intelligence community is forced to obtain warrants to listen to terrorists outside our Nation, and as a result we are actually missing, we are missing, a significant portion of what we should be getting. Mr. Speaker, it is one thing to be asleep; it is a different thing not to even wake up and see what you need to do.

If my colleagues on the other side of the aisle are serious about facing down the threat, they will join me in defeating the previous question so the House will be able to address this very real and serious threat immediately.

Mr. Speaker, I ask unanimous consent to include my amendment and extraneous materials in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, you do know and every Member of this body does know that the 9/11 Commission Report was published in the year 2004. Since that time an election has occurred. Before that time and even before this 9/11 Commission Report came into existence, President Bush did not even want to appoint a 9/11 Commission. He came kicking and dragging and screaming to even cause it to come into existence. And the extraordinary work that has been done by Lee Hamilton and Governor Kean and the other members of that committee recommended to this body in 2004 that we undertake these measures.

So now we come here, and I ask them, what did you do before that? The answer is nothing.

Mr. Speaker, this body has a responsibility today to pass this rule and the underlying legislation. We can't afford to continue to procrastinate, as my colleagues did since 2004.

Today this new Democratic majority is delivering another piece of our Six for '06 promises. Today this Democratic majority is passing and sending to the President for his signature the 9/11 Commission's outstanding recommendations.

The fact of the matter is that bad people who want to do bad things will always try to find a way to succeed. This conference report ensures that we are doing everything we can here in the United States and abroad to stop that from happening.

I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 567 OFFERED BY MR. SESSION OF TEXAS

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1515

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 567, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 25, 2007, at page 20642.)

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is indeed historic, this conference report we have before us at this point.

Almost 3 years ago, 10 American patriots came forward and spoke with one unified bipartisan voice. What they said in their 567-page report fundamentally changed America's views of its security. Quite simply, Mr. Speaker, the 9/11 Commission did its job and told us what must be done to deter and prevent future terrorist attacks on our Nation.

When Congress didn't do its job to implement their recommendation, the 9/11 Commission stayed vigilant and formed the 9/11 discourse project. They did so, as they explained, because the perils of inaction are far too high and the strategic value of the Commission's findings too important for the work of the 9/11 Commission not to continue.

Unfortunately, the project's December 2005 report card found little progress was being made on addressing known vulnerabilities and gaps in our Nation's security. Still, Mr. Speaker, the 109th Congress did not do its job.

On January 5, however, at the direction of Speaker PELOSI, I introduced H.R. 1, a bill to complete the unfinished business of the 9/11 Commission, with 200 of my fellow colleagues. Today, I'm privileged to present a bipartisan conference report that finally fulfills the recommendations.

This report passed the Senate just last night before midnight by a vote of 85–8. When H.R. 1 is law, Mr. Speaker, Homeland Security grants will finally be allocated based on risk. Targeted communities will get the Federal help they so richly deserve. First responders will have interoperable communications. When H.R. 1 is law, information necessary to uncover terrorist plots will be exchanged between Federal and local law enforcement. Would-be terrorists will not be able to exploit the Visa Waiver Program. Privacy and civil liberties will be central in how we approach homeland security. Our rail, mass transit and aviation systems will be more secure. When H.R. 1 is law, 100 percent of U.S.-bound cargo will be scanned in a commerce-friendly manner.

Though I'm disappointed that collective bargaining and whistle-blower rights for TSA screeners were not included in the final report, I applaud Senator LIEBERMAN and the 42 other conferees who stood with us on this legislation. Their hard work, combined with the leadership of Speaker PELOSI, Majority Leader HOYER, assured that this effort came to fruition.

Frederick Douglass once said, "The life of a nation is secure only while the nation is honest, truthful and virtuous." Thank you to the 9/11 Commission for exemplifying these values. And thank you to the 9/11 families, and everyone else who would not let us forget what was at stake if we did not act.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me commend all the members of the Homeland Security Committee, especially Chairman THOMPSON, for the spirit of bipartisanship which did bring the floor to this moment right now, this conference report.

Having said that, I must take exception to a number of the statements that have been made here today, especially by the gentleman from Florida and his statements implying somehow that there has not been a significant amount of accomplishments since September 11, 2001.

Let me just recount some of them that were done prior to this. The enactment of the PATRIOT Act; the reauthorizing of the PATRIOT Act; the Intelligence Reform Act, which created the Director of National Intelligence; just last year, the adoption of the first-ever port security act; chemical plant security; restructuring FEMA; $1 billion for interoperability.

I really don't think it serves a purpose to somehow be suggesting that the Republicans, or any Member of this body for that matter, is holding back or in any way not doing all that is possible to protect our Nation against the threat of Islamic terrorism. For instance, the National Intelligence Estimate, when it was released last week, made a point of stressing that the greatly increased counterterrorism efforts over the past 5 years have constrained the ability of al Qaeda to attack the United States' homeland again and have led terrorist groups to perceive the homeland as a harder target to strike than on 9/11. These measures have helped disrupt known plots against the United States since 9/11.

So, Mr. Speaker, I don't think it does any purpose at all to downgrade the efforts made by this Congress and this administration. This should be a bipartisan effort, and I think a lot of the rhetoric today undermines that.

Having said that, I will be supporting this bill because, on balance, I believe there have been significant improvements made. I hope that next year and the year after and the year after that we continue to make improvements.

Now, there have been some failures. One of the main requirements, main recommendations of the 9/11 Commission was that jurisdiction be consolidated in one committee. That was not done. In fact, anyone who went to the first meeting of the conference committee, it was like the Tower of Babel. We had subcommittees and committees, and ranking members and committee chairmen. I think there were about over 60 people at a conference committee when there should have been four.

Having said that, I believe that this is something to work toward in the future. And I would hope that the Democrats, during the time that they still retain the majority, will work to consolidate that jurisdiction.

But some of the positive steps, on grant reform, I certainly agree with the gentleman from Mississippi on this, and I commend him for this. We did have long, involved preconferencing negotiations. And he worked with me and Senator LIEBERMAN and Senator COLLINS to come up with a grant formula which is far more based on risk than it was before. It's still not perfect, it was still a minimum that's going to be in there, but having said that, it's a significant advance over what we've had in the past, and I applaud him for that. I applaud the other members of the conference committee, and the bipartisan membership of our committee which passed similar legislation in 2005 and 2006, and now it has been brought to fruition. And I give Chairman THOMPSON credit for that.

Also, on another issue, which I'm very pleased is in this bill, and that's upon the issue of giving immunity to those who come forward and report suspicious activity. I want to thank my good friend, Mr. PEARCE, the gentleman from New Mexico who is here today, who was the first to initiate this legislation. Then we passed it here on the House floor in March. And so long as we're in a partisan mood today, I point out that a majority of Democrats voted against that. And last week, a majority of Democrats voted against it in the Senate. And to me it was unfortunate that we had to have 5 or 6 days of intense negotiations before the Democratic leadership finally intervened and brought about the insertion of that language into the conference report. But it is there; it gives immunity to those people who come forward and report what they see on good faith. And we learned on September 11, if you see something, say something.

We know that you cannot have enough FBI agents, you cannot have enough police officers to monitor the actions of Islamic terrorists. We need the eyes and the ears of millions of good Americans, and that's what this language protects.

Before I slow myself down, let me just say that at the conference committee from the other side, I want to commend Senator LIEBERMAN and Senator COLLINS. This was a true bicameral effort. And again, Chairman THOMPSON, we went through a number of, over a period of weeks, preconference negotiations, all of which were conducted in good faith. And I think the product today, again, while not perfect, is another step in the right direction, building on the steps of the previous 5½ years.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to suggest to Mr. KING that it would have been nice to have four conferees, but it was a 900-page bill, so we had 60. It worked, and I'm happy to see the process go forward.

I would like to yield 1 minute to the chairman of the Intelligence Subcommittee on Homeland Security, the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the Chairman for yielding to me. I spoke on the rule about the merits of this bill and commended him for the job that he has done leading the Homeland Security committee in this Congress.

I rise again to clarify something. It seems a shame to me that this good bill is being disparaged. Claims are being made that we have no ability now, under the Foreign Intelligence Surveillance Act, to intercept foreign-to-foreign communications. That is false. Foreign-to-foreign communications are not covered by the Foreign Intelligence Surveillance Act, FISA. We can intercept them, and we should be intercepting them vigorously right now. The question comes up only in circumstances when FISA is triggered because a U.S. person is involved. But in that circumstance, we should still intercept those communications, and we should then be getting emergency warrants, a limited number of individualized emergency warrants when an American is involved. That can happen now under FISA, which has been modernized many times since 9/11. If additional resources are needed to implement the emergency warrant section of FISA, legislation proposed by the Democrats on the Intelligence Committee last year should be enacted.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from California, the former Attorney General of California, a man who came back to Congress to combat terrorism, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have to say that I am very proud of this House and the work that it has done on a bipartisan basis over the last number of years, the intervening years since 9/11. That's why I was somewhat surprised by some of the comments, certainly from the gentleman from Florida, during the debate on the rule suggesting that nothing has been done since that time until we adopt this bill.

I support this bill. I think it does give us an improved state over what currently exists. But to suggest that we haven't done anything suggests to the American people that the billions of dollars that they have spent, as authorized by this House, the fact of the inconveniences they go through at airports, all the expenditures we've made with respect to increasing protections in aviation, in our ports, transit, and now what we are already doing with respect to chemical facilities is for naught.

And when we make those arguments, we tend to lose the support of the American people because they throw their hands up and say, no matter what you do, it doesn't make anything better. We ought to make it very clear, we are safer today than we were on September 10. We are safer today than we were 2 years ago, 3 years ago, a year ago. Are we safe enough? No. But to denigrate the efforts that have been made by good men and women in this body and the other body, the work that's being done by countless thousands of law enforcement individuals across this country, to denigrate the changes that have been made with respect to the cooperation between the intelligence community, the law enforcement community, and law enforcement communities on all levels, is nonsense. And more than that, it is detrimental to our effort to make this a safer country for the people we represent.

This bill is a good bill. It has its warts like anything else, but it's a good bill precisely because it builds on the achievements we have made over the last number of years.

I want to thank the gentleman from Mississippi (Mr. THOMPSON) for working on our committee in a bipartisan basis, as the gentleman from New York did during his tenure as Chair. I think we have established a good basis for bipartisanship in this committee, and I think we ought to bring that to this floor.

The American people should understand that the further we get away from 9/11 without having an attack on our land, the more difficult it is for us to continue to keep the vigilance up.

☐ 1530

But the fact that we have succeeded does not mean the threat has diminished. In many ways, it is stronger, not because we have not done anything, but because the enemy is strong.

So I would say vote for this bill, take pride in this bill, but also take pride in the progress that has been made up to this point.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), one of the conferees, as well as the chairman of the House Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I compliment Chairman THOMPSON on the superb work he has done as Chair of the Committee on Homeland Security. He is the right man at the right time in the right place. He has approached his responsibility with great sincerity and focus of purpose. He has accomplished a great deal, an enormous amount in his first year as chairman. He has defended the House position on the Homeland Security 9/11 Commission Report to the best of his ability against a rather obstructive other body.

I had great reservations about creating a Department of Homeland Security at its very outset. I opposed formation of the Department in 2002 on operational grounds. Four years later, I still question the Department's effectiveness in managing the responsibilities we have handed to it.

On signing the Homeland Security Act in 2002, the President said, "Our objective is to spend less on overhead and more on protecting neighborhoods and borders and waters and skies from terrorists."

In at least one respect, this bill doesn't meet that objective. The conference report authorizes new rail, public transportation, and over-the-road bus security grant programs that will provide historically high levels of funding for those modes of transportation. I am for that. I support those needed investments.

But in the House bill, we recognize that the most efficient way to administer these programs and get the money out to the recipients was to have the Department of Transportation and the Department of Homeland Security share those responsibilities.

The Department of Homeland Security in the House bill was to award grant funds based on risk and select grant recipients and then transfer those funds to DOT, which through the Federal Transit Administration administers $9 billion a year efficiently and effectively on time to transit agencies to disburse those grants with its already effective, award-winning distribution program.

Instead, in the conference, we met with nothing but obstruction from the other body. I offered several fair and sensible compromises: have the Government Accountability Office review the existing grant distribution programs of the two Departments and make recommendations; have the Inspectors General of the two Departments jointly certify that DHS was ready to distribute grant funds efficiently; and monitor and enforce the various grant certifications, including labor protections. That was rejected, as the previous was rejected. I offered for DOT to distribute the grant funds in the early years of the program to allow DHS to get up to speed and get an efficient program running. That was summarily rejected.

Now we are going to have the Department of Homeland Security and the Department of Transportation getting together and signing a memorandum of understanding. That is not going to work. This is a great mistake. It is misguided and works contrary to the best purpose of this Department.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, notwithstanding the excessively partisan comments from the gentleman from Florida that did not serve this bipartisan, bicameral product well, I do want to thank Chairman THOMPSON and Ranking Member KING of the Homeland Security Committee for their hard work to bring this very fine bill together. As a member of the conference committee, I had an opportunity to see firsthand the extraordinary leadership these two gentlemen provided. I thank them for that.

This leadership really came together and really came to the forefront during the debate on the so-called "John Doe" provision. I vigorously applaud their efforts to make this immunity grant part of the bill. These provisions were made necessary because of an outrageous lawsuit that attempts to punish airline passengers and crew for being vigilant. Contrary to what some might think, vigilance on the part of our traveling public is important, especially during a time when terrorists want to attack us both at home and abroad.

Above and beyond the "John Doe" language, this bill has noteworthy accomplishments. It allows a greater percentage of homeland security funds to be distributed based upon risk, and it authorizes funds for transportation security.

Further, as ranking member of the Subcommittee on Emergency Communications, Preparedness and Response, I was especially pleased that this report establishes a new grant program within the Department of Homeland Security that will promote the development of interoperable communications.

But while this bill has some good provisions, it does leave some 9/11 Commission recommendations and some 9/11 Commission business undone, especially in two important areas. First, it does not address the issue of congressional jurisdiction over the Department of Homeland Security, and it does nothing to promote the development of a comprehensive screening system for international travelers arriving at our borders.

Had the majority chosen to incorporate my Fast and Secure Travel Initiative into this legislation, we would have dovetailed very nicely with the transportation security provisions contained within the act. Frankly, that second recommendation would have satisfied completely.

Passage of this conference report, though, is another part of our continuing efforts to keep our homeland secure. It is a laudable step. But as you can see, there is still much more to do.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader of the House of Representatives.

Mr. HOYER. Mr. Speaker, I want to congratulate both Mr. KING of New York and the chairman of the committee, who I know worked very hard together in a bipartisan fashion to get us to a place where we all want to be. Where we all want to be is a safer America, a safer homeland, and safer Americans living here at home.

Mr. Speaker, this is a critically important day for this Congress and indeed for our Nation. We have no higher duty than to protect the American people, defend our homeland and to strengthen our national security. We know, nearly 6 years after the horrific attacks on September 11, 2001, that Osama bin Laden and the al Qaeda terrorist network continue to present a real, serious threat to the American homeland.

In fact, the most recent National Intelligence Estimate released just this month states: "The group, al Qaeda, has been able to restore key capabilities it would need to launch an attack on U.S. soil: a safe haven in Pakistan tribal areas, operational lieutenants, and senior leaders." That is cause for concern for every one of us that represents the 300 million Americans in this country.

Thus, today, with this conference report implementing the recommendations of the bipartisan 9/11 Commission, we will be taking an enormous step forward in hardening our Nation's defense and combating and eliminating the terrorists who seek to harm us.

Let me say my friend, the gentleman from California, the former Attorney General of California, is correct. Steps have been taken, and these are taking additional steps. Unfortunately, as the gentleman knows, when we were assessed by the 9/11 Commission itself, it gave five Fs and 12 Ds to our performance up until last year. That does not mean we didn't do some things. We did some very good things, and we did them in a bipartisan fashion. He is right, we got 9 Cs and two incompletes for failing to implement fully the 9/11 Commission.

Today, we make this top national security priority, the first major bill that we considered in this Congress, H.R. 1, a reality, and I believe we will adopt the conference report which passed the Senate 85–8 with strong bipartisan support, as has been expressed on this floor.

This legislation, among other things, will substantially improve our homeland security by doing the following. I know it has been referenced, but we ought to repeat it, so the American public and all of our colleagues know what we are doing:

Significantly increasing the share of State homeland security grants provided on the basis of risk. Where are we most vulnerable? The gentleman, of course, from the New York area knows that very well. I know it as well, representing the Washington metropolitan area.

Requiring scanning of 100 percent of maritime cargo containers by 2012. The gentleman from New York, Mr. NADLER, has been working on this issue every day since 9/11, and I congratulate him for the efforts he has put in and the efforts that others have put in on this issue.

Requiring screening 100 percent of air cargo within 3 years. If the Transportation Security Administration cannot meet this goal, it must provide classified briefings to Congress on its process.

Withholding assistance to Pakistan for fiscal year 2008 until the President certifies that the Pakistani Government is cracking down on the Taliban. We still have a sanctuary for the Taliban. We still have a sanctuary for al Qaeda. We still have a staging area for al Qaeda. That is not acceptable because it continues to cause us great risk and danger.

Significantly strengthening the Cooperative Threat Reduction, Nunn-Lugar Program, and creating a new National Bio-Surveillance Integration Center which would support Federal efforts to rapidly identify and track biological threats.

Additionally, Mr. THOMPSON and Mr. KING have included in this conference report, it seeks to reduce extremism by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East Foundation that will promote economic opportunities, education reform, human rights and democracy in the Middle East.

Let no one, however, be mistaken: this legislation alone cannot immunize our Nation from attack. However, it does represent a very important step forward for our national security.

As former Congressman Lee Hamilton, the cochair of the 9/11 Commission, has noted, and again I quote: "The bottom line is that when this legislation is enacted and implemented, the American people will be safer."

That is their expectation of us; that is our duty to them and to the Constitution we have sworn an oath to defend. That must be our objective every day, and it is surely our responsibility.

I congratulate, again, Mr. THOMPSON, who has led this committee; Mr. KING, who has fought so ably over the years to make our country safer; and I urge the support on both sides of the aisle for this very critically important legislation.

Mr. KING of New York. Mr. Speaker, I applaud the bipartisan nature of the majority leader's remarks. I thank him personally.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today to speak on the conference report, H.R. 1. I did not sign the conference report, but I will vote for the bill today.

The bill promises security and offers the hope of closing remaining loopholes in our laws by enacting the remaining 9/11 Commission recommendations. But while on one hand it increases security, on the other it undermines it through a dangerous expansion of the Visa Waiver Program.

Whenever we allow a country to participate in the Visa Waiver Program, we take a risk of admitting foreign citizens without any State Department screening. I realize that the United States should be working toward close relationships with our allies in the war on terror, but it doesn't follow that we should turn a blind eye to those security risks involved with free access to those countries' citizens.

Richard Reid, the shoe bomber, and Zacharias Moussaoui, the 9/11 conspirator, both used this program to slip into our country without close scrutiny. And this bill continues that very troubling program.

Currently, countries must undergo strict evaluation before being admitted into the program. The U.S. does not admit countries whose citizens have a high percentage of overstaying their visas. However, this bill gives the Secretary of Homeland Security the choice to ignore a country's visa overstay.

The president of 9/11 Families for a Secure America, Peter Gadiel, has said that 9/11 families have grave concerns about Congress expanding the Visa Waiver Program. As part of the Homeland Security Appropriations Act this year, I voted with 76 of my colleagues to eliminate that program altogether.

☐ 1545

Reluctantly, I will vote for the conference report today, and I urge my colleagues to pressure the Speaker to adopt a separate bill on the Visa Waiver Program so Americans can be better protected.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud to yield 1 minute to the Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for making us so very, very proud of his chairmanship, Mr. THOMPSON's chairmanship of this very important committee. Homeland security is as local as our neighborhoods and our front porches and as national as our interests wherever they are threatened throughout the world.

I rise today in strong support of this legislation to make the bipartisan independent 9/11 Commission recommendations into law. With this bill, we will be keeping our promises to the families of 9/11. We will be honoring the work of the 9/11 Commission, and we will be making the American people safer.

I salute the steadfast leadership of so many of our colleagues; as I mentioned, Chairman THOMPSON and the distinguished ranking member, Mr. KING. Thank you for your leadership, Mr. KING, as well. I also want to acknowledge Chairmen LANTOS, DINGELL, CONYERS, OBERSTAR, SKELTON, MARKEY and NADLER, who played an important role in the conference report, as well as all of your ranking members, Mr. KING, on the Republican side.

Mr. Speaker, 3 years ago this week the bipartisan and independent 9/11 Commission released its report outlining urgent and achievable recommendations for securing our Nation. Under the outstanding leadership of Chairman Tom Kean and Vice Chair Lee Hamilton, the 9/11 Commission presented a road map to protect the American people from terrorism.

In assuming power, Democrats promised a new direction for America, and nowhere was that new direction more critical than ensuring the safety of the American people. That is why on the very first day of the new Congress, our very first legislative act was to pass H.R. 1, the 9/11 Commission recommendations. It was our highest priority, to make the American people safer, and we passed it on the first day in our first legislative act.

Today we will pass the final version of this bipartisan bill. We will send it to the President for his signature which we expect he will apply to it. And when we do, we will have done in 6 months what previous Congresses failed to do in nearly 6 years.

We could not have accomplished this without the courage and determination of those whose loved ones were lost on September 11. The families of 9/11 turned their grief into strength and advocacy, and that made America safer.

Implementing the recommendations will fundamentally change the way the President and the Congress deal with matters related to terrorism, making us more unified and more effective. This is because this bill closes loopholes and weaknesses that terrorists seek to exploit and that leave Americans vulnerable.

I know others have addressed these, but in commending the committee in a bipartisan way, I want to highlight some of the important things that make America safer.

Federal funding for homeland security will now be focused on those parts of the country that are at the greatest risk. By securing loose nuclear material abroad, this bill will help prevent terrorists from acquiring weapons of mass destruction. That is a very, very important issue.

Our bill requires that 100 percent of shipping containers be scanned and sealed abroad before they ever reach our shores and move through our waterways and across the country. Mr. NADLER, thank you for your exceptional leadership and your persistence on this matter. 9/11 occurred in your district, and you have been a relentless advocate for safety for all Americans.

It also requires the screening of 100 percent of cargo on our passenger aircraft, a provision again relentlessly pursued by Congressman MARKEY.

We know that lives were lost on 9/11 because our first responders were not able to communicate with each other in real-time. This bill makes a $1.6 billion investment in the equipment for our fire fighters, police and other emergency personnel, the equipment they need to communicate with each other more effectively to protect us and for them to protect each other.

These are just but a few provisions of the bill. Others have referenced a more extensive list; each of them is very important.

Mr. Speaker, as we learned in the National Intelligence Estimate released last week, the threat of terrorist violence against the United States is growing. Al Qaeda is gaining strength, and Osama bin Laden continues to elude capture. There is not a moment to spare to take the steps necessary to keep the American people safe.

With this bill, we are honoring our solemn responsibility to protect and defend the American people. We take that as our oath of office, to protect the Constitution and, in the preamble, to provide for the common defense as a major charge to us. I urge my colleagues to support this legislation and the President to sign it.

I thank my colleagues again, Mr. THOMPSON and Mr. KING, for bringing this legislation to the floor.

Mr. KING of New York. Mr. Speaker, I thank the Speaker of the House for her bipartisan comments, and I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of the conference report to H.R. 1. I want to commend Homeland Security Chairman THOMPSON and Ranking Member KING and others for their good work on the bill. I support the conference report because I believe it will improve America's security.

I sought a seat on the Homeland Security Committee so I could continue the bipartisan efforts to further strengthen our Nation's homeland defenses. I was disappointed, extremely disappointed, that this bill bypassed our committee earlier this year and was brought to the floor without the opportunity for amendment and time for meaningful debate that these serious subjects deserve.

The conference report is, however, an improvement over the House bill. Although I don't have time to cover all of the provisions, I am pleased that Ranking Member KING's commonsense proposal to provide civil immunity to good Samaritans who report suspicious activity is now included in this measure.

I am heartened that the conference report includes two proposals that I made that were included in the rail and public transportation security bill the House passed earlier this year. The first will require the security coordinators who are developing and implementing rail security plans to be American citizens, which makes sense since U.S. citizenship is required for individuals seeking security clearances for access to classified information and materials.

The second will require the physical testing of rail tank cars used to carry toxic-inhalation hazardous materials to determine how best to secure them from attack, and more accurately, a modeling analysis to better understand the real-world consequences and most effective manner to mitigate the release of such dangerous materials.

Mr. Speaker, I believe this is a good bill that could have been better if we had followed regular order and given Members of the House and the Homeland Security Committee our rightful opportunity to fully review and revise its contents. I hope the majority gives us that opportunity in the future.

I think this bill is a step in the right direction. Therefore, I urge adoption by this body and enactment by the President.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the chairman of the House Intelligence Committee.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me time, and I want to congratulate my good friend, Mr. THOMPSON and Ranking Member KING for a great job on this legislation.

Prior to coming to Congress, I served proudly in the United States Border Patrol for 26½ years, including 13 years as a sector chief in Texas. As the only Member of Congress with experience in defending our Nation's borders, I have firsthand knowledge about what is needed to keep America safe.

As a former law enforcement officer, I have long advocated for better communication between agencies in the field. I am pleased that H.R. 1 establishes a stand-alone interoperability grant program which will allow improved emergency communication capabilities among our Nation's first responders.

H.R. 1 also enhances State and local intelligence "fusion" centers, places a high priority on border intelligence, and modernizes the Visa Waiver Program, a critical element of our homeland security defense.

I was appointed to the Intelligence Committee before the tragic events of

9/11, and today I proudly serve as the committee chairman. H.R. 1 takes a step to close the gap and implement several 9/11 Commission recommendations, including the declassification of the intelligence top-line funding figure. It requires disclosure of the intelligence top-line for fiscal year years 2007 and 2008, but not until 30 days following the end of the respective years. Starting in 2009, the administration may decide not to disclose the amount if it provides a written justification to Congress.

As the 9/11 Commission found, such declassification of the overall number would not disclose exactly how we are investing in specific capabilities, would not reveal intelligence sources and methods, and would not advantage our enemies. Instead, it simply provides greater transparency to American taxpayers.

The conference report also extends the Public Interest Declassification Board and mandates that CIA declassify to the maximum extent possible the congressionally mandated 9/11 accountability report. These provisions further underscore the high priority supporters of H.R. 1 have placed on striking the proper balance between protecting our most sensitive intelligence secrets and ensuring greater accountability, openness and transparency.

Overall, the report reflects thoughtful legislative drafting, and I strongly urge all of my colleagues to support this conference report.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I intend to support the conference report; however, I want to share my serious concerns over a provision requiring all foreign ports to scan 100 percent of commercial cargo destined for the United States.

First, this policy was not recommended by the 9/11 Commission. Instead, it called for selecting the most practical and cost effective ways of improving security focusing on areas of greatest risk. I believe 100 percent scanning would undermine our current risk based approach as endorsed by the SAFE Port Act last fall, which I supported.

We are also putting the cart before the horse given the ongoing SAFE Port Act pilot project that tasked 100 percent scanning at three foreign ports. This is testing our technological ability to scan all cargo and the effectiveness of doing so. Implementing 100 percent scanning could significantly disrupt trade flows and lead to similar mandates or other actions against U.S. exports in our ports.

Finally, I wonder who will pay for this mandate inside and outside the United States. We must monitor developments leading to the implementation of 100 percent cargo scanning in 5 years and assess if legislative changes are needed.

I also will be watching to see how U.S. shippers, importers, retailers, and our trading partners are able to comply with the mandate.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to yield 2½ minutes to the next speaker, who perhaps can answer some of the questions raised by the previous speaker, the gentleman from New York (Mr. NADLER), who has been a champion of inspection and screening ever since he has been here. As the Speaker indicated, his district was hit on 9/11.

□ 1600

Mr. NADLER. Mr. Speaker, I rise in support of this conference report.

The bill contains several critical homeland security improvements that have been mentioned before. I won't mention them because I want to concentrate on the 100 percent scanning that the gentleman from California opposed.

I have pushed for the 100 percent scanning for almost 5 years. The language in this bill is modeled on the language that I introduced 2 years ago, along with Mr. OBERSTAR, in the SOS, Sail Only if Scanned Act, which was then supporter afterwards by Mr. MARKEY.

As we just heard, the Republicans have opposed this. The Republican leadership opposed it, and last year, it failed on practically party-line vote. This year, it passed on a practically party-line vote, and I thank Mr. THOMPSON and I thank our leadership for making sure that this was included in the conference report.

Twelve million containers a year come into our ports. Our risk-based inspection inspects 6 percent of them. That leaves 94 percent of the 12 million containers uninspected, any one of which could have a chemical or nuclear or radiological bomb inside it and we wouldn't know. We must inspect them, or electronically scan them to be precise, before they're put on a ship bound for the United States in the foreign port if we're going to be safe. We can do it.

Yes, this wasn't included in the 9/11 Commission report. This bill improves upon the 9/11 Commission report, and I commend the Democratic leadership of this House and of the Senate for doing that.

We are told it's impractical. It is not impractical. The technologies exist for doing it. There are three or four different technologies that exist for doing it. When we were told last year that the tamper-proof seals didn't exist, General Electric had a van across the street from the Rayburn House Office Building showing three different models of the tamper-proof seals that sold for $50, $100, and $150 at the same time.

This is eminently doable and it must be done. A few years ago, I debated Mr. ROGERS who said we will inspect the high-risk containers. I said, wonderful, they'll put the bomb in the low-risk container. The fact is there is no such thing as the low-risk container. The most reliable shipper with the best record, all it takes is one driver on his way from the factory to the port to have lunch and someone replaces a television set with a nuclear bomb or vice versa in the container.

This is a great step forward. It will greatly enhance the safety of this country. I urge that we adopt this, and I thank the leadership of this House for their steadfastness in supporting this very essential measure.

Mr. KING of New York. Mr. Speaker, I yield 3¼ minutes to the gentleman from New Mexico (Mr. PEARCE) who is the initial author of the John Doe immunity legislation.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Mississippi and gentleman from New York (Mr. KING) for their work for homeland security because it is truly a bipartisan issue. It was my privilege to serve on the committee with both of them in a previous Congress, and I miss that service during this current Congress.

I rise today to compliment the majority for yielding to the will, the will of the American people, because the provision that does protect John Does from lawsuits was curiously stripped out of the conference report previously. I'm pleased, though, that today's final conference report includes those provisions protecting John Does from lawsuits for reporting suspicious activity.

In March, Mr. KING and I teamed up as the House passed the sense of my Protecting Americans Fighting Terrorism Act as the motion to recommit to the Rail and Transportation Security Act, H.R. 1401, by a 304–121 margin. Again, that was 304 "yeses" to 121 "noes."

Today, we finally adopt and send this provision, along with this bill, to the President, something that is not only a right step but a critical step.

This provision will make America safer, will make Americans more aware of terrorist activity and will show the terrorists that we are standing strong in the war on terror.

Ever since 9/11, law enforcement agencies have been telling the American people that they should immediately report suspicious activity that they see. Citizens are on the front line of our domestic war on terror. Our Founding Fathers declared eternal vigilance be the price of liberty.

It was Brian Morgenstern, an alert American, who stopped the Fort Dix terrorists by speaking up and reporting what he saw on videotapes.

It was an alert ambulance crew in June who noticed the Haymarket car bomb in London, England. However, terrorists and their supervisors are trying to use our freedoms against us.

On 9/11, the hijackers knew how the crew on the plane would respond and used that knowledge against them to carry out their attacks. Last November, 6 imams who behaved in manners and methods similar to those 9/11 terrorists were reported to authorities. Now, those six imams are using our courts to terrorize the Americans who reported their behavior.

The John Doe provision in this act will simply help stop this terrible shakedown of alert and responsible Americans. If we are serious about fighting terrorism, if we are serious about protecting Americans and asking them to help protect each other, then we need to pass the provision that is in this bill today.

I know most Americans were shocked to know that this simple, commonsense issue became an issue of partisan sniping. We should have never had to fight over this provision.

Today, we're going to make a choice. The Israelis said it best, There's no room in the world for political correctness. Today, we're going to make that choice, choosing political correctness or securing the American people. We will tell the trial lawyers you cannot terrorize Americans in our courts.

Vote "yes" on this conference report. I thank the gentlemen both for their work.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to a member of the Homeland Security Committee, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this conference report, the Implementation of the Recommendations of the Bipartisan 9/11 Commission, and commend the chairman, Mr. THOMPSON, and the ranking member, Mr. KING, for their hard work. We would not be here today had it not been for their diligence and hard work and the leadership of our committee. And certainly, as has already been said today, Congress cannot wait for another attack like 9/11 to take the steps to protect our Nation from terrorists, and I thank them for their efforts.

This legislation improves homeland security. It empowers our communities to respond to threats, and it enhances interoperable communications and begins to restore America's moral leadership in the world.

Homeland security begins with hometown security, and local funding provided by this bill makes our entire Nation more secure.

Specifically, the bill provides States with more than $3 billion over 5 years to provide all hazardous preparation and response assistance.

Mr. Speaker, as a former State school chief in North Carolina, and a proud member of the Homeland Security Committee, I am particularly proud that this bill specifically strengthens school security. The legislation emphasizes the need for resources to protect our school children and plan for emergency response for our schools. And it contains a provision that I offered directing the Department of Homeland Security to study this related to school buses and school transportation.

Just last week, the National Intelligence Estimate gave us a stark warning that we cannot afford to be complacent in the face of rising Islamic extremism and threat of terrorist violence.

Mr. Speaker, the American people want bipartisan action and I commend this report.

Mr. Speaker, I rise in strong support of this Conference Report to H.R. 1, and I urge all my colleagues to join me in voting to pass this vitally important legislation to implement the recommendations of the bipartisan 9/11 Commission.

In the immediate aftermath of the tragedy of 9/11, our Federal, State, and local governments worked to improve preparedness and our security. The work that we have done since then has made our country safer, but there is much more yet to do.

Keeping all Americans safe must be the top priority of the government. Congress cannot wait for another attack to take steps to protect our nation from terrorism. The legislation that I hope my colleagues will join me in supporting today improves homeland security, empowers our communities to prepare for and respond to all threats, and begins to restore America's moral leadership throughout the world. It reflects bipartisan work on the part on the part of this Congress and implements many of the recommendations of the bipartisan 9/11 Commission. These provisions will make our Nation stronger and safer.

The bill fixes grant programs for first responders, and takes all-hazards risk-based approach to our homeland security spending. It will provide critical funding and equipment to our communities to implement state homeland security plans, protect mass transportation, and enable first responders to communicate with each other during a terrorist attack or other emergencies. It improves intelligence and information sharing among agencies, and ensures a unified response to all threats. Homeland security begins with hometown security, and these local resources make our entire nation more secure. Specifically, the bill provides states more than $3 billion over 5 years to provide all hazards preparation and response assistance.

Others have spoken about the provisions that provide 100 percent scanning of cargo, prevent the proliferation of WMD, and advance our democratic values—these are vital and important provisions we can all be proud of. As the former State schools superintendent in North Carolina, and North Carolina's only member of the Homeland Security Committee, I am particularly proud of the fact that the legislation emphasizes. the need for resources to protect our school children and plan for emergency response at our schools. It also contains my provision directing the Department of Homeland Security to study risks related to school buses and other school transportation. These details are evidence of the comprehensive nature of this bill, which preserves and strengthens our national response to all threats to homeland security.

Just last week, the new National Intelligence Estimate gave us a stark warning that we can not afford to be complacent in the face of rising Islamic extremism and the threat of terrorist violence. This legislation continues Congress' commitment to keeping America safe.

Mr. Speaker, the American people want bipartisan action to provide real solutions for a safe and secure country, and I urge my colleagues to join me in voting to approve this conference report.

Mr. KING of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. McCAUL) a former member of the Joint Terrorism Task Force.

Mr. McCAUL of Texas. Mr. Speaker, I want to commend the chairman and ranking member for their bipartisan spirit on this bill. It was an honor and I was proud to be a conferee to this report.

This is not a perfect bill. We raised concerns at the conference regarding the 100 percent screening for cargo containers, and I don't believe that's a realistic assessment. However, there were enough exceptions to give the Secretary flexibility that I felt comfortable.

Also, the Visa Waiver Program which the terrorists have exploited. However, under this bill, those provisions will be strengthened.

But nearly 6 years after the attacks of September 11, I believe it is now time to implement the 9/11 Commission's recommendations, but I want to focus my remarks at this moment on a unique opportunity we had with this bill and with the conference to address a gaping loophole in our national security, and that is regarding the FISA statute and FISA reform bill.

When I worked in the Justice Department, I worked on national security wiretaps, or FISAs as they were referred to. I believe that intelligence is our first line of defense in this war on terror, and the 9/11 Commission recognized this when they said there were systematic problems with covering communications of potential terrorists.

Just recently, Director McConnell wrote a letter to Chairman REYES of the Intelligence Committee, and I think it's important to know what he said. He said: "Our Nation faces an intelligence 'gap,' a situation in which our intelligence community everyday is 'missing a significant portion of what we should be getting' in order to protect the American people.

"Under FISA today, 'we are significantly burdened in capturing overseas communications of foreign terrorists planning to conduct attacks inside the United States.'"

As the head of the Nation's intelligence community, he says that, "I am obligated to provide warning of threats of terrorist activity and I have deep concern of the current threat situation."

Indeed, the National Intelligence Estimate, recently published, concluded that our Nation faces a determined al Qaeda.

"If we are to stay a step ahead of the terrorists and protect the American people," he says, "I firmly believe that we need to be able to use our capabilities to collect foreign intelligence about foreign targets overseas without the requirements imposed by an out-of-date FISA statute.

"Simply put," he says, "in a significant number of cases," this is the Director of National Intelligence, "we are in the unfortunate position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas."

He says, "It is essential that the administration and Congress work together and without delay to close the current intelligence gap by amending the FISA statute."

I will say that every day we waste by not amending the statute and closing this gaping loophole in our national intelligence law, every day we take a risk of another attack on the United States, and I call upon my colleagues on the other side of the aisle to work with us to get this done before we go home for the August recess.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'm proud to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), who's also a member of the Homeland Security Committee.

Mrs. LOWEY. Mr. Speaker, I thank the distinguished chairman for your important leadership on this committee and to the ranking member. It's been a pleasure for me to work cooperatively in a bipartisan way.

I rise in strong support of the conference report which will make us safer by increasing the amount of risk-based homeland security grants, screening 100 percent of maritime and aviation cargo and improving intelligence collection and information-sharing capabilities.

I would also like to highlight the title on interoperability grants which completes the three-pronged interoperability proposal I put forward following September 11.

The dedicated grant program will significantly enhance the ability of public safety agencies to plan, build, and maintain communications networks as they will no longer have to make impossible decisions such as whether to purchase personal protective equipment or radios. It will ensure that first responders will have more advance resources than those used by Paul Revere.

This bill is a great victory for first responders.

I rise in strong support of the conference report, which implements many of the 9/11 Commission's recommendations, actions that should have been taken years ago.

As a member of the Homeland Security Committee and the conference committee that resolved differences with the Senate, I know that many of us put a great deal of work into creating this legislation. I would like to thank Chairman THOMPSON and Ranking Member KING for their tireless work. I would also like to thank our leadership for making this the House's top priority.

I would like to briefly outline a few of the many reasons why this bill makes our country safer. First, it mandates 100 percent scanning of all maritime cargo before it enters the U.S. The current system of scanning only some cargo when it has already entered the U.S. is inadequate. Al Qaeda and other terrorist organizations must be prevented from using a maritime cargo container to conceal a nuclear weapon.

Many have stringently opposed this provision and have stated that they will not support the conference report because of the perceived impact on business. I would respond to this argument by stating the job of Congress is to protect the American people, not stand in the way of commonsense security measures to make it easier for the business community to ship containers. The cost to scan each container is minimal compared to the cost of value of goods shipped in each container. And the cost is nothing compared to the consequence of what would happen if terrorists were able to detonate a nuclear weapon in the U.S.

Second, the bill greatly enhances aviation security efforts. Today, a great deal of cargo is placed on commercial aircraft without being screened. The bill closes this security loophole. It also authorizes $450 million per year for in-line explosive detection systems and provides a process for passengers who have been misidentified and placed on the "no-fly" or "selectee" lists to clear their names.

Third, it augments intelligence collection and information sharing. The bill properly organizes intelligence gathering agencies within the Department of Homeland Security, DHS, to enable them to better communicate potential threats with local first responders. One of the best ways to prevent an attack is to increase our intelligence gathering capabilities. This bill will help to provide assistance to State and local fusion centers and counter-terrorism officials. The excellent work of the New York Police Department's counter-terrorism division to detect and prevent potential terrorist plots exemplifies what can be accomplished by local law enforcement agencies.

Fourth, the bill advances our efforts to identify and protect critical infrastructure, one of the fundamental purposes of the Department of Homeland Security. The conference report includes provisions I proposed to review and update the National Asset Database and the subset National At-Risk Database. It also requires the Department to conduct annual critical infrastructure vulnerability assessments.

These are only four of the many examples of how the bill makes our country more secure. I would like to detail two particular provisions which have been two of my highest priorities since the September 11 attacks—interoperability grants and the first responder funding formula for homeland security grants.

Title III of the conference report completes the three-pronged interoperability proposal I first put forward following September 11. The Department of Homeland Security now has an office that coordinates first responder emergency communications efforts. It is in the process of implementing a national communications strategy, and this bill creates an interoperability grant program.

Communications problems have plagued first responders in every major emergency in the last 15 years. We witnessed this 12 years ago in Oklahoma City. It resurfaced at Columbine in 1999. It slowed our response to Hurricane Katrina in 2005. On September 11, it proved to be a deadly problem.

Of the 58 firefighters who escaped the North Tower of the World Trade Center and gave oral histories to the Fire Department of New York, only three heard radio warnings that the North Tower was in danger of collapse. We will never know how many of the 343 firefighters who died that day while heroically rescuing thousands of workers were in the North Tower. Nor will we know how many of these lives would have been spared if they had had effective, interoperable communications equipment to receive the evacuation order.

The provisions in the emergency communications grant title are long overdue. More than 10 years ago, the Public Safety Wireless Advisory Committee stated that, "unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost effective manner."

The 9/11 Commission included interoperability as one of its recommendations and the Public Discourse Project found that the Federal Government had made minimal progress on this priority. This legislation finally responds to the widely acknowledged vulnerabilities posed by poor communications capabilities.

A dedicated grant program, which I first proposed following September 11, will significantly enhance the ability of public safety agencies to plan, build, and maintain communications networks as they will no longer have to make impossible decisions such as whether to purchase personal protective equipment or radios.

This bill will not solve all of our interoperability problems. However, it will help to ensure that in the next emergency, our first responders are not left to the same strategies used by Paul Revere in 1775, which was sadly the case during Katrina just 2 years ago. This is a great victory for first responders.

A second item which I have been fighting for years to improve is the first responder funding formula. Title I of the conference report increases the percentage of DHS grants that are allocated on the basis of risk. For far too long the Department has awarded 40 percent of formula grants to State governments without any consideration of risk. The conference report will eventually lower this amount to 18.52 percent in 5 years.

On four occasions, the House passed legislation to increase the amount of risk-based funding, including an amendment that I added to the USA PATRIOT Act Reauthorization bill. The compromise we are considering today, while far from perfect, is the product of several years of negotiations between the two chambers. Even with the conference report, I will continue my efforts to improve the manner in which grants are awarded.

As the old saying goes, an ounce of prevention is worth a pound of cure. After September 11, we experienced the cost of not being adequately prepared—the loss of almost 3,000 lives and tremendous economic impact. We must distribute homeland security funding on the basis of risk now so that areas most at risk have the resources to prevent and effectively respond to any potential attacks.

Attacks against New York, Madrid, London, and Mumbai illustrate that terrorists target the areas in which they can inflict the most damage. The Federal Government's efforts to prepare and respond to terrorism should reflect this reality. In addition, Hurricane Katrina highlighted the need to allocate resources to the areas most vulnerable to any type of emergency situation. We cannot afford to use homeland security funding as a type of revenue sharing.

This was one of the most prevalent recommendations from the 9/11 Commission. In 2005, the Commission gave the Federal Government an "F" for failing to allocate funding where it is needed. Had the provisions in the conference report been implemented prior to the date the report card was issued, this grade would have been better.

Regardless of the amount of the percentage of risk-based funds, the Department must do a better job calculating risk. In the Fiscal Year 2007 Homeland Security Grant Program allocation process, the Department made many decisions that resulted in awarding what were supposed to be risk-based funds to areas that do not face a high threat of being attacked. I plan on introducing legislation that would improve the manner in which DHS calculates risk and awards funds, strengthening the first responder funding formula provisions in this conference report.

In addition, I am disappointed that the conference report dropped the provisions that would have provided collective bargaining and other worker protections for Transportation Security Officers (TSOs). These provisions were included in both the House and Senate versions of the bill but were dropped from the conference report due to the President's misguided veto threat.

Transportation Security Officers are on the front lines protecting our airports and airplanes. They should be given the basic worker protections enjoyed by other DHS personnel. They perform a crucial and often grueling job that requires training, experience, and patience. We need workers who have mastered the job and will make a career of helping to protect the flying public and our skies.

That is why I am introducing stand-alone legislation today to provide the 42,000 screeners with basic worker protections. This would replace the increasing turnover and dissatisfaction with professionalism and a career path our screeners will pursue long-term. Highly trained and seasoned TSOs are part of our smart, comprehensive, and cost-effective efforts to prevent terrorist attacks and protect America's transportation system.

In its July 2004 report, the 9/11 Commission concluded that we are safer than we were prior to September 11, 2001, but we are not safe. The same is true today. While we will never be able to eliminate all threats or vulnerabilities, the implementation of this conference report is a substantial step forward.

Mr. KING of New York. Mr. Speaker, could I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from New York has 6½ minutes remaining, and the gentleman from Mississippi has 11½ minutes remaining.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a member of the committee and an outstanding spokesman on this issue.

Mr. SHAYS. Mr. Speaker, first, I'd like to thank the 9/11 families for their work on this legislation, their faith in their country, their love for their country. During the debate on the rule, I had to walk out, it was getting so partisan. So I want to thank STENY HOYER for bringing us back to a sound basis for debate and appreciation that this is a bipartisan problem with a bipartisan solution.

Next, I want to thank former chairman PETER KING for his outstanding work as chairman, never making this a partisan issue, and to Chairman BENNIE THOMPSON for their work on a bipartisan basis on this legislation.

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As co-Chair of the 9/11 Caucus with CAROLYN MALONEY, we fought hard in the previous Congress to pass the Ensuring Implementation of the 9/11 Commission Report Act, which this legislation is based on. I appreciate the fact that this majority has finally brought this legislation to completion and they should be congratulated.

I particularly want to thank CAROLYN MALONEY for her work helping to create a Department of Homeland Security, her work to help create the 9/11 Commission, her work to help create a Director of Intelligence, and her work now on this legislation, which, frankly, she is not getting enough credit for. She worked on this for a long period of time.

There are many provisions in this bill that we should be proud of: the risk-based grants; the John Doe provisions; the interoperability grants; the intelligence and information sharing; the rail, bus and mass transit security grants; the 100 percent inspection of air cargo, which ED MARKEY championed, and I was his Republican co-sponsor in this effort; and the 100 percent inspection of the maritime cargo. It is important that we do it. We will have to monitor that.

I particularly want to point out the Privacy and Civil Liberties Oversight Board work improvements that CAROLYN MALONEY and I particularly had legislation on. This bill removes the Privacy and Civil Liberties Board from the Executive Office of the President and establishes an independent agency. It grants subpoena power to the board for obtaining information. This was an important provision.

The critical infrastructure provision and the private sector preparedness, the whistle-blower protections. Congratulations, Mr. THOMPSON and Mr. KING on the legislation you have worked on.

Let me conclude by saying this: There are clearly more than one inconvenient truth facing us. The one that Al Gore talks about in global warming is a real concern; it is inconvenient.

There is another inconvenient truth; it's what the 9/11 Commission talked about, and that's Islamist terrorism. This bill is a wake-up to that concern.

Mr. Speaker, as Co-Chairman of the 9/11 Commission Caucus with my colleague, Representative CAROLYN MALONEY, I am grateful the conference report on H.R. 1, legislation to implement most of the remaining 9/11 Commission Recommendations, is on the House floor today.

This legislation will take many important—and overdue—steps toward protecting our homeland, including requiring the screening of cargo on passenger planes; improving cargo screening at our ports; strengthening the Privacy and Civil Liberties Oversight Board; distributing homeland security funds based on risk; and improving interoperability for first responders.

Over a year ago, the 9/11 Public Discourse Project graded the federal government on implementation of the 9/11 Commission recommendations, issuing a failing, near-failing or average grade for action on 27 of their 41 recommendations.

As a result, Representative MALONEY and I introduced the Ensuring Implementation of the 9/11 Commission Report Act, which addressed each of the recommendations and held the appropriate agency accountable for reporting to Congress on its actions.

Having worked to create the 9/11 Commission; co-chaired hearings in my National Security Subcommittee on its recommendations; pushed for enactment of the Intelligence Reform and Terorism Prevention Act in 2004; and co-authored legislation to fully implement the 9/11 Commission's recommendations, I was grateful H.R 1 passed in early January.

This legislation takes additional steps to protect the American public, including provisions to provide civil liability protection to citizens who, in good faith, report suspicious activity that might indicate a terror attack upon our Nation's travel system and to establish an interoperable emergency communications grant program within DHS.

While there is still work to do, such as fortifying our southern border and requiring passports at our northern border, the bottom line is this legislation is an essential step forward.

It is also a testament to the work of Fourth District residents Mary and Frank Fetchet—parents of Brad; and Beverly Eckert—wife of Sean Rooney.

They along with several other family members have worked for more than 5 years to establish the commission, ensure it had the tools it needed to do its job, and pushed for enactment of these recommendations into law. I have been humbled to work with them.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a member of the committee.

Mr. AL GREEN of Texas. Mr. Speaker, H.R. 1, Implementing the 9/11 Commission Recommendations Act, took an act of Congress, a Congress willing to act, and leadership that knew how to act. For this I thank Senator LIEBERMAN, the leadership on the Senate side, Ranking Member KING, the 9/11 families who were very much involved in this process, and I especially thank the chairman of the committee, Chairman BENNIE THOMPSON. He has been thoughtful. He has been brilliant. He has been the glue that has maintained the stability and kept this committee moving forward. Without his leadership, the committee would not have been able to achieve the bipartisanship that has made the difference, such as this legislation that's being implemented.

This legislation, in addition to the risk-based solutions, which are important, don't throw money at a problem, throw money at the solution that deals specifically with the problem, and the risk is where we are going to get the best bang for our buck.

It also deals 100 percent with the cargo screening, and that's important, because it's being done abroad not here in our country, and 99½ won't do.

Finally, I would like to mention that it deals with national transit security centers. I am honored to say that one will be coming to Houston, Texas, and to Texas Southern University. I am honored to have worked with the chairman to have Texas Southern University become involved in this process of finding solutions to security problems in our transportation system.

I thank you for helping us to develop this most extensive and comprehensive piece of legislation that is going to help secure this entire country. I am honored to say that Texas Southern University will be a part of that process.

God bless you.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. NORTON), a member of the Homeland Security Committee.

Ms. NORTON. I thank the gentleman for yielding, but above all, I thank him for a bill of historic dimensions.

Mr. Speaker, if this bill did no more than H.R. 1, enact a 9/11 Commission report, it would be that, and it does a great deal more. It's what we have been trying to do ever since you and I have been on this commission.

Let me point out a couple of things. One of the most criticized parts of homeland security has been what is called the revenue sharing or pork barrel spending we did in just distributing this money all over the country. Your task was to somehow make sure everybody got enough money, while pointing the money to where al Qaeda is pointing the threat. That is exactly what you have done with the base Federal funding for emergency preparedness now going, finally, on the basis of risk and vulnerabilities.

Of course, that means New York City and Washington D.C. are getting more attention than before. But those are not the only jurisdictions. Would anyone not want those two jurisdictions to get most of the attention where al Qaeda is giving most of the attention.

I share with Chairman OBERSTAR the concern that what we put in our bill for the distribution of the transportation security funds was not agreed to by the Senate. So we have another bureaucracy distributing the funds, as we would not have preferred.

But it must be said that you and I sponsored the bill for rail security. Public transportation security could get nowhere. Look what you have in this bill. Where the people are, we have got $4 billion for the first time. We got it for rail, we have got it for public transportation, we got it for buses. Finally, there is a collective sigh of relief.

There is $20 million, I must say, for Union Station. I just want to point that out, because Union Station is 2 seconds away from the Senate of the United States. It's the hub for Amtrak, and it's typical of where your bill looks for where the vulnerability is, where the holes are and shores them up. Your bill will be remembered by history.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding. I want to thank the gentleman from Mississippi, the chairman of the Homeland Security Committee for his outstanding leadership on this bill.

Mr. Speaker, the 9/11 Commission provided an eye-opening assessment of how terrorists were able to exploit security vulnerabilities on September 11. It made 41 key recommendations to address these shortcomings. We promised the American people that the Commission's efforts would not be in vain, and today we made good on that promise.

Our threat environment presents unique challenges. While good intelligence will always be the pointy tip of the spear, it will always be critical to our anti-terror efforts. We know that it's not foolproof.

Among the many things that this conference report accomplishes, it fulfills a key commission recommendation by creating a stand-alone program for communications interoperability. It also requires 100 percent advance screening of maritime cargo, which will ensure a weapon of mass destruction never even has a chance of reaching American shores by being smuggled in a cargo container.

I am proud to have served as a conferee on this bill, and I believe we have an excellent final product before us today.

The best way to honor those who died on September 11 is to learn from the lessons of that tragic day and take action. This conference report represents a major step towards that goal of which the American people can be proud.

I thank the distinguished chairman of the committee for his great work on this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I want to commend the chairman for his leadership on this issue. I am proud to be a conferee, and also Mr. KING of New York for his good work.

Mr. Speaker, I must say, I am very proud to be a member of this committee. Over the last 4 or 5 years, whether it has been on the Republican rule or under Democratic rule, this committee has had incredible oversight. I commend the two chairmen for that.

Congressman DANIEL E. LUNGREN was on the floor earlier. He was very vigorous in oversight. This is another part of the accomplishment here is it's strengthening congressional oversight, the speaker in the chair today, Mr. MURTHA, and Speaker PELOSI created a panel on the Appropriations Committee with HPSCI. This is providing additional oversight. I think it's one of the most important things we can do. But getting this bill finally passed is a great accomplishment. You should be very proud of it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who is a member of the committee.

Ms. JACKSON-LEE of Texas. My appreciation to the leadership of our chairman, Chairman THOMPSON, who has taken the challenge of the 9/11 families, and the 9/11 Commission report more than to his heart. That is why we are here today.

I want to thank the ranking member, Mr. KING, for working with us on many of these challenges and always raising the voice of bipartisanship as it relates to 9/11.

Mr. Speaker, I am very proud, as the subcommittee Chair for Transportation Security in Critical Infrastructure, to have had the opportunity to see some of the elements that are under our subcommittee jurisdiction take a strong stand in the 9/11 conference.

I did this earlier today, but I know that sometimes we need to be reminded of the Pentagon and reminded of this tragedy so that we understand today is an enormously important step towards securing the homeland security.

One of those aspects of securing the homeland security clearly has to do with providing transportation security. I am very proud that in the course of providing transportation security, we now have jurisdiction to issue transportation security grants so that buses and trains, so that the Amtrak system, mass transit, so that highways and byways will have the opportunity for these jurisdictions to seek out grants specifically to secure areas that might be subject to the acts of terrorists.

Might I also say that we have now interoperability, that we have the ability that so many of our colleagues have worked on to talk to each other. We know the front lines of fighting terrorism has to be that our law enforcement is able to communicate.

We are very glad that this bill emphasizes intelligence sharing, which was one of the downfalls of the tragedy of 9/11. I am more than grateful to know that our families, our families sanctioned this bill, who have been so strong, and I salute them.

Let me also say that in placing language in the bill to provide transportation security grants and training, I am very glad that Texas Southern University will have a center of excellence that I announce and enjoy with my colleague from Texas, and also will be able to train transportation officials in security.

Mr. Speaker, I rise today in strong support of the Conference report to accompany the bill (H.R. 1), to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). As a Member of the Conference Committee that worked to reconcile the House and Senate versions of this legislation and to produce this report, I believe it represents a vital step toward securing the Nation. I wish to thank the Chairman of the Conference Committee, Senator LIEBERMAN, as well as the distinguished chair of the House Homeland Security Committee, Congressman BENNIE THOMPSON, for their visionary leadership in shepherding this important legislation through both houses of Congress. Unlike the previous Republican leadership, this Democratic Congress has wholeheartedly embraced the recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens of this country.

Today Mr. Speaker, we are here to consider a Conference report that will provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). This Conference report closes many critical gaps identified by the 9/11 commission. In its final report, the 9/11 commission concluded that the United States Government had been unprepared for the 2001 terrorist attacks, and made numerous recommendations for how to safeguard the American people. The legislation passed by the House on January 9 and the Senate in mid-March will implement many of these important recommendations.

The 9/11 commission report noted the need for additional tools for first responders and emergency personnel. The lack of adequate equipment likely contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with fire fighters prior to the collapse of the Twin Towers. Deficiencies in communication technologies also hindered the effective evacuation and rescue efforts after Hurricane Katrina. I am pleased to say that this legislation authorizes $1.6 billion over 5 years for a grant program to improve emergency communication capabilities for first responders. This legislation also requires States to submit statewide inoperability plans.

Additionally, this legislation calls for the allocation of Homeland Security Grants based on risk. High-risk areas will receive the crucial resources they need to protect their population and critical infrastructure. My home city of Houston, with its 5.3 million residents as well as the Port of Houston, a thriving petrochemical industry, the largest medical center in the world, and an extensive range of commercial assets, is just such an area. The allocation process put in place by this legislation ensures that those areas that face the highest risk of an attack receive adequate funding.

There are numerous other important provisions detailed in this Report. As Chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I am extremely pleased with the provisions that will improve the security of our systems of transport. The 9/11 Commissioners gave a "D" grade to the Administration and Congress for their efforts on enhancing air cargo screening. To correct this deficiency, this legislation requires 100 percent screening of all air cargo carried on passenger planes. It also strengthens the explosives detection at passenger screening checkpoints. Additionally, this legislation requires the screening of 100 percent of U.S.-bound seaborne cargo containers loaded in foreign ports.

This legislation authorizes $4 billion over four years for rail, transit, and bus security grant programs, which will be administered under the Department of Homeland Security. In the Conference Committee, I stood by my conviction that DHS is in the best position to administer these grants, and I am pleased that the Department will be responsible for the distribution of these important transportation security grants. Specifically, this legislation provides training for rail and mass transit workers, and it requires security plans for high risk transit and rail companies.

This legislation enhances homeland security while protecting constitutionally enshrined civil liberties. It establishes the Privacy and Civil Liberties Oversight board as an independent agency, extends protection for whistle-blowers, and provides protection from lawsuits to individuals who report suspicious activities. We can protect our Nation without infringing upon the fundamental rights of Americans; we can provide security for our country without eliminating those freedoms that make the United States extraordinary. This legislation protects our rights as it protects our cities, borders, infrastructure, and population.

As I stand on the House floor today, 6 years since the horrific attacks of September 11, 2001, my heart still grieves for those who perished that day. No one could have predicted that attack; when the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, DC, and in the grassy fields of Shanksville, Pennsylvania. We can, however, work to identify and correct the shortcomings in our national security structures, and to take the necessary steps to prevent another such attack on our Nation and its people.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. Mr. Speaker, we can best honor the memory of those who perished on 9/11 by working to ensure that such an attack never happens again. I strongly urge the adoption of this conference report.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, Brooklyn, who lost more residents than any other Member in Congress on September 11.

Mr. FOSSELLA. I thank the gentleman for yielding.

Mr. Speaker, I will be as brief as possible. If there is any issue that we all could come together on, despite the many disagreements that exist, is the notion that the American people should be as best protected as possible. I hope that this bill does just that.

At the outset, let me thank the chairman, and, in particular, my good friend, Peter King, for their tireless work in trying to advance this bill. Importantly, I thank the common sense of Peter King and his tenacity and persistence to ensure things like the John Doe provision remain part of this conference report, so I tip my hat.

The first part, a beneficial part of this program, is finally the UASI program has been authorized into law. At $850 million, I believe that this true threat-based funding formula will bring assistance to the first responders in high-threat areas such as New York City that they deserve.

Second, the bill resizes the Homeland Security Advisory System and makes improvements to information sharing between and among local, State and Federal officials, a goal I worked on with several amendments to the intelligence authorization bill for the last 2 years.

However, let me say I continue to be disappointed of the fact that the 9/11 Commission suggestions are not fully implemented here. Reducing the State minimums from .75 percent to .375 percent and then .35 percent is a step in the right direction but falls short of truly realizing the report's recommendation.

Earlier today we passed the farm bill. Farmers get the money. In homeland security, the cities that deserve and have the highest threat and the most vulnerabilities and the consequences should get the money. I think that's common sense. As a reminder, on page 396 of the 9/11 Commission report, states that the "Homeland Security security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . Federal Homeland Security assistance should not remain a program for general revenue sharing . . . Congress should not use this money as a pork barrel."

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Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

And let me thank, again, Chairman THOMPSON for his bipartisan effort, thank Senator LIEBERMAN, Senator COLLINS. Let me thank the Republican staff members, Matt McCabe, Kerry Kinirons, Sterling Marchand, Heather Hogg, Mike Power. A special thanks to Mark Klaassen who unfortunately is going to be leaving the committee, but he has been a tremendous asset. Chad Scarborough, Joe Vealencis, Deron McElroy, Adam Paulson and Lauren Wenger of my staff.

Mr. Speaker, this is a good conference report. I urge its adoption. And, again, I thank the chairman for his cooperation and assistance.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is quite clear that there is substantial support for the bill as well as substantial support to get on the vote for the bill.

I would like to thank my colleague, Ranking Member KING, for his support as well as his staff. They have been very good. I would like to recognize the Democratic staff: Jessica Flanigan, Rosaline Cohen, Michael Stroud, everybody. I have something to insert in the RECORD to recognize their value.

Mr. Speaker, it is quite clear that this is a good bill. It is in the best interest of the country. It is completion of the 9/11 vulnerability report. I urge its adoption.

Mr. Speaker, while I commend the work on H.R. 1, I rise today to express my disappointment that the provision to afford our Transportation Security Officers, TSOs, the collective bargaining rights and whistleblower protections they deserve is excluded from the Conference Report. Mr. Speaker, our TSOs are not second class citizens and should not be treated as such.

In 2001, when the Transportation Safety Administration, TSA, was created, Congress vested power to set TSO compensation, leave, and other basic employment rights with the Secretary of Transportation. When TSA was moved to the Department of Homeland Security, this authority remained. While this authority was helpful in getting TSA up and running, the TSOs now need to be treated like all other TSA employees—fairly and equitably. This provision would have restored the labor rights of approximately 43,000 TSOs and provided them with veterans' preference, anti-discrimination protections, retirement, whistleblowing, and collective bargaining rights.

Restoring basic employment rights is critical to recruiting and retaining TSOs. We do not need to look far to see what low morale can do to the health, recruitment, and retention of the Department of Homeland Security workforce. According to a GAO report released this month, TSOs account for approximately a third of the total workforce and their attrition rates are higher than the normal for the Federal Government. It is unfortunate that we are failing to provide the most basic labor protections to our front line workers who perform an important job and work to keep us all safe; rights that are afforded to thousands of workers in the Federal Government.

I commit to my colleagues today that as Chairman of the Committee on Homeland Security I will continue work to ensure that our TSOs are afforded the rights and protections they deserve.

Additionally, Mr. Speaker, let the record reflect that in addition to the staff that I recognized earlier, the following individuals did a service to our Nation in helping the Conference develop legislation to make America more secure.

Michael Stroud
Denise Krepp
Craig Sharman
Tom Finan
Véronique Pluviose-Fenton
Alison Rosso
Jacob Olcott
Chris Beck
Matt Washington
Jeff Greene
Erin Murphy
Michael Beland
Erin Daste
Tamla Scott
Tyrik McKeiver
Stephan Viña
Diane Bean
Brian Turbyfill
Angela Rye

Thank you, Mr. Speaker, for affording me the opportunity to recognize the good work of Majority staff of the Committee on Homeland Security.

Mr. ISSA. Mr. Speaker, today I rise with great concern about what the Conference Report to accompany H.R. 1 does, but I am more troubled by what this report has left undone.

The purported goal of H.R. 1/S. 4 was to implement all of the recommendations of the 9/11 Commission Report. This conference report does not do that. Specifically, this report remains silent on one of the 9/11 Commission's vital recommendations concerning reform of congressional oversight of intelligence.

As you know, Mr. Speaker, the 9/11 Commission Report recommended that Congress should either form a joint House and Senate Committee on Intelligence or that the House and Senate should consolidate their authorizing and appropriating functions for the intelligence community into one committee in each chamber. To this end, I drafted language to offer during the conference on this bill. But, from introduction to floor consideration, under a closed rule, H.R. 1 did not follow regular order. Likewise, the conference was closed to amendment and debate on all but a few provisions, congressional oversight of intelligence not being one of them.

My motion would have included language in the conference report to establish a commission to study the congressional oversight of intelligence. The proposed commission would have examined the impact of the current system of congressional oversight on the intelligence community and specifically addressed at what cost to our national security is the decision not to heed the 9/11 Commission's recommendations.

Unfortunately, I was blocked by the majority from offering my amendment. In fact, the majority refused to hear any proposals on intelligence oversight during the conference. The omission of any discussions regarding the 9/11 Commission's recommendations on this matter is troubling and has led to an incomplete piece of legislation that will leave America less secure. As such, this report, and our work as a Congress, is left unfinished.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1, legislation to implement the recommendations of the 9/11 Commission.

In July of 2004, the 9/11 Commission concluded that the United States Government was unprepared for the devastating terrorist attacks of 2001. In the weeks and months following the release of the 9/11 Commission's report, the U.S. Congress enacted important legislation to overhaul the intelligence community and improve our Government's ability to detect and respond to attacks. The legislation before us today will further expand our nation's preparedness by providing our first responders and emergency personnel with additional tools to enhance security, such as interoperable communication and cargo screening technology.

In fact, I am particularly pleased that H.R. 1 includes my amendment requiring the Department of Homeland Security to assess key foreign rail security practices that are not currently used in the US. While the concept of "rail security" is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks and I have long believed in the importance of leveraging this experience to improve our own system. My amendment, which was approved overwhelmingly by the House and the Senate, will require our government to develop a plan for utilizing techniques such as covert testing of security systems and random screening of rail passengers and baggage. It will also require our government to model U.S. train stations and subway systems after methods used in London to prevent terrorist attacks.

Additionally, while I support the overall purpose of this bill, I am very concerned that Congress failed to use this opportunity to implement several of the 9/11 Commission's other most important recommendations. Specifically, I believe it is inexcusable that H.R. 1 does not include the 9/11 Commission's critical recommendation to reform congressional oversight of the intelligence community. Currently, intelligence funding is concealed in the classified section of the Pentagon's budget, and thus is subject to very little accountability. As a former Member of the House Intelligence Committee, I believe strongly in this 9/11 Commission recommendation and I have introduced H.R. 334 to create an empowered and independent intelligence appropriations subcommittee to oversee intelligence community funding. Unfortunately, the House's Democratic leadership denied my attempt to amend H.R. 1 to include this important provision.

Mr. Speaker, I am very concerned that we have missed a key opportunity to enact all of the 9/11 Report's recommendations. However, the bill before us makes progress to expand security and I commend the conference committee for taking much needed steps to improve rail security in the US. I encourage my colleagues to support this legislation and I call on the leadership in Congress to act immediately to address these remaining national security issues.

Ms. ESHOO. Mr. Speaker, I rise in strong support of the conference report.

This week marks 3 years since the National Commission on Terrorist Attacks Upon the United States, also known as the 9/11 Commission, issued a comprehensive set of bipartisan recommendations to Congress to address the shortcomings in our Nation's intelligence infrastructure that led to the tragic attacks of 9/11.

While Congress acted on some of the recommendations, many of the Commission's most important recommendations sat on a shelf for two-and-a-half years, until the first 100 hours of the 110th Congress.

We acted quickly to pass legislation to:

Ensure homeland security grants are targeted for states and high-risk urban areas based on risk of terrorism;

Improve interoperability of first-responder communications at local, State, and Federal levels;

Provide over $4 billion over 4 years for rail, transit, and bus security grants;

Mandate screening of all maritime cargo within five years and all airline cargo within 3 years; and

Provide sunshine on the activities of the Intelligence Community by requiring the President to publicly disclose the total budget for the intelligence community.

Now that the Senate has also acted and we have the Conference Report before us, I urge my colleagues to pass this legislation and send it to the President's desk for his signature.

These are not partisan issues. Assessing blame for past failures will not help us protect our future. However, refusing to recognize these failures and not take the critical steps to ensure that they don't ever occur again is not acceptable.

The American people owe a great deal to the work of the 9/11 Commission and the inspired leadership of the families of 9/11 victims, without whom the original legislation would not have become law.

These reforms are long overdue and we should not waste another day in enacting them into law.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my strong support for H.R. 1, which will finally implement in full the recommendations made by the 9/11 Commission. This is an extremely important day for our Nation.

I want to specifically express my support for the inclusion of provisions that protect our privacy and civil liberties. Last Congress, I worked with Representatives CAROLYN MALONEY and CHRISTOPHER SHAYS to introduce the Protection of Civil Liberties Act which would have made the Privacy and Civil Liberties Board an independent agency and granted it the power it needed to fully do its job. I am pleased that the Conference Report works to ensure that the Board will finally be able to fully operate as our country's independent civil liberties watchdog.

The Conference Report before us today gives the Board independence by finally removing it from the administration's control and provides it with the funding necessary to do its job. It authorizes the Board to have access to all the relevant information it needs to carry out its responsibility, and gives the Board more power to subpoena potential witnesses. Additionally, the Board will be required to regularly report to Congress on its activities, findings, and recommendations, and to inform the public of its activities as well.

Clearly, for years our country has been headed in the wrong direction regarding the protection of our civil liberties, and a fully independent Civil Liberties Oversight Board will serve as an important first step to bring our nation back on course. We must not continue to undercut the civil liberties our Constitution guarantees under the false pretense that they cannot be maintained in a post-9/11 world. I strongly believe the American public deserves both security and privacy and, today, action in the House ensures that this can occur. I urge my colleagues to support this vital piece of legislation.

Mr. SAXTON. Mr. Speaker, I rise today to express my support for the conference report of H.R. 1, the 9/11 Recommendations Implementation Act. This comprehensive bill addresses many of our homeland security issues, and as a conferee I am pleased that the conference report includes an important provision that protects those who see suspicious behavior and take the initiative to notify the authorities of their concerns. No one should have to fear prosecution for acting vigilantly and coming forward when they see something that doesn't seem right. If anything, we should be encouraging people to speak up when they see suspicious behavior while waiting to board a plane or shopping in a crowded mall.

Take the alert store clerk in New Jersey who noticed suspicious activities on a tape he was asked to transfer to DVD. This young man was at work, saw something that didn't seem right, and alerted the authorities. As a direct result of his actions, a terrorist strike against a military installation in my district—Ft. Dix—was prevented. This man should be heralded as a hero, not prosecuted like a criminal.

It may have taken some time, but my fellow conferees worked through their differences, and in the end supported the inclusion of this vital provision. Had this language not been included, who knows what untold tragedies could have occurred if observant individuals, afraid of possible prosecution, did not contact law enforcement officials.

Again, I support this important measure and urge my colleagues to vote in support of the conference report.

Mr. WELDON of Florida. Mr. Speaker, today I rise to express my view of H.R. 1, The 9/11 Conference Report. I commend the bipartisan group that worked together on this bill, which on balance is a good bill, although I do have reservations about some provisions of the bill.

There are some very good provisions in this bill, which were not part of the House-passed bill. I am pleased that many of the significant problems in the version of this bill that passed the House in January have been removed from the final conference report that we are voting on today.

This bill no longer contains the provisions that place the collective bargaining policies of Transportation Security Administration, TSA, employees above the homeland security needs of the American people. This was a troubling provision that was included in the original House-passed version of this bill. It was troubling because collective bargaining rights would have interfered with the ability of the Department of Homeland Security and the TSA to impose the best work policies and procedures possible in order to make our Nation safer. It would have interfered with the ability to fully and quickly implement security-based policies.

I am pleased that the Conference Report contains a provision that grants immunity from civil lawsuits to those who report transportation-related suspicious activities. This is a crucial provision that will free American citizens from the fear of reporting activity that they think is suspicious. No one should be subject to a lawsuit because they report suspicious activity.

We cannot allow an atmosphere of fear of litigation to further hamper our ability to thwart acts of terror. If people feel some activity is suspicious, they should feel free to report it to the proper authorities. It is then up to the authorities to determine if it is suspicious enough to investigate. In weighing the rights of Americans, I believe the right to be free from injury or death from terrorists trumps the right of threatening people to conduct their threatening activity with impunity. This provision directly addresses the case of the six Imams who have brought suit against the passengers on their flight who reported their suspicious activity. It is clear to most observers that these individuals were likely fomenting fear in order to create the lawsuit that has resulted. I, and my fellow Americans, will not stand for the patent abuse of our own legal system used against us.

Provisions in the bill enhancing the screening of air cargo carried on passenger airlines is an important provision and one of which I am very supportive. The bill will also implement a program to collect biometric data on those entering the U.S. from visa waiver countries. This will enhance security as will the provision enabling us to take into account visa overstay violations when considering visa waiver country policies.

I agree with these and other provisions in the bill and believe they will enhance national security. However, there are some provisions that have little to do with homeland security and should never have been in this bill. In fact, none of these provisions were included in the recommendations of the 9/11 Commission, and in fact, do just the opposite of enhancing security.

I am greatly disappointed that the Democrat majority chose to include a provision that will disclose to the public, including terrorists, how much money our Nation spends on intelligence gathering. This should never have been included in a bill aimed at securing our Nation. How does disclosing to those who seek to harm the American people make our Nation safer? I will be supporting efforts to ensure that this budget is not revealed and that this is not disclosed.

Additionally, I am concerned that the bill included a provision that allows the administration to increase the scope of the Visa Waiver Program. Currently, individuals from 27 nations are permitted entry into the U.S. without having to go through the security processes related to obtaining a visa. I oppose this provision and will support legislative provisions to limit the administration's ability to expand the program.

Finally, I share some of the concerns raised by my colleagues relating to the provision requiring 100-percent screening of container cargo. I am concerned that there are loopholes and weaknesses in such a system and that simply requiring 100-percent screening may give the American people a false sense of security. There are deficiencies in the screening technologies and, once screened, the cargo can still be tampered with. I believe we need to weigh the implementation of this program and adjust it along the way to ensure that we are using our homeland security dollars as wisely as possible. Even the 9/11 Commission recommended that we base cargo inspections on a security risk assessment rather than a 100-percent screening program. I think they recognized the value of a focused program.

I look forward to continuing to work to address these issues.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as a member of the Committee on Homeland Security and a conferee on this legislation, I rise in strong support of the Conference report on H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007.

This report implements several of the 9/11 Commission's key recommendations, including increasing the amount of Homeland Security grant funding that is distributed based on risk.

This extremely important change will ensure that the states at the highest risk for terrorist attacks will have the needed resources to prepare for and respond to attacks.

I am also particularly pleased that this report increases the authorized funding for the Emergency Management Performance Grant program which provides all hazards preparedness funding to States.

I have been a long-time advocate of increasing EMPG funding, to ensure that all of our communities have the ability to prepare for any disaster, natural or man-made.

There are many other excellent provisions in this conference report, including the establishment of an office of appeals and redress at TSA and a Quadrennial Homeland Security Review of the national Homeland Security Strategy.

I urge my colleagues to support this conference report.

Mr. HOLT. Mr. Speaker, I rise in support of this conference report, which seeks to ensure that our government fully implements the recommendations of the 9/11 Commission. While the Congress has previously enacted the majority of the recommendations of the 9/11 Commission, several were not addressed during the last Congress. Moreover, in the years since the Department of Homeland Security was created and the Intelligence Reform and Terrorism Prevention Act of 2004 became law, we've learned a number of lessons about how well—or poorly—these reforms have worked. The bill before us is a partial response to those lessons learned.

This bill authorizes robust funding for a variety of homeland security grant programs, including emergency management performance grants, interoperable emergency communications grants, and the Urban Area Security Initiative Grant Program. The bill also mandates more emphasis on a risk-based approach to the awarding of UASI grants, something that I and others in the New Jersey delegation have long advocated.

Improving the department's ability to spot threats and foil attacks before they happen remains a primary concern of all of us in Congress. Those of us who serve on committees that deal with intelligence issues know that the department's intelligence operation suffers from a lack of clout within both the department and the intelligence community as a whole. The bill offers a partial remedy for this problem by reorganizing the department's intelligence operations and elevating the Chief Intelligence Officer from an Assistant Secretary to an Undersecretary—putting that officer on par with his counterpart at the Pentagon.

I agree with the thrust of this reorganization. However, we shouldn't deceive ourselves: rearranging the department's organization chart is no substitute for the President putting forward highly qualified nominees for this and the many other positions at DHS that remain vacant to this day. While I believe this proposed reorganization will help to rationalize and streamline DHS's intelligence management structure, the President must take action to appoint intelligence leaders who are aggressive and focused—and then hold them accountable for their performance or lack thereof.

Another 9/11 Commission recommendation relating to our intelligence operations concerned declassifying how much we spend per year on intelligence activities.

Those who oppose declassifying the overall budget figure claim it would undermine our security. Declassifying the overall budget figure would simply tell the American taxpayer how much of their money is going towards intelligence programs and activities, something they most certainly deserve to know. Declassifying the overall budget figure would in no way compromise intelligence sources or methods. That is why I was disappointed that the conferees elected to include language that allows the President to postpone or even waive the disclosure of the overall intelligence community budget figure by certifying to Congress that such disclosure would damage national security. This was a needless concession to the President and I will seek to have this provision reexamined next year.

Regarding measures Congress can take to improve its oversight of the intelligence community, I was pleased to see that the report indicates that the Senate is considering following the House's lead in this area. Earlier this year and under the leadership of Speaker PELOSI, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor of chairing. Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intelligence. Our charter is to continuously review the operations of the intelligence community and to recommend changes in policies and funding levels where necessary. We just completed our first such review, and the vast majority of our recommendations were approved by the full Appropriations Committee just this week. If the Senate is looking for a model for how to better coordinate its intelligence oversight work, I would highly recommend that they look at the model we're now using here in the House.

I was also very disappointed to see that the conferees dropped language relating to workers' rights to organize and engage in collective bargaining with the department. Most other Federal workers already have this right, and our failure to ensure our airport screeners are allowed to organize and negotiate for better salaries and benefits is wrong and should be revisited next year.

On a brighter note, the bill significantly enhances the power and status of the Privacy and Civil Liberties Oversight Board (PCLOB), whose creation was another key recommendation of the 9/11 Commission.

Currently, the PCLOB is under the direct control of the Executive Office of the President. It has lacked significant funding, something I tried to remedy in the fiscal year 2007 Intelligence Authorization bill by offering an amendment to the bill that would have authorized an annual funding stream of $3 million. Unfortunately, the Republican majority blocked that amendment from coming to the House floor for a vote. This bill solves that problem by authorizing a steady increase in the Board's budget, from $5 million for fiscal year 2008 up to $10 million through fiscal year 2011, and such funds as are necessary from 2012 and beyond.

Another drawback to the current Board is its lack of independence has clearly undermined its ability to act as a true civil liberties watchdog. The bill before us would remove the Board from the EOP and make it an independent agency within the executive branch, and require that all Board members—not just the chairman—be subject to Senate confirmation. The bill also gives the Board real subpoena power, a critical tool for ensuring compliance with the Board's requests for information and testimony from executive branch officials.

Overall, this is a good bill whose enactment would enhance our Nation's security, and it is for that reason that I will vote for it and I urge my colleagues to do likewise.

Mr. DINGELL. Mr. Speaker, 3 years ago, the 9/11 Commission made a series of recommendations to Congress and the administration designed to ensure the safety of Americans while protecting the liberties that form the core of our democracy. This important legislation addresses issues that reach across all aspects of the lives of Americans.

The 9/11 Commission recommended that Congress ensure that first responders be able to communicate with each other across jurisdictions—firefighters with police officers, emergency medical professionals with State officials, local with State and Federal personnel.

Title III, Ensuring Communications Interoperability for First Responders, establishes a grant program designed to achieve this important goal. As structured in this legislation, the Department of Homeland Security (DHS) grant program will complement the interoperability program already underway at the Department of Commerce.

Under statute, DHS's expert on all matters relating to emergency communications is the Director of Emergency Communications. Title III of this Conference Report recognizes this statutory directive by ensuring that the Director of Emergency Communications will design and implement the grant programs' policies and guidelines. The Director will be in charge of ensuring that grant program funds are used to establish a forward-looking, nationwide, interoperable system to ensure the safety and efficient functioning of all of our first responders as they respond to natural disasters and other calamities. The Committee on Energy and Commerce looks forward to overseeing this program and receiving continual updates from the Director on the progress of DHS towards achieving nationwide interoperability through this program.

I am also especially pleased that the legislation ensures that the overwhelming majority of the interoperability grant funds will be passed through to localities, because it is at the local level that our first responders are working to ensure our safety and well-being. Importantly, the legislation ties the grant funds to the implementation of statewide plans and a national plan that will act as a road map towards statewide and national interoperability. As we have learned, natural disasters and incidents do not recognize international borders. To help our first responders address trans-border incidents, Title III also establishes border interoperability pilot projects to help us ensure that our first responders are able to communicate with our neighbors to the north and south.

Title IV addresses credentialing workers involved in ensuring America's safety. The Conference Report states that the DHS shall consult with the Secretary of Health and Human Services when developing credentialing standards for healthcare personnel. It is imperative that the Secretary of Health and Human Services not only be involved but also have a leadership role in developing standards for credentialing of healthcare professionals. Failing to utilize the public health expertise of the Department of Health and Human Services to its fullest extent could jeopardize efficient care and support for Americans who have been exposed to a terrorist attack or natural disaster. I look forward to working with Chairman THOMPSON to ensure that the required consultation is to the degree and of the depth merited by the importance of the public health of all of America's people.

I want to thank the gentleman for some important clarifications that have been added to Title IX of the bill, which addresses voluntary national private sector preparedness standards. When we voted on this bill in January, I noted that Section 112(r) of the Clean Air Act establishes a mandatory regulatory program regarding the accidental releases of hazardous chemicals. As part of that program, the owner or operator of a covered facility must prepare and implement a risk management plan to detect and prevent or minimize accidental releases and to provide a prompt emergency response to any such releases. I asked for clarification at that time that the bill's voluntary program was not intended to interfere with this mandatory Clean Air Act program. The conference report before us today provides that clarification. Rules of Construction, as well as requirements for consideration and coordination with other Federal agencies' preparedness programs or standards, have been included in the two new sections of the Homeland Security Act of 2002 that address private sector preparedness. These provisions clarify that the private sector must continue to meet the Clean Air Act Section 112(r) requirements, and that the voluntary preparedness standards are not intended to supersede or interfere with the mandatory Clean Air Act program.

Another important area of concern addressed by this legislation is cargo screening. One of the major security vulnerabilities facing this Nation is the threat from the detonation of a nuclear device smuggled into a port through a cargo container loaded on a ship. It is a nightmare we must prevent. Section 1701 establishes a 5-year goal of 100 percent screening for radiological devices or material in cargo containers leaving foreign ports before they ever enter the waters of the United States. This is a worthy priority, and to ensure adequate flexibility, the DHS Secretary is given authority for 2-year waivers should there be major impediments to its implementation.

Section 1701 also authorizes the DHS Secretary to "establish technological and operational standards for systems to scan containers; to ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and to coordinate with other Federal agencies that administer scanning or detection programs."

The need for coordination between agencies is essential, particularly given the advanced work carried out by the Department of Energy (DOE) in setting up radiation portal monitors at ports, airports, and rail stations around the world. The DOE's "Megaports" program provides radiation detection equipment to key international seaports to screen cargo containers for radioactive materials, including Greece, Bahamas, Sri Lanka, Spain, Singapore, and the Netherlands. Approximately 70 ports worldwide are targeted for implementation, and installation efforts are underway at ports within Belgium, China, Dubai, Honduras, Israel, Oman, the Philippines, Thailand, Jamaica, the Dominican Republic, and Taiwan. Additionally, the Megaports program is teaming with the "Container Security Initiative" to implement the "Secure Freight Initiative" pilot program at ports in the United Kingdom, Pakistan, and Honduras. The DOE's "Second Line of Defense" program installs radiation detection equipment at borders, airports, and feeder ports in Russia, former Soviet Union states, and other key countries. Approximately 350 sites have been identified to receive detection equipment installations.

Even though this legislation authorizes the DHS Secretary to set minimum container scanning technology standards, the Conference Report properly notes that DOE has inherent capabilities to assess, through its cooperative agreements with numerous countries and port authorities, the adequacy of technical and operating procedures for cargo container scanning.

To ensure the smooth continuation of DOE's cooperative relationships with numerous countries and the further expansion of the Megaports program, the Conference Report makes clear that these two agencies shall closely coordinate their activities, and requires that DHS shall consult with DOE prior to the establishment of technological or operational standards that would affect screening activities in foreign ports. As part of the coordination requirement in this section, the Conference Report directs that where the scanning technology standards affect the DOE's Megaports and SLD programs, the Secretary shall invite the DOE to participate in the development and final review of such standards, and the Secretary of Homeland Security shall seek the concurrence of the Secretary of Energy. Should differences arise, I would expect that DOE and DHS would notify the relevant committees of jurisdiction in Congress. The American people are counting on the agencies carrying out cargo screening at our ports and borders to ensure that there are technically sound decisions in setting standards and selecting equipment, and that there is seamless coordination between agencies with responsibility and expertise.

Title XXII makes an important modification to the Department of Commerce's interoperability grant program by including strategic technology reserves as eligible for funding. This modification recognizes the importance of a resilient and redundant network of emergency communications. In Title XXII, Congress also recognizes the expertise of the Federal Communications Commission (FCC) with regard to the Nation's communications and information infrastructure and directs the FCC to conduct a vulnerability assessment. This title also establishes a joint committee and a pilot project to improve communications for emergency medical and public healthcare committee. Title XXII also requires an important report on the progress of the re-banding efforts in the 800 megahertz band. As such, this title recognizes Congress's clear intent that this process proceed as expeditiously as possible so that our first responders in border areas may effectively utilize the spectrum to which they are moving. I also support the changes in Title XXIII because I believe that it will enhance and expedite the ability of our Nation's 911 centers to be able to automatically locate callers whether they are using traditional land line or mobile phones.

I appreciate the Chairman's willingness to work with me, the members of the Committee on Energy and Commerce, and our staff as we have used our expertise to improve the legislation in this Conference Report.

Mr. SKELTON. Mr. Speaker, I rise in support of the "Implementing Recommendations of the 9/11 Commission Act of 2007.

As a conferee on this legislation, I worked on a number of provisions that strengthen U.S. nonproliferation and threat reduction programs, which the 9/11 Commission emphasized must be a top priority given the threat that weapons of mass destruction (WMD) proliferation and terrorism pose to the American people.

I am particularly pleased that the bill strengthens the Proliferation Security Initiative (PSI), which is an important tool for interdicting illicit transfers of WMD. The bill will help to expand PSI-cooperation with our allies and strategic partners; ensure that the PSI has the necessary budget, resources and structures; and enable Congress to exercise greater oversight of PSI activities.

I also strongly support the bill provision that establishes a high-level coordinator for preventing WMD proliferation and terrorism. This new coordinator will ensure that the U.S. strategy, budget, programs and initiatives, and interagency action are comprehensive and well-coordinated, and will provide leadership that has been lacking and is critical to the effectiveness of U.S. nonproliferation and threat reduction efforts.

Finally, I am pleased that the bill repeals limits on Cooperative Threat Reduction Program assistance, which have impeded the effectiveness of this Department of Defense program in past years; authorizes funding to strengthen and expand Cooperative Threat Reduction and Department of Energy nonproliferation programs; and includes other measures to counter the threat that WMD proliferation and terrorism poses to the American people.

I strongly encourage my colleagues to support this legislation. Our government has no greater responsibility than protecting the American people. By implementing the recommendations of the 9/11 Commission, we are taking real steps to close security gaps and provide a secure future for all Americans.

Mr. GALLEGLY. Mr. Speaker, while there are many good reasons to support this bill I feel I must oppose the bill because of the Visa Waiver provision.

Mr. BLUMENAUER. Mr. Speaker, part of the agenda of the New Democratic Leadership was to pass the "Implementing Recommendations of the 9/11 Commission Act", which has been bottled up for years. By doing so, we are taking an important step in improving the safety of all Americans.

This bill brings about a positive change to our current homeland security strategy. It provides a new formula for grant funding distribution based on risks in order to remove the politics from our national security. It contains a substantial amount of funding for improving communications interoperability among first responders, which will help Oregon as it continues to aggressively address the issue at the local level. It also provides nearly $4 billion over the next four years for rail, transit, and bus security, a matter which I have had a long standing interests. We have seen the devastating impacts of terrorism on these modes of transportation in Europe in recent years and it is crucial that we make investments to protect this infrastructure at home.

These changes and many others recommended by the 9/11 Commission represent an important and long overdue step forward to securing our Nation.

Mr. CONYERS. Mr. Speaker, I rise today in support of "H.R. 1 Implementing the 911 Commission Recommendations Conference Report." This report provides an opportunity to enhance the security and protection of our citizens and strengthens our homeland security policy. "Six years after the terrorist attacks of 9/11 and three years after the bipartisan and independent 9/11 Commission delivered to the American people a roadmap for security that the Republican Congress had failed to pass into law, the Democratic Congress is about to deliver to the President a bill for his signature to make the American people safer. H.R. 1 will now provide a policy that will allow us to address the gaps that were created when the President decided to underfund many Homeland Security programs and initiatives.

This legislation, which was developed through bipartisan support, is a proactive step in making our country a safer place to live, work, and play. H.R. 1 makes the Nations security a top priority by significantly increasing the share of State homeland security grants provided on the basis of risk; requiring a significant increase in the number of maritime and air cargo containers scanned for weapons of mass destruction; significantly strengthening the Coopreative Threat reduction Program and creating a new National Bio-Surveillance Integration Center, which would support Federal efforts to rapidly identify and track biological threats.

The Bush Administration has repeatedly shown a lack of commitment to improving relations abroad. The report seeks to utilize diplomacy by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East Foundation that will promote economic opportunities, education reform, human rights, and democracy in the Middle East. We now have an opportunity to begin to rebuild relations and move in a proactive direction.

I am convinced that this bill ensures that we are better prepared to protect our families, our homes, and our Nation against any and all terrorist threats. So, I am honored to support this legislation.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of the 9/11 Conference Report, which will go a long way toward protecting this Nation from the ever-present threat of terrorism and safeguarding our families from future attacks.

The 9/11 Commission gave us a nonpartisan blueprint for how to wage and win the global war on terrorism. This conference report helps us meet the unresolved challenges we have faced over the past 3 years since the commission issued its recommendations by expanding cargo screening at our ports, making air travel safer, and taking many other important steps to protect America from terrorism.

I am proud to represent many of the brave first responders who answered the call on September 11, 2001. I believe that this conference report honors the memory of the victims and rescue personnel who fell on that tragic day.

Mr. Speaker, I also firmly believe this legislation represents the single most important measure we can take to prevent future terrorist attacks. I commend the leadership and all of my colleagues who helped negotiate this agreement. Our Nation will be safer from terrorism as will future generations of Americans.

Mr. WEXLER. Mr. Speaker, I strongly support H.R. 1, Improving America's Security Act of 2007, which includes critical security provisions endorsed by the 9/11 Commission as well as an overdue expansion of the visa waiver program, VWP.

Mr. Speaker, the visa waiver program is an immensely valuable program for the United States, and the legislation before us will not only enable us to expand the visa waiver program to additional allies who already offer U.S. citizens visa-free travel to their countries, but simultaneously strengthen the security aspects of the program.

Although H.R. 1 expands the VWP, I would have preferred that the program expand to all the roadmap countries, among them some of America's most important and loyal allies, and I am hopeful Congress will take steps to address this issue in the near future.

Despite my concerns that some roadmap countries may be excluded, this legislation is an important step towards addressing the security concerns that members of Congress have articulated about the visa waiver program. I am confident that once the security measures outlined in H.R. 1 are implemented, those members of Congress who previously had concerns about the program will be open to considering further expansion of the visa waiver program.

In the meantime, it is imperative that the Bush Administration and Congress continue to work with our allies, who deserve to participate in the program. The United States should also provide assistance to help these governments reduce their visa refusal rates and meet all the necessary requirements detailed in the Improving America's Security Act.

It is clear that H.R. 1 fulfills key 9/11 Commission recommendations and improves the security aspects of the visa waiver program, and I applaud my colleagues for their efforts to make our country safer and further expand this program. However, America cannot successfully fight the battle against international terrorism without the cooperation and trust of our allies. I would like to remind my colleagues that the 9/11 Commission also stressed the need for diplomacy and cooperation with other Nations to address the threat of international terrorism. In this vein, further expansion of the visa waiver program can play a vital role in strengthening America's relationships and security partnerships with our most trusted allies—which is essential to preventing another 9/11 disaster.

Mr. BARTON of Texas. Mr. Speaker, I rise to speak about the emergency communications provisions in the H.R. 1 Conference Report.

September 11th and Hurricane Katrina were high-profile reminders that our first responders across the Nation cannot communicate with each other during an emergency.

Ensuring interoperable communications among 50,000 different public safety systems is no easy task. While the Department of Homeland Security has attempted to address this problem over the years, the agency spent $3 billion without achieving any measurable improvements. Meanwhile, the Energy and Commerce Committee, recognizing that this issue requires strong federal leadership, ushered through the passage of the Digital Television Transition and Public Safety Act of 2005 last Congress. That legislation not only cleared 24 MHz of spectrum for nationwide, interoperable public safety communications, it also provided $1 billion in grants for interoperable solutions, $156 million for a national alert and tsunami warning system, and $43.5 million for advanced 911 services.

The Energy and Commerce Committee also secured last Congress the creation of the Office of Emergency Communications so that there would be an entity of expertise within the Department of Homeland Security whose sole focus and responsibility is solving the interoperability problem.

The legislation before us now has many shortcomings, including in the interoperability provisions, as I indicated in my conference statement. It is not a complete failure; however, as Title III at least establishes a targeted grant program specifically designed to achieve interoperability. It also places the experts in the Office of Emergency Communications in charge to try to ensure that the money will be spent wisely.

However, it is not surprising that this legislation is lacking. H.R. 1 was written behind closed doors. It skipped Committee and went straight to the Floor, where no amendments were allowed. I am deeply disappointed by this process, and the legislation itself.

Mr. MOORE of Kansas. Mr. Speaker, I rise today to commend the House of Representatives for its approval of S. 1, legislation providing for the codification of important new lobbying and ethics rules. I also would like to take this opportunity to urge the Senate and President to promptly approve this important legislation.

I have been a longstanding supporter of efforts to make government more transparent, and to hold public officials and those who influence the legislative process accountable for their actions. Unfortunately, in recent years the influence of money in politics and a number of ethics scandals have tarnished the integrity of the Congress and led to increased public cynicism. There is a national crisis of confidence in our political system because of the influence of money in the legislative process, and the American people share a widely held belief that special interests, lobbyists, and the very wealthiest campaign contributors wield too much influence in government.

S. 1 is the logical continuation of the efforts that have already been undertaken in this Congress to provide greater transparency and to restore a sense of accountability to the Congress, and I am pleased that Congress is moving to establish new lobbying disclosure requirements and ethics enforcement mechanisms that will provide further additional deterrents to engaging in unethical behavior. I am also pleased that it would establish a new rule in the Senate regarding earmark transparency, specifically requiring that lists of earmarks, limited tax benefits, and limited tariff benefits included in bills, joint resolutions, or conference reports be made available on the Internet to the general public for at least 48 hours before consideration.

For several months I have advocated adding a similar requirement to the House rules so I am disappointed, however, that this requirement was not extended to the House of Representatives. In fact, on February 15, 2007, I introduced H. Res. 169, a House resolution that would bring the earmark disclosure requirements of the House in line with those of S. 1, which would ensure that lists of earmarks, limited tax benefits, and limited tariff benefits included in House bills, joint resolutions, or conference reports be made available on a publicly accessible website at least 48 hours before consideration. I believe that this is a commonsense reform to the House rules that would provide American taxpayers with easily accessible information on congressional earmarks and bring an additional level of transparency and accountability to the process. I encourage my colleagues in the House to join me in this to make the earmarking process in the House as open and transparent as possible.

Mr. MCNULTY. Mr. Speaker, I strongly support H.R. 1, the Implementation of the 9/11 Commissions Act of 2007, which would enact the recommendations of the National Commission on Terrorist Attacks Upon the United States.

This legislation provides funding that is critical to protect our Nation and improve our preparedness capabilities. It will give us the necessary tools to secure our country by increasing rail and transit safety, improving communication for first responders, and implementing programs to prevent terrorist organizations from acquiring weapons of mass destruction.

This bill is especially critical to New York, which is still recovering from the terrorist attacks on 9/11, because it will award homeland security grants based on risk assessment. Enactment of this proposal will further protect our country by requiring scanning of all cargo containers originating from foreign ports, increasing funding for baggage and checkpoint screening, and requiring scanning of all cargo on passenger flights.

H.R. 1 will help to address the many challenges that the United States faces in the wake of 9/11, and I am proud to support it.

Mr. THOMPSON of Mississippi. Mr. Speaker while I commend the work on H.R. 1, I rise today to express my disappointment that the provision to afford our Transportation Security Officers (TSOs) the collective bargaining rights and whistleblower protections they deserve is excluded from the Conference Report. Mr. Speaker, our TSOs are not second class citizens and should not be treated as such.

In 2001, when the Transportation Safety Administration (TSA) was created, Congress vested power to set TSO compensation, leave, and other basic employment rights with the Secretary of Transportation. When TSA was moved to the Department of Homeland Security, this authority remained. While this authority was helpful in getting TSA up and running, the TSOs now need to be treated like all other TSA employees—fairly and equitably. This provision would have restored the labor rights of approximately 43,000 TSOs and provide them with veterans' preference, anti-discrimination protections, retirement, whistleblowing, and collective-bargaining rights.

Restoring basic employment rights is critical to recruiting and retaining TSOs. We do not need to look far to see what low morale can do to the health, recruitment, and retention of the Department of Homeland Security workforce. According to a GAO report released this month, TSOs account for approximately a third of the total workforce and their attrition rates are higher than normal for the federal government. It is unfortunate that we are failing to provide the most basic labor protections to our front line workers who perform an important job and work to keep us all safe; rights that are afforded to thousands of workers in the federal government.

I commit to my colleagues today that as Chairman of the Committee on Homeland Security I will continue to work to ensure that our TSOs are afforded the rights and protections they deserve.

Additionally, the following individuals did a service to our nation in helping the Conference develop legislation to make America more secure: Michael Stroud, Denise Krepp, Vēronique Pluviose-Fenton, Alison Rosso, Jacob Olcott, Chris Beck, Matt Washington, Jeff Greene, Erin Murphy, Michael Beland, Erin Daste, Tamla Scott, Tyrik McKeiver, Stephan Viña, Diane Bean, Brian Turbyfill, and Angela Rye.

Lastly, I would like to acknowledge that a lot of staff work went into getting us here today, and I would like to especially thank: My staff director, Jessica Herrera-Flanigan; and my chief counsel, Rosaline Cohen, as well as her predecessor, Todd Gee.

I don't mean to brag but I believe I have the best and most diverse professional staff on the Hill. A few of them are here with me on the floor. I also would like to acknowledge: the Committee's very able clerk, Michael Twinchek; Ranking Member KING's staff—most especially Rob O'Connor and Michael Power; the folks at Legislative Counsel that brought it all together—Hank Savage and Hadley Ross; Mike Sheehy and Jerry Hartz with the Speaker's office; and Rob Cogorno and Mariah Sixkiller with the Leader.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of the Conference Report on H.R. 1, which implements the findings of the Final Report of the National Commission on Terrorist Attacks Upon the United States, also called the 9/11 Commission Recommendations. Passage of this legislation keeps another promise made by the new Democratic Majority and makes clear that the safety and security of our families, our communities and our country is a top priority.

This Conference Report makes critical investments necessary to improve our homeland security. The timing is critical—a recent National Intelligence Estimate stated that al-Qaeda's network has been able to restore their capability to launch another attack on our country. H.R. 1 will both better protect Americans from terrorism, and improve our ability to combat dangerous threats abroad. It implements the 9/11 Commission recommendations and is supported by the 9/11 families, as well as a vast majority of Americans.

H.R. 1 takes action on issues ignored by previous Congresses. It requires 100 percent scanning of containers bound for the United States and 100 percent screening of cargo on passenger aircraft. Recognizing that not all travel is aviation, the bill also authorizes $4 billion for security grant programs to improve the safety of mass transit, buses, and freight and passenger rail.

Passage of this legislation will also finally ensure that our firefighters and police officers can communicate with one another in an emergency. H.R. 1 provides the resources necessary to ensure this communication by establishing a communications interoperability grant program. It also includes strengthens state and local intelligence fusion centers—which have been established to make sure state and local responders are receiving security-relevant information from Federal agencies.

Recognizing the importance of prevention, this conference report also includes strong provisions to reduce the proliferation of Weapons of Mass Destruction, strengthens efforts to prevent terrorists from traveling, and strengthens security measures for the Visa Waiver program. It also includes efforts to improve the reputation of the United States abroad and to reduce the appeal of extremism. This legislation promotes opportunities for educational exchange, invests in diplomacy and promotes long-term strategies to improve democracy and human rights around the world. Restoring America's reputation as a leader and a positive partner in the international community is the most effective tool we have to prevent further terrorist attacks.

This bill makes our Nation safer. I urge my colleagues to support it, and the President to sign it.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 40, not voting 22, as follows:

[Roll No. 757]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—40

Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Campbell (CA)
Cannon
Coble
Culberson
Davis (KY)
Davis, David
Duncan
Flake
Gingrey
Goode
Hoekstra
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
McHenry
Miller (FL)
Oberstar
Paul
Petri
Price (GA)
Radanovich
Rehberg
Renzi
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Smith (TX)
Sullivan
Wamp
Wilson (SC)

NOT VOTING—22

Baker
Berman
Boehner
Clarke
Cubin
Davis, Jo Ann
Emanuel
Frank (MA)
Gallegly
Gutierrez
Hastert
Issa
Kucinich
LaHood
McNulty
Mica
Miller, Gary
Pence
Peterson (PA)
Stark
Tancredo
Waters

☐ 1654

Mr. RADANOVICH changed his vote from "yea" to "nay."

Mrs. BOYDA of Kansas, Mr. SCOTT of Virginia, Mr. BOYD of Florida, and Mr. TURNER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 757.

Stated against:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to cast a vote on rollcall 757. Had I been present, I would have voted "nay" on the measure.

Mr. GALLEGLY. Mr. Speaker, on rollcall No. 757, because of a family commitment I was not present for rollcall vote 757. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, on Friday, July 27, 2007, I was absent from the House for medical reasons.

Had I been present I would have voted:

On rollcall No. 748—"aye"—Jackson/Lee Amendment No. 101 to H.R. 2419; on rollcall No. 749—"no"—Rangel Amendment No. 24 to H.R. 2419; on rollcall No. 750—"aye"—Boehner Amendment No. 23 to H.R. 2419; on rollcall No. 751—"aye"—Davis/Kirk Amendment No. 45 to H.R. 2419; on rollcall No. 752—"aye"—Udall Amendment No. 42 to H.R. 2419; on rollcall No. 753—"aye"—Putnam Amendment No. 60 to H.R. 2419; on rollcall No. 754—"aye"—Cooper Amendment No. 95 to H.R. 2419; on rollcall No. 755—"aye"—Motion to Recommit for H.R. 2419; on rollcall No. 756—"no"—Final Passage for H.R. 2419; on rollcall No. 757—"nay"—H. Res. 567, Conference Report on H.R. 1.

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall votes 748, 749, 750, 751, 752, 753, 754, 755, 756, and 757 on July 27, 2007. Had I been present, I would have voted "aye" on rollcall votes 748, 749, 751, 752, 754, 756, and 757, and I would have voted "no" on rollcall votes 750, 753, and 755.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–263) on the resolution (H. Res. 579) providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–264) on the resolution (H. Res. 580) providing for consideration of the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–265) on the resolution (H. Res. 581) providing for consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore (Ms. HIRONO) laid before the House the following resignation as a member of the Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Homeland Security Committee, effective today. I appreciated the opportunity to serve on this important committee and its jurisdictional prerogatives that affect the safety and security of our nation.

Sincerely,

KEVIN MCCARTHY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to my friend from Florida for the purpose of inquiring about next week's schedule.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Madam Speaker, on Monday, the House will meet at 10:30 a.m. for morning-hour business and noon for legislative business, with votes rolled until 6:30 p.m. In addition to several bills under suspension of the rules, a list of which will be announced by the close of business today, we will consider H.R. 986, the Eightmile Wild and Scenic River Act; and H.R. 2831, the Lilly Ledbetter Fair Pay Act.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. On Friday the House will meet at 9 a.m. We will consider the FY08 Agriculture appropriations bill, the FY08 Department of Defense appropriations bill, the Children's Health and Medicare Protection Act, and energy independence legislation.

Mr. CANTOR. I thank the gentlelady from Florida.

I notice the gentlelady indicates that the SCHIP bill will be on the calendar next week. As a member of the Ways and Means Committee, I and others worked until 2 a.m. on the package to increase the taxes to pay for the SCHIP bill supposedly coming out of the Energy and Commerce Committee that was supposed to have scheduled to mark up their bill today.

How do you expect this bill to come to the floor next week, and under what kind of rule from the Energy and Commerce Committee?

Ms. WASSERMAN SCHULTZ. We do not yet know what the rule will look like. We will be consulting with the Rules Committee and the Chair of the respective committees and we will be able to determine that at that point.

Mr. CANTOR. I would ask the gentlelady, is it the intention to bring one package with the bill out of Ways and Means and the not yet marked up bill from the Energy and Commerce Committee?

Ms. WASSERMAN SCHULTZ. There are various possibilities being considered, and those decisions have not yet been reached.

Mr. CANTOR. I thank the gentlelady.

I would also like to ask about the energy bill. Would you expect that the energy bill will come to the floor again in one package? Is there a multiple energy bill still floating out there in the committees?

Ms. WASSERMAN SCHULTZ. That is also a decision that has not yet been made. The Rules Committee will be consulted as well as the Chair of the Energy and Commerce Committee.

Mr. CANTOR. I would ask the gentlelady, does she expect the energy bill that comes to the floor to contain CAFE standards?

Ms. WASSERMAN SCHULTZ. We are considering a number of different possibilities, and those decisions, in terms of substance, have not yet been reached.

Mr. CANTOR. Further, Madam Speaker, what day do you expect to begin consideration of the energy bill?

☐ 1700

Ms. WASSERMAN SCHULTZ. That decision is still being considered.

Mr. CANTOR. Madam Speaker, I thank the gentlewoman.

Next, you mentioned that the Lilly Ledbetter Fair Pay Act will be on the floor next week, and I am aware that the Rules Committee met today on this bill. I would remind the gentlewoman that it is very rare for the Rules Committee to meet the week before a bill is on the floor, and in today's case that committee met on not just one bill but on three.

I would ask the gentlewoman, Madam Speaker, will the rule granted be open given that Members were not afforded an amendment deadline and the Rules Committee meeting was not noticed until 9:04 p.m. last night?

Ms. WASSERMAN SCHULTZ. The rule for the Lilly Ledbetter Fair Pay Act will be a closed rule.

Mr. CANTOR. I thank the gentlewoman. Again, it is very rare for that to happen, especially when there was absolutely no amendment deadline given to the Members and the notice only coming since 9 o'clock last night.

I would ask the gentlewoman further on the DoD approps bill, you have been talking about having an Iraq vote each week before we leave. Do you anticipate a freestanding bill next week, or do you expect legislation to be confined to a DoD approps bill having to do with Iraq?

Ms. WASSERMAN SCHULTZ. Those decisions have not yet been made, but it is possible that we will consider an Iraq vote sometime during next week.

Mr. CANTOR. Again, I know the gentlewoman may not have the information in front of her. We are trying to get as much information as we can, Madam Speaker, for our Members in order to plan their schedules for next week. And along those lines, the schedule is rather heavy.

Should we expect and should our Members be prepared for legislative business next Saturday?

Ms. WASSERMAN SCHULTZ. In the event that we do not complete the agenda that is ambitious for next week, Members should make plans to possibly be here on Saturday.

Mr. CANTOR. I thank the gentlewoman.

Madam Speaker, I would like to ask about a few things that are out there expected to or at least having been reported to come up but are not yet on the schedule. I would ask, do you expect the patent reform legislation to be added to next week's schedule, as it was marked up in committee last week?

Ms. WASSERMAN SCHULTZ. While that is still under discussion, it is unlikely.

Mr. CANTOR. I thank the gentlewoman.

Madam Speaker, I would also like to indicate that the Republicans have repeatedly been trying to close the terrorist loophole in our FISA laws with our previous-question votes over the last several weeks. And I would ask the gentlewoman, first of all, why the fix to the terrorist loophole was not put into the conference report that we just voted on, the 9/11 conference report? And after that, what is preventing this important national security legislation from coming to the floor? And I would ask the gentlewoman if it could be added to next week's schedule.

Ms. WASSERMAN SCHULTZ. We are looking at various options to address that concern, and it is possible that will occur next week.

Mr. CANTOR. Again, I would just like to reiterate the concern to the gentlewoman, Madam Speaker, that it was August of 2001 in which, unfortunately, we had experienced an increase in terrorist chatter, and that was in all the reports, and likely, hopefully, never again will that happen to the United States and its citizens, a terrorist attack at all or, God forbid, on that scale.

Given the reports lately and the fact that there is increasing chatter among the various reports coming out of different sources, I would just like to reiterate the importance of that type of legislation to the gentlewoman and the desire on the part of the Republicans to see that legislation come to the floor.

Ms. WASSERMAN SCHULTZ. I thank my friend from Virginia for his comments, and we certainly couldn't agree more on the importance of that. We have been looking at various ways that we can address those concerns. The majority is absolutely concerned about addressing the whole issue of terrorism and making sure that we can close every possible loophole that might be slipped through by a terrorist.

Mr. CANTOR. Madam Speaker, I thank the gentlewoman and ask one final question.

The House approved legislation earlier this month to reform the activities at the FDA, including reauthorization of the Prescription Drug User Fee Act and the Medical Device User Fee Act. Without reauthorization, the FDA will be forced to send out notices to reduce staffing. In other words, we will have to lay off government employees. It is my understanding that the FDA will send these notices as early as August if Congress fails to reauthorize the user fee programs next week.

I would ask the gentlewoman, how does the majority plan to complete these important bills before we adjourn next week?

Ms. WASSERMAN SCHULTZ. We think the gentleman's characterization of the timing of that is a bit of a stretch. We do believe that that is an important issue to address. With the ambitious agenda that we have next week and the priorities that have been laid out, it is unlikely that we will get to the FDA issue next week, but we will be dealing with it as soon as possible.

Mr. CANTOR. I would just respond, Madam Speaker, that there is a projected over 2,000-employee layoff if we in this Congress do not act to make sure that reauthorization occurs, and that is something that I am sure the gentlewoman will agree we do not want to see happen.

Ms. WASSERMAN SCHULTZ. We certainly do not, which is why we plan to make that a priority and deal with it as soon as we possibly can.

Mr. CANTOR. I thank the gentlewoman.

ADJOURNMENT TO MONDAY, JULY 30, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

U.S. CHARITIES HELP HAMAS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, it seems the terrorist group Hamas may have been receiving money from a U.S.-based fake charity organization that funds Hamas's reigns of terror in the Middle East, all under the hypocritical name of compassion and goodwill. A Dallas, Texas, Muslim charity has been charged with pouring millions of dollars into a terrorist slush fund that is bent on destroying Israel and the United States.

While the charity denies any wrongdoing, of course, prosecutors say money went straight to Hamas and some of the money went to aid families of suicide bombers. But this self-righteous "charity" says they are innocent.

The charity claims they were sending money for humanitarian efforts in Palestine. Madam Speaker, the fanatical terrorist group Hamas is not a humanitarian organization. They kill humanitarians.

If nonprofit organizations in the United States are aiding terrorist organizations in their devastation, destruction, and death, they should be held accountable. If this charity is a fraud, then the money should be confiscated and given to victims of terrorism. And then the charity organizers ought to go to jail.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL PETRAEUS'S REPORT ON THE SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, many of my colleagues are eagerly waiting for General Petraeus's report on the situation in Iraq this September. But I don't know why we are waiting because we have already heard from General Petraeus in September; September of 2004, that is.

On September 26, 2004, General Petraeus wrote an op-ed piece in The

Washington Post giving his assessment of the situation in Iraq at that time. I think it would be very constructive for us to review that article, and I would like to read pieces from it.

Near the beginning General Petraeus says: "Eighteen months after entering Iraq, I see tangible progress. Iraqi security elements are being rebuilt from the ground up. The institutions that oversee them are being reestablished from the top down. And Iraqi leaders are stepping forward, leading their country and their security forces courageously . . . "

He goes on to recognize that the Iraqis face a violent insurgency, but he says: "Nonetheless, there are reasons for optimism . . . Iraqi police and soldiers . . . are performing a wide variety of security missions. Equipment is being delivered. Training is on track and increasing in capacity. Infrastructure is being repaired. Command and control structures and institutions are being reestablished."

And after citing many other examples of progress, the general ended his piece this way: "I meet with Iraqi security force leaders every day . . . I have seen their determination and their desire to assume the full burden of security tasks for Iraq. There will be more tough times . . . along the way. Iraq's security forces are, however, developing steadily and they are in the fight. Momentum has gathered in recent months. With strong Iraqi leaders out front and continued coalition support, this trend will continue."

Obviously, the general could not have been more wrong.

Madam Speaker, we can only hope that when General Petraeus reports to us this September that he will take off his rose-colored glasses and see things more clearly. The American people deserve a full accounting of what is really going on. But it actually looks like we won't get it. Ambassador Crocker has said that the report will be just a "snapshot." So it looks like the White House spin machine is already trying to lower expectations and do preemptive damage control again.

But the damage in Iraq has already been done, and the American people deserve more than spin. What we need is a national security plan that is based on what will actually make our Nation safe. Such a plan must include diplomacy, strong international alliances against terrorism, initiatives to address the root cause of terrorism, and a new approach to foreign policy, an approach that restores America's credibility and moral leadership in the world.

I have proposed such a national security plan. It is called SMART, which stands for Sensible, Multilateral American Response to Terrorism. I invite all my colleagues to learn about it and consider this plan.

In the meantime, the runup to General Petraeus's report continues. I hope that this September he will be more accurate than he was in September 2004. But I am not holding my breath. In fact, I will not breathe easily until all of our troops are home safely.

☐ 1715

THE THREAT FROM RADICAL JIHADISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, I rise today to express my disappointment that we're going to go into another weekend not having addressed the threat from radical jihadism.

Just moments ago, this House passed a 9/11 bill supposedly to increase the security and the safety of the United States of America. But since April 12, our national Director of Intelligence, the position that was created in the Intelligence Reform Act earlier in 2004 to specifically provide us with information about the threats to the United States, this organization that was put together to make our intelligence community more effective, the Director of National Intelligence has reported to this Congress now for almost 4 months that there are significant intelligence gaps at the same time while we are a Nation at greater threat than perhaps any time since 9/11.

In a letter that Director McConnell recently sent to the Intelligence Committee in an unclassified version, he highlights a situation in which our intelligence community every day is missing a significant portion of what we should be getting in order to protect the American people. He goes on and says this is about foreign intelligence, about foreign targets overseas, and that to collect this kind of an intelligence, what he needs to do is he needs to get a court order. Now, think about this; we need to get a court order to listen to an alleged terrorist, who may be in Pakistan, may be in Afghanistan, but we know that they're outside of the U.S. borders, so it's foreign intelligence about a foreign terrorist outside of the United States, and we need to go get a court order to listen to that conversation at a time when we know that we are at heightened risk.

Isn't it ironic that as we pass a 9/11 bill, in the 9/11 bill that we passed this afternoon, the 9/11 bill gives al Qaeda and radical jihadis more information about the United States and about our intelligence community than what they had before. The 9/11 bill says we are going to reveal our top-line spending on intelligence. If we believe that revealing our spending at a macro level on intelligence makes us safer, maybe we should just give radical jihadis a breakdown of how we spend all of our money.

So on a 9/11 bill we're going to say, you know, because of leaks in the intelligence community, leaks to the press, we've already told you about our Terrorist Surveillance Program, we've already talked with you and given you details about how we do financial tracking, we've talked to you about interrogations, we've talked to you about prisons and all these types of things, and now we're also going to tell you how much money we spend on intelligence on an annual basis. And remember, just about everybody agrees that the tip of the spear in keeping America safe is how effective our intelligence community is. And now we're going to give them more information about our intelligence community, and at the same time, while our Director of National Intelligence for 4 months has been telling us that there are gaps in our intelligence, significant gaps in our ability to get information about what foreign terrorists may be planning against the United States, at a time when we know that one of their highest priorities is to attack the homeland again.

And this is not only about their intentions to attack the United States, but remember, if there is a foreign terrorist in Afghanistan talking to a foreign jihadist or radical terrorist in Iraq and that communications may in some way come through the United States, that information will not even be available for our combat troops in Iraq or in Afghanistan. Not only are we blind for homeland security, we are also handicapping our troops who are on the front lines each and every day. We're not even getting them the information that they could use on a tactical basis to protect themselves, but also to identify where the radical jihadists are, where al Qaeda might be in Iraq, and what they may be up to in Iraq or in Afghanistan or in the United States or in Western Europe, wherever. And the most concerning thing is that we may not even deal with this before we go on recess next week. This needs to be fixed before we go on recess.

HONORING CAL RIPKEN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Madam Speaker, I rise today with pride to introduce legislation honoring Cal Ripken, Jr. on his induction into the Pro Baseball Hall of Fame.

My bill would rename as Cal Ripken Way Interstate 395 in Baltimore, which runs into the city and ends near Oriole Park at Camden Yards.

Calvin Edwin Ripken, Jr. grew up in Aberdeen, Maryland. A baseball standout from an early age, he led his little league team to the Little League World Series and was a baseball star at Aberdeen High School.

As a professional, Cal spent his entire career with his hometown team, the Baltimore Orioles. Drafted out of high school, he rose through the minor leagues, joining the Orioles full time in 1982 when he was named Rookie of the Year. He then won American League Most Valuable Player honors and led the Orioles to their third World Series Championship in 1983.

From May 30, 1982, until September 19, 1998, Cal never missed a game. He played in an incredible 2,632 consecutive games, passing Lou Gehrig's record of 2,131 on September 6, 1995, in front of family, friends and fans at Camden Yards.

His career redefined the shortstop position, setting multiple offensive and defensive records, and paving the way for a new generation of players.

Cal's stellar career no doubt makes him worthy of induction into the Hall of Fame. In fact, he was elected to the Hall with the highest vote total ever, the highest vote percentage for any position player, and the third highest vote percentage in history. But the numbers don't even begin to explain what he means to our national pastime.

Baseball fans, and especially parents, are too often disappointed when our American idols fail to live up to our American ideals. Too often, our sports stars are famous for all the wrong reasons, but time and again Cal Ripken, Jr. has been a source of pride for baseball.

Cal was a spectacular player, but not a flashy one. He played fundamental baseball, always doing the little things and setting the example for how a professional should perfect his trade, and he showed up every day.

From the heights of the World Series Championship in 1983 to the depths of the 21-game losing streak that began the 1988 season, Cal was there every day. After the cancellation of the 1994 World Series, many fans marked September 6, 1995, the night Ripken played in his 2,131st game, as the night that America came back to baseball.

Ripken's commitment to working hard and playing by the rules became known as "the Ripken way." He inspired the people of Baltimore every season with his quiet and unassuming dedication to his work. In fact, I believe that Cal has inspired Americans all over the country.

"The Ripken way" is in many ways synonymous with "the American way." When you ask people about American values, they often mention dependability, loyalty, humility, and old-fashioned hard work. Cal Ripken embodies these values.

Madam Speaker, I think Tony Kornheiser captured this well in a column that appeared in The Washington Post on September 7, 1995. He wrote, "When I look at this record, I think I hear the rhythms of America. This celebration of Cal is the fanfare for the common man. Going to work every day, come hell or high water, building a career, providing for a family like our fathers did before us is something we can all relate to. I think America looks at Cal Ripken playing every game, playing them in the same small town where he grew up, putting his hand over his fluttering heart as the ovations pour over him like tidal waves and signing autographs afterward, and says to itself, here is a man I can respect, here is a man with values I admire. You don't often hear that about professional athletes anymore."

Madam Speaker, if we pass this legislation, when travelers come to visit Baltimore or pass by on their way to another destination, they will not only be reminded of a terrific ballplayer whose name has become synonymous with the Orioles, but also a model American and the promise of doing things "The Ripken Way."

I hope my colleagues agree that this is a fitting tribute to one of the best loved and most enduring figures in the history of baseball.

Cal, congratulations on your induction into the Hall of Fame.

WASTEFUL EXPENDITURES IN U.S. EMBASSY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the easiest thing in the world to do is to spend other people's money. And it never ceases to amaze how the Federal bureaucracy can rationalize or justify the most wasteful or ridiculous expenditures. But the lavish new embassy we are building in Baghdad and the staffing and expenses for it will just about take the cake.

Here is part of a recent Fox News report: "It's as big as Vatican City and makes foreign embassies dotting the tree-lined streets of Washington, D.C. look like carriage houses." But the barely finished U.S. Embassy in Baghdad is already prime for expansion.

Due for completion in September, the $592 million campus is surrounded by concrete blast walls and features green grass gardens, palm-lined avenues, and volleyball and basketball courts. Available to embassy employees are a PX, commissary, cinema, retail and shopping areas, restaurants, schools, a fire station, power and water treatment facilities, a swimming pool, a recreation center, and the ambassador's and deputy ambassador's residences.

And with months still to pass before it opens, Secretary of State Condoleezza Rice told a Senate subcommittee in May that additional staffing and housing needs have forced officials to add more structures to the now 21-building site. She asked for an additional $50 million from Congress to make that happen. In other words, almost $600 million is not enough. Then the budget for 2006 for the employees was $923 million, not including salaries and expenses for about 600 employees from other Federal agencies and departments than the State Department.

To a recent story from The Washington Post: "Mention the U.S. Embassy in Baghdad to Lawrence Eagleburger and he explodes.

"'I defy anyone to tell me how you can use that many people. It is nuts. It's insane, and it's counterproductive. And it won't work,' says the Republican former Secretary of State and member of the Iraq Study Group."

Secretary Eagleburger said, "I've been around the State Department long enough to know you can't run an outfit like that." And Secretary Eagleburger was reacting to a staffing level of 1,000, twice the size and 20 to 30 times the budgets we have at our embassies in China, Mexico and Britain.

The Post story quoted a senior State Department official as saying, "Maintaining an oversized mega embassy in Baghdad is draining personnel and resources away from every other U.S. embassy around the world, and all for what?" The story also said that counting contractors and Iraqi employees, the staff actually is not 1,000, but a staggering and astounding 4,000.

Madam Speaker, I know that many people in our Federal Government want to think of themselves as world statesmen and to feel real important, but it is both unconstitutional and unaffordable for the U.S. to try to govern or police the whole world. And all this certainly goes against every traditional conservative position I have ever known.

Above all, what we are doing building this Taj Mahal industry in Baghdad and allowing an almost $1 billion budget to operate is as far from fiscal conservatism as you can get.

And finally, Madam Speaker, because a previous speaker mentioned General Petraeus's report, let me add this: There is a very important reason why our Founding Fathers, and throughout the history of this Nation our leaders, have always believed in civilian control over the military. The admirals and generals will almost always give positive or optimistic reports saying progress is being made. We have received positive reports from our top military leaders all through the war in Iraq. It is almost like the generals saying they're doing a bad job if their reports are not positive.

Madam Speaker, we should admire, respect and appreciate our military, and I certainly do. But we should not worship them or feel it is somehow unpatriotic to ever criticize any Pentagon waste or any decision a general might make.

☐ 1730

FAILED POLICY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Good evening, Madam Speaker. To varying degrees, Americans realize that it's time to end this war. You hear frustration; you see almost rabid anger. Americans understand we have a failed policy in Iraq. It's not working. 3,600 American troops have been killed; 2,700 U.S. troops have been wounded; 50,000 Iraqis have been killed. This administration is pursuing a failed foreign and military policy.

Now, let me be quick to note: This doesn't mean that our military has failed. Our military has in fact performed very admirably. They have done so despite the inept management of this administration, which has failed to provide them with the adequate armor that they need. Yet our military has fought on. But, again, it is the wrong policy.

First of all, we need to redefine our notions of winning and losing. This is the wrong war, it is in the wrong place, and it is being, as I indicated earlier, handled in the wrong way.

A lot of people are afraid to pull our troops out because they will say we will have lost. No, we will not have lost. We will have been pursuing the wrong policy. It is almost like the British redcoats facing the U.S. revolutionaries in the American Revolutionary War. They were fighting in the wrong way. We are doing the same thing. We have to face the facts.

Supporters of the war are also saying look, we can't get out because the result will be a catastrophe. Note to the administration: It is already a catastrophe. What we need to do is change direction, with the hope that we can actually fight a war on terrorism and save American lives.

We can't continue to try to mediate Iraq's civil war. It is time to redeploy our troops, to bring them back home. We have in fact a civil war in Iraq. Both sides dislike our military presence. Iraqi insurgents are willing to kill themselves and become martyrs for their cause. We don't really understand this phenomenon. How can you beat an enemy that is willing to kill himself before you do? It doesn't work.

This is not a war in which killing more insurgents will result in "victory." In fact, the National Intelligence Estimates indicate that our presence in Iraq is counterproductive. Iraq has more insurgents now, more militants, more terrorists, more jihadists, if you will, today than they did when we deposed Saddam Hussein. Iraq has become a haven for terrorists, and our military engagement is not reducing the number of insurgents. They are increasing.

Our continued presence in Iraq, more than 4 years, leads many Iraqis to the perception that what we really want to do is control their oil resources. This perception undermines any attempt to promote freedom and democracy. They think we just want the oil.

We have done one good thing through this Congress. We passed a resolution in this House that says we will have no permanent bases. That is the type of message we need to be sending, that we are not there to control your country. But what should we do in the overall battle against terrorism and in Iraq?

First of all, how about some diplomacy? Why is diplomacy always last? From Korea to Iran, here is what we do. We call them names first, and then we, finally, years later, say, well, maybe we ought to talk. Let's try talking first.

It is time this administration took diplomatic engagement to a higher level around the world. We need to take it seriously. We need to abandon this go-it-alone policy.

How about supporting Muslim efforts to promote peace? I think there are countries in the region, Jordan, Egypt, Saudi Arabia, Morocco, who have a vested interest in promoting peace. Let's give them a chance to promote peace. They have the greatest stake in having a peaceful region. There are also international religious leaders who could perhaps mediate a peace. What we do know is that the United States lacks the credibility to promote peace or mediate peace in this region.

Let's turn to the U.N. Why don't we ask the U.N. to promote a peace process in Iraq while we pull our troops out? We need a permanent United Nations emergency peace force. I have introduced such a bill. A permanent U.N. entity that would work in these areas of conflict, both in Iraq, in the Middle East, in Africa, the Sudan, Chad, and on and on. We can use the UN as a vehicle to promote peace and save the lives of American men and women who are in the Army and in our military.

Also we need to introduce the concept of humanitarian aid. Now, we do some, it is true, but how about leading with diplomacy and humanitarian aid? Put a new face on America's foreign policy. More humanitarian aid, building schools and building hospitals, says to the world that Americans really want to be your friend, as opposed to troops beating down your door, going door-to-door.

We also need to keep in mind, although we withdraw our troops, we have not abandoned Iraq. We need to continue to support reconstruction aid. But let me be quick to add, we need reconstruction aid with a lot more congressional oversight. This idea that Halliburton and other companies are just making billions and billions in profits and we don't see anything coming up from the ground in Iraq is unsatisfactory. We need humanitarian aid, we need reconstruction aid, we need congressional oversight to go with it.

In conclusion, we really need to spend our money more wisely to fight the real threat that we have. We know the threat is not in Iraq, the threat is in Afghanistan. What should we do?

First of all, we need greater emphasis on intelligence, to break up these small cells. The attacks we have seen in Britain and elsewhere are done by small cells. We need to interrupt weapons transfers, because that is what is causing the problem. We also need to interrupt these terrorist camps. We need to use our Special Forces intelligently to fight the real war that we have.

Bring our troops home, initiate diplomacy, humanitarian aid, reconstructive aid. We need a sound foreign policy. We don't have it with this administration. But with this Congress continuing to press the fight, we are going to have it.

HIGHLIGHTING PASSAGE OF H.R. 1, IMPROVING AMERICA'S SECURITY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. As usual, let me compliment the Speaker for her leadership and her service to America.

Madam Speaker, I rise today to highlight the passage of the Homeland Security Commission report in H.R. 1, Improving America's Security Act. If I had to give an acronym, I would say R-E-L-I-E-F, it spells relief to the American people.

Now we know that we have a committed and unified war and effort against the war on terror. We have the resources and the mindset, the policy and the unity, six years after 9/11, 6 years after all of us stood awestruck, humbled, seemingly powerless, frightened, saddened and emerged with grief over the loss of so many. Families today still suffer. Children are without parents, husbands are without wives, wives are without husbands, and many, many extended family members.

So my first response is to salute the 9/11 families, for many times they probably were received in less than a jovial manner. But there is something about having that steadfast and courageous point of view that you never give up. You never give up.

Let me thank the chairman of the full committee and the ranking member for working to bring us all together, and the conference and the conferees, of which I was a part of, in understanding that our goal was to be Americans united.

So today I can salute the fact that this bill has passed. There is a greater distribution of Homeland Security Grants to States and high-risk urban areas, a risk-based analysis on how we distribute those funds. Each State is guaranteed a minimum of a certain amount, but it is based on risk. There is a $1.8 billion authorization for FY 2008 to assist States in high-risk urban areas in preparing for terrorist threats. Planning. More planning. More ways of looking ahead.

After we saw the strange video regarding the airport in Arizona where there was not around-the-clock Transportation Security Administration staff screening of people going into the airport, we know that we have to be forever planning and forward thinking. I am glad that solution is being addressed, and I am asking for an inventory as the subcommittee chair, of all airports in America, the top 400, to determine whether we are securing that airport 24 hours a day.

We can always work more smart and more effectively, but I am glad that we have a dedicated interoperability grant program to improve the communications that did not happen on 9/11; firefighters not being able to talk to other firefighters, or firefighters not being able to talk to police officers or Port Authority police. That money is in the bill.

$4 billion over 4 years for rail, transit and bus security grants. What a celebration. We worked very hard to ensure that we would have Transportation Security Grants on those properties, on those vehicles that move Americans across the United States. Every day Americans get up and use some form of public transportation, and we are delighted that we have focused on that.

Might I just say, with the tragedy of the steam explosion in New York, it exploded and a bus exploded. But it is important to note that if you were to have a tragedy on a bus or a train, look at the impact around the area.

I am very glad that the Houston port will now be a beneficiary of the many, many dollars that have been put in to provide more resources for our ports to have 100 percent screening of port cargo that comes into the United States. And it can be done. It won't stop the commerce that so many people are concerned about.

Then, of course, I think it is important to note that we are working with the intelligence community so that we have an exchange of intelligence, because that is the first line of defense, to know what is going on.

But I have one point, Madam Speaker, just to conclude on, and that is to be reminded that we need to consolidate the jurisdiction of the Homeland Security efforts.

The Department of Homeland Security participated in a total of 141 hearings all across the lot, all the different committees. DHS participated in a total of 42 hearings where multiple witnesses from DHS testified. DHS has provided a total of 195 witnesses. DHS has provided approximately 1,554 briefings. We need a single seam of jurisdiction for that particular department.

Then, it is important as we fight the war on terror, that we bring an end to the Iraq war; we begin to deal with political diplomacy; we begin to include the neighboring states around Iraq to take responsibility for safety in the region; we bring our troops home; we provide a safety net, if you will, for remaining Americans, but we include Kuwait, and Qatar and Jordan, all of these nations, Saudi Arabia, who are interested in some resolution to this conflict.

Almost 4,000 dead. Almost 4,000 of our brave men and women are dead. They are our heroes. We should declare a military success, bring our soldiers home and begin a diplomatic healing of that region.

Madam Speaker, let me just say, we have finally moved forward on the fight for real homeland security and the fight against the war on terror.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. HOYER) for today after 2:30 p.m.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 4 p.m. on account of illness.

Mr. WAMP (at the request of Mr. BOEHNER) for July 25 until 5 p.m. on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, August 3.

Mr. JONES of North Carolina, for 5 minutes, August 3.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, July 30, 2007, at 10:30 a.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M.

Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C.W. Bill Young, Don Young,

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2707. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7979] received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2708. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's "Major" final rule — Final Flood Elevation Determinations — received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2709. A letter from the General Counsel, NCUA, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance Appeals; Clarification of Enforcement Authority of the NCUA Board — received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2710. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Amendments (RIN: #3133-AD36) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2711. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Uninsured Secondary Capital — received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2712. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — EXTENSION OF INTERACTIVE DATA VOLUNTARY REPORTING PROGRAM ON THE EDGAR SYSTEM TO INCLUDE MUTUAL FUND RISK/RETURN SUMMARY INFORMATION [Release Nos. 33-8823, IC-27884; File Number S7-05-07] (RIN: 3235-AJ59) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2713. A letter from the Secretary, U.S. Securities Exchange Commission, Securities and Exchange and Commission, transmitting the Commission's final rule — Regulation SHO and Rule 10a-1 [Release No. 34-55970; File No. S7-21-06] (RIN: 3235-AJ76) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2714. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's "Major" final rule — Public Safety Interoperable Communications (PSIC) Grant Program — received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2715. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet (18.3m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA70) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2716. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No. 070330073-7116-02; I.D. 030507A] (RIN: 0648-AU87) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2717. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 070209029-7118-02; I.D. 112906A] (RIN: 0648-AU58) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2718. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; Deep-water Species Fishery by Catcher Vessels in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XA83) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2719. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at the Sonoma County Airport in Santa Rosa, California will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

2720. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's report entitled, "2007 Data Mining Report: DHS Privacy Office Response to House Report 109-699," pursuant to Public Law 109-295; to the Committee on Homeland Security.

2721. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revised Payment System Policies for Services Furnished in Ambulatory Surgical Centers (ASCs) Beginning in CY 2008 [CMS-1517-F]

(RIN: 0938-AO73) received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2722. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2006, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Oversight and Government Reform and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER, GEORGE: Committee on Education and Labor. H.R. 2847. A bill to amend the Workforce Investment Act of 1998 to establish an energy efficiency and renewable energy worker training program; with an amendment (Rept. 110–262). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 579. Resolution providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Acts of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Act occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes (Rept. 110–263). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 580. Resolution providing for consideration of the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. 110–264). Referred to the House Calendar.

Mr. McGOVERN: Committee on Rules. House Resolution 581. Resolution providing for consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–265). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1315. A bill to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member; with amendments (Rept. 110–266). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2623. A bill to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs; with an amendment (Rept. 110–267). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2874. A bill to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes; with an amendment (Rept. 110–268). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOM DAVIS of Virginia, Mr. VAN HOLLEN, and Mr. WOLF):

H.R. 3202. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOM DAVIS of Virginia, and Mr. WOLF):

H.R. 3203. A bill to reform the compensation system of the Foreign Service of the United States, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself and Mr. WAXMAN):

H.R. 3204. A bill to reform the Trade Advisory Committee system to ensure that a broad range of views are represented and accommodated in developing United States trade policy; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. GRIJALVA, and Mr. SARBANES):

H.R. 3205. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Mr. CHABOT):

H.R. 3206. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes; to the Committee on Small Business.

By Mr. BOUSTANY (for himself and Mr. DAVIS of Kentucky):

H.R. 3207. A bill to provide mechanisms for developing and implementing a national energy security strategy for the United States; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, Intelligence (Permanent Select), and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. MATHESON, and Mr. BISHOP of Utah):

H.R. 3208. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to extend the date for which livestock assistance is available for losses due to a disaster; to the Committee on Agriculture.

By Ms. DELAURO (for herself and Mr. COURTNEY):

H.R. 3209. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Education and Labor.

By Mr. DONNELLY:

H.R. 3210. A bill to provide medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 3211. A bill to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3212. A bill to provide certain personnel management requirements for the Transportation Security Administration, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. BROWN of South Carolina, Mr. LAMPSON, Mr. MARSHALL, Mr. UDALL of Colorado, Mr. MATHESON, Ms. FOXX, Mrs. MYRICK, Mr. GINGREY, Mr. PUTNAM, Mr. BOOZMAN, Mr. BUCHANAN, Mr. GARRETT of New Jersey, Mr. McNERNEY, Mr. SESSIONS, Mr. WAMP, Mr. BURTON of Indiana, Mr. GOHMERT, Mrs. MILLER of Michigan, Mr. WALSH of New York, Mrs. BOYDA of Kansas, Mr. BARRETT of South Carolina, Mr. ROSS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3213. A bill to permit residents of the District of Columbia to be treated as residents of Maryland or Virginia for purposes of obtaining hunting licenses, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. MICHAUD):

H.R. 3214. A bill to provide greater accountability in reviewing the national security considerations of free trade agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3215. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain men screened and found to have prostate cancer under a federally funded screening program; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3216. A bill to authorize the President to issue letters of marque and reprisal with respect to certain acts of air piracy upon the United States on September 11, 2001, and other similar acts of war planned for the future; to the Committee on Foreign Affairs.

By Mr. PAUL:

H.R. 3217. A bill to limit the issuance of student and diversity immigrant visas to aliens who are nationals of Saudi Arabia, countries that support terrorism, or countries not cooperating fully with United States antiterrorism efforts; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. HOYER, Mr. WYNN, Mr. CUMMINGS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. RUPPERSBERGER, Mr. VAN HOLLEN, Mr. BARTON of Texas, Mr. DOYLE, Mr. TOM DAVIS of Virginia, Mr. PLATTS, Mr. CASTLE, Mr. SIRES, Mr. BRALEY of Iowa, Mr. OBEY, Mr. WOLF, Mr. GEORGE MILLER of California, Mr. LOEBSACK, Mr. ARCURI, and Mr. YARMUTH):

H.R. 3218. A bill to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way"; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. HARE, Mr. BRALEY of Iowa, Mr. INSLEE, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mr. WYNN, Ms. WOOLSEY, and Ms. HIRONO):

H.R. 3219. A bill to amend the Animal Welfare Act to prohibit dog fighting ventures; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP:

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. INGLIS of South Carolina, Mr. SPRATT, and Mr. CLYBURN):

H. Res. 582. A resolution recognizing the South Carolina Aquarium's Sustainable Seafood Initiative and the benefits it provides to coastal South Carolina, South Carolina fishermen, South Carolina restaurants, and the consumers of seafood in coastal South Carolina, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. WATSON, Ms. CARSON, Mr. ACKERMAN, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Mr. WEXLER, Mr. BURTON of Indiana, Mr. ENGEL, Mr. MORAN of Kansas, Mr. INGLIS of South Carolina, Ms. KILPATRICK, Mr. RYAN of Ohio, Mr. PALLONE, Mr. WAXMAN, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. SHERMAN, Mr. COHEN, Mr. INSLEE, Mr. PERLMUTTER, Mr. HODES, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. MCNERNEY, Mr. ELLSWORTH, Ms. SUTTON, Mr. WILSON of Ohio, Mr. MAHONEY of Florida, Mr. WELCH of Vermont, Mr. WALZ of Minnesota, Mr. YARMUTH, Mr. KAGEN, Mr. CARNEY, Mr. MARIO DIAZ-BALART of Florida, and Mr. NADLER):

H. Res. 583. A resolution recognizing the remarkable example of Sir Nicholas Winton who organized the rescue of 669 Jewish Czechoslovakian children from Nazi death camps prior to the outbreak of World War II; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

143. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 101 urging the Congress of the United States to oppose the South Korea Free Trade Agreement; to the Committee on Ways and Means.

144. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 78 memorializing the Congress of the United States to enact H.R. 1619 or S. 587, to direct the Department of the Treasury to mint coins to commemorate the Model T Ford; to the Committee on Ways and Means.

145. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 121 memorializing the Congress of the United States to encourage expansion of existing or the construction of new petroleum refineries in the United States to meet our increasing energy needs; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. DAVIS of Illinois and Mr. ROTHMAN.

H.R. 23: Mr. MELANCON and Mrs. LOWEY.

H.R. 180: Mr. MCCAUL of Texas, Mr. MORAN of Kansas, Ms. HOOLEY, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SCOTT of Virginia, and Mr. MOORE of Kansas.

H.R. 303: Mr. WHITFIELD.

H.R. 343: Mr. TERRY.

H.R. 371: Mr. CARDOZA and Mr. WU.

H.R. 503: Mr. JACKSON of Illinois.

H.R. 549: Mr. HUNTER.

H.R. 601: Mr. SHAYS.

H.R. 621: Mr. SHULER.

H.R. 643: Mr. THOMPSON of Mississippi and Mr. GRAVES.

H.R. 690: Mr. WALZ of Minnesota.

H.R. 743: Mr. WYNN and Mr. PLATTS.

H.R. 758: Mr. BARROW.

H.R. 767: Ms. BORDALLO.

H.R. 772: Mrs. NAPOLITANO and Ms. SHEA-PORTER.

H.R. 840: Mr. ISRAEL, Mr. GEORGE MILLER of California, and Mr. DONNELLY.

H.R. 869: Mr. PRICE of North Carolina.

H.R. 887: Mr. YOUNG of Alaska.

H.R. 969: Mrs. GILLIBRAND, Mr. RUSH, Mr. CARNAHAN, and Mr. RYAN of Ohio.

H.R. 1014: Mr. EDWARDS, Mr. MATHESON, and Mr. ROGERS of Alabama.

H.R. 1056: Mr. MCHENRY.

H.R. 1110: Mr. BERMAN, Mr. MCINTYRE, Mr. CARNEY, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mr. MILLER of Florida, Mr. PETRI, Mr. CUMMINGS, and Ms. KAPTUR.

H.R. 1112: Mr. CONAWAY and Mr. SOUDER.

H.R. 1125: Mr. ROYCE, Mr. BUCHANAN, Mr. EVERETT, and Mr. BLUMENAUER.

H.R. 1134: Mr. KILDEE and Mr. LINCOLN DAVIS of Tennessee.

H.R. 1176: Mr. KUCINICH.

H.R. 1228: Mrs. MALONEY of New York and Mr. BOOZMAN.

H.R. 1283: Mr. SESTAK.

H.R. 1320: Mr. PORTER.

H.R. 1363: Mr. MCGOVERN, Mr. KENNEDY, Mr. LOBIONDO, Mr. RUSH, and Mr. WYNN.

H.R. 1416: Mr. MICHAUD.

H.R. 1459: Mr. TIERNEY.

H.R. 1474: Mr. ELLISON.

H.R. 1512: Ms. LEE.

H.R. 1609: Mr. ARCURI, Ms. LORETTA SANCHEZ of California, Mr. KUHL of New York, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. ROTHMAN, and Mr. HINCHEY.

H.R. 1644: Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. BACA, and Mr. SARBANES.

H.R. 1663: Mr. SESTAK.

H.R. 1682: Mr. KING of New York.

H.R. 1687: Ms. BERKLEY.

H.R. 1688: Mr. ROTHMAN.

H.R. 1731: Mr. MARKEY.

H.R. 1748: Mr. TIAHRT, Mr. PLATTS, Mr. SESSIONS, and Mr. MORAN of Kansas.

H.R. 1764: Mr. MCHUGH.

H.R. 1774: Mr. BISHOP of New York, Mr. PRICE of North Carolina, Mr. YOUNG of Alaska, and Mr. DOGGETT.

H.R. 1801: Mr. MATHESON.

H.R. 1813: Ms. MCCOLLUM of Minnesota and Mr. CALVERT.

H.R. 1840: Mr. RYAN of Ohio.

H.R. 1843: Mr. PALLONE.

H.R. 1878: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1940: Mr. SHADEGG.

H.R. 1975: Mr. AL GREEN of Texas, Ms. WATERS, and Ms. CARSON.

H.R. 1992: Mr. RAHALL, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SCHWARTZ.

H.R. 2014: Mr. BLUMENAUER.

H.R. 2020: Mr. WAXMAN.

H.R. 2049: Mr. SESTAK.

H.R. 2052: Mr. BOUCHER, Mr. SNYDER, Ms. ZOE LOFGREN of California, and Mr. JINDAL.

H.R. 2063: Mr. TOWNS.

H.R. 2095: Mr. MICA and Mr. SHUSTER.

H.R. 2136: Mr. DAVIS of Illinois and Mr. MARKEY.

H.R. 2138: Mr. CANNON, Mr. SMITH of Texas, Mrs. MCMORRIS RODGERS, Mr. JONES of North Carolina, Mr. BILBRAY, Mr. JOHNSON of Illinois, Mr. CHANDLER, Mr. BRALEY of Iowa, Ms. GIFFORDS, Mr. DAVIS of Kentucky, and Mr. PENCE.

H.R. 2167: Mr. BLUMENAUER.

H.R. 2205: Mr. WALBERG.

H.R. 2208: Mr. MANZULLO.

H.R. 2234: Mr. PLATTS, Mr. MCGOVERN, Mr. MITCHELL, and Ms. DELAURO.

H.R. 2255: Mr. LINCOLN DAVIS of Tennessee.

H.R. 2291: Mr. ROSKAM.

H.R. 2295: Mr. MITCHELL and Mr. ELLSWORTH.

H.R. 2323: Ms. CARSON, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. ELLISON, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY, Mr. LANTOS, Mr. LOEBSACK, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, and Mr. SARBANES.

H.R. 2347: Mr. GARRETT of New Jersey.

H.R. 2353: Mr. LOBIONDO.

H.R. 2361: Mr. SKELTON and Mr. PITTS.

H.R. 2365: Mr. SNYDER.

H.R. 2370: Mr. STUPAK.

H.R. 2384: Ms. HIRONO.

H.R. 2405: Mr. MCGOVERN.

H.R. 2411: Ms. HIRONO.

H.R. 2505: Mr. ELLSWORTH.

H.R. 2523: Ms. MATSUI and Mr. ROTHMAN.

H.R. 2567: Mr. PLATTS.

H.R. 2610: Mr. ENGEL.

H.R. 2695: Mr. DAVID DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mr. COHEN, Mr. LINCOLN DAVIS of Tennessee, Mr. TANNER, and Mr. DUNCAN.

H.R. 2729: Mrs. LOWEY.

H.R. 2774: Mr. REYES, Mr. HONDA, Mr. ABERCROMBIE, and Mr. GRIJALVA.

H.R. 2818: Mr. CHANDLER, Mr. POMEROY, Mr. ACKERMAN, Mr. BOSWELL, Mr. LINCOLN DAVIS of Tennessee, Mr. MARCHANT, Mr. WALZ of Minnesota, Mr. SESTAK, and Mr. MOORE of Kansas.

H.R. 2826: Mr. LANGEVIN, Mr. ORTIZ, Mr. MARKEY, Mr. MCINTYRE, Mr. HALL of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, and Mr. CUMMINGS.

H.R. 2828: Mr. POE, Mrs. CHRISTENSEN, Mr. KNOLLENBERG, Mr. BUTTERFIELD, Ms. CARSON, Mr. SKELTON, Mr. PAYNE, Mr. TOWNS, Mr. MEEKS of New York, Mr. SIRES, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. KAPTUR, Ms. LINDA T. SÁNCHEZ of California, and Mr. SCOTT of Georgia.

H.R. 2840: Mr. JEFFERSON.

H.R. 2881: Mr. WALZ of Minnesota.

H.R. 2885: Ms. HOOLEY.

H.R. 2895: Mr. BARROW, Ms. BALDWIN, Ms. CASTOR, Mrs. EMERSON, Mr. GILCHREST, and Mr. JACKSON of Illinois.

H.R. 2898: Mr. BOOZMAN, Mr. BARRETT of South Carolina, and Mr. ADERHOLT.

H.R. 2905, Mr. FORTENBERRY.

H.R. 2924: Mr. HARE.

H.R. 2940: Mr. UDALL of Colorado.

H.R. 2942: Mr. MCHUGH, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, Mr. DINGELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. BACHUS, Ms. KILPATRICK, and Mr. HOLT.

H.R. 2949: Mr. LANTOS, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. FORTUÑO, Ms. BORDALLO, Ms. NORTON, Mr. ENGEL, Mr. SIRES, Mr. DAVIS of Illinois, Mr. ROTHMAN, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. BERMAN, Mr. ISSA, Mr. BURTON of Indiana, Mr. DELAHUNT, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2989: Mr. SOUDER, Mr. THOMPSON of California, Mr. LARSON of Connecticut, and Mr. CROWLEY.

H.R. 2995: Mr. NEUGEBAUER.

H.R. 3005: Mr. TOWNS.

H.R. 3013: Mr. DELAHUNT.

H.R. 3060: Mr. MCNULTY.

H.R. 3087: Mr. BRADY of Pennsylvania, Mr. CASTLE, and Ms. CASTOR.

H.R. 3090: Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOUSTANY, Mr. BRADY of Pennsylvania, Mr. TANNER, and Mr. WALZ of Minnesota.

H.R. 3098: Mrs. EMERSON, Mr. EVERETT, and Mr. LUCAS.

H.R. 3123: Mr. MARIO DIAZ-BALART of Florida and Mr. MCCOTTER.

H.R. 3125: Mr. SIRES, Ms. SOLIS, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CLAY, and Mr. SERRANO.

H.R. 3139: Mr. MCINTYRE and Mr. ETHERIDGE.

H.R. 3160: Ms. HIRONO.

H.R. 3162: Ms. BALDWIN, Mr. ENGEL, Mr. CUELLAR, Mr. WYNN, Mr. WAXMAN, and Ms. HIRONO.

H.R. 3167: Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, and Ms. BERKLEY.

H.R. 3175: Mr. WAXMAN.

H.R. 3178: Mr. CASTLE.

H.J. Res. 28: Mrs. JONES of Ohio and Mr. CONYERS.

H.J. Res. 40: Mr. HODES.

H. Con. Res. 70: Mr. MCCOTTER.

H. Res. 32: Mr. LAMPSON, Ms. LEE, Mr. ENGEL, and Mr. KLEIN of Florida.

H. Res. 34, Ms. WATSON, Mr. CLAY, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Mr. WYNN, Mr. LAMBORN, Ms. LEE, Mr. ENGEL, and Mr. KLEIN of Florida.

H. Res. 95: Mr. PASCRELL and Mrs. EMERSON.

H. Res. 111: Ms. DELAURO.

H. Res. 185: Mr. SCHIFF.

H. Res. 231: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 238: Mr. FALEOMAVAEGA, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Mr. LANTOS, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. KLEIN of Florida, Mr. SHERMAN, Mr. ACKERMAN, Mr. MEEKS of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. SIRES, Ms. WATSON, Ms. WOOLSEY, Mr. HINOJOSA, and Mr. CARNAHAN.

H. Res. 259: Mr. GENE GREEN of Texas.

H. Res. 277: Mr. SERRANO, Mr. ORTIZ, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mrs. CHRISTENSEN, Mr. FURTUÑO, Mr. FILNER, Mr. BECERRA, and Ms. SOLIS.

H. Res. 335: Ms. WOOLSEY.

H. Res. 415: Ms. GIFFORDS.

H. Res. 417: Ms. HOOLEY.

H. Res. 443: Mr. SESTAK and Ms. GIFFORDS.

H. Res. 508: Mr. KLINE of Minnesota, Mr. LATHAM, Mr. CAMPBELL of California, and Ms. BORDALLO.

H. Res. 518: Mr. RAMSTAD, Ms. LINDA T. SÁNCHEZ of California, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. FLAKE, Mr. KING of New York, Mr. JACKSON of Illinois, Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. BERMAN, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALEOMAVAEGA, Mr. VELÁZQUEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. PASTOR, Mr. RYAN of Ohio, Ms. LEE, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. DICKS, and Mr. BRALEY of Iowa.

H. Res. 530: Ms. LEE.

H. Res. 544: Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. HOBSON, Mr. BISHOP of Utah, Ms. ROS-LEHTINEN, Mrs. EMERSON, Mr. TERRY, Mr. MCCOTTER, Mr. BLUNT, Mr. NEUGEBAUER, Mr. GALLEGLY, Mr. CONAWAY, Mr. PUTNAM, Mr. SIMPSON, Mr. LUCAS, Mr. CRENSHAW, Mr. KIRK, Mr. ALEXANDER, Mr. BACA, Mr. HOLDEN, Mr. THOMPSON of California, Mr. HOYER, Mr. BLUMENAUER, Mr. LEWIS of California, Mr. NUNES, Mr. BOSWELL, Mr. CRAMER, Mr. SERRANO, Mr. SCHIFF, Mr. WALZ of Minnesota, Mr. WAMP, Mr. KINGSTON, Mr. COBLE, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Mr. CULBERSON, Mr. HELLER of Nevada, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. BILBRAY, Mr. RYAN of Wisconsin, Mr. PRICE of Georgia, Mr. BOOZMAN, Mr. CAMP of Michigan, Mr. KUHL of New York, Mr. HAYES, Mr. COLE of Oklahoma, Mr. KNOLLENBERG, Ms. FALLIN, and Mr. MCCARTHY of California.

H. Res. 548: Ms. BORDALLO.

H. Res. 549: Mr. WHITFIELD.

H. Res. 550: Mr. TANNER, Mr. MCCAUL of Texas, and Mr. MORAN of Virginia.

H. Res. 572: Mr. BURTON of Indiana, Mr. WALSH of New York, and Mrs. MCCARTHY of New York.

H. Res. 576: Mr. BUCHANAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2070: Mr. BARTLETT of Maryland.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

134. The SPEAKER presented a petition of the Embassy of Mexico, relative to expressing condolences for the shooting at Virginia Tech; to the Committee on Foreign Affairs.

135. Also, a petition of the Natural Heritage Institute, California, relative to commenting on the Modesto and Turlock Irrigation Districts' study plan for the new Don Pedro Hydroelectric Project; to the Committee on Natural Resources.

136. Also, a petition of Resource Capital, California, relative to supporting enhancements to the PCLP program; to the Committee on Small Business.

137. Also, a petition of the City of Miami Commission, Florida, relative to Resolution No. R-07-0202 urging the President of the United States and the Congress of the United States to support increased investments in weatherization to benefit the Nation's communities; jointly to the Committees on Energy and Commerce and Education and Labor.

138. Also, a petition of the City of Miami Commission, Florida, relative to Resolution No. R-07-0196 urging the President of the United States and the Congress of the United States to recognize the economic importance to the nation's cities of federal programs that encourage and support energy efficiency, energy conservation, renweable energy, and 'green building' programs at the local level; jointly to the Committees on Energy and Commerce and Education and Labor.

139. Also, a petition of the City of Miami Commission, Florida, relative to Resolution No. R-07-0267 expressing support of the Haitian immigrants, based on the "Wet-Foot/Dry-Foot" Policy; jointly to the Committees on Energy and Commerce and Education and Labor.

140. Also, a petition of Ms. Linda Singer, Attorney General for the District of Columbia, and Mr. Mark L. Shurtleff, Utah Attorney General, relative to expressing support for the District of Columbia Voting Rights Act of 2007, H.R. 1433; jointly to the Committees on the Judiciary and Oversight and Government Reform.

EXTENSIONS OF REMARKS

RECOGNIZING THE 120TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF BUSHNELL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the 120th anniversary of the founding of the First Baptist Church of Bushnell, Florida. At 9 a.m. on Sunday, July 29, the Church will officially celebrate their anniversary with a ringing of the church bells. Founded only thirty-four years after Sumter County, where Bushnell is located, the Church has stood the test of time.

The mission of the First Baptist Church is one of love, compassion, sharing and personal growth. The Church believes in "Sharing the good news of life through faith in Christ, developing Christians into mature followers of Christ, celebrating God's presence with joyful worship, building a family of friends through acceptance, support and encouragement and ministering with love to the needs of people."

Following the ringing of the church bells, the congregation will celebrate a morning worship service that will include music and a message from the Rev. Charles Roesel, retired senior pastor of First Baptist Church of Leesburg. Afterward, a 1950s diner-style lunch will be served. This will be a wonderful time for the entire community to come together in celebration of a historic church that has played an important role in the Bushnell community for more than a century.

Throughout the 120 year history of the Church, one of the focuses of the members has been on outreach to those less fortunate, including those in foreign countries. In the past twenty years, Church members have traveled to Jamaica, Kenya, Peru, Africa and Central America. These trips are in addition to the many missions within the United States to help those who have been the victims of natural disasters like Hurricane Katrina. Charity and compassion of a Church's membership like First Baptist are some of the best ways to measure its faith in the word of God.

Madam Speaker, for many areas of the United States the local church is the center of the town and the heart of the surrounding community. The First Baptist Church has played a vital role in the growth of Bushnell and has given its citizens a place to call home for the last 120 years. Their parishioners have been strengthened by the teachings of the many pastors who have served as well as by their faith in the Lord. I congratulate the Church on their 120th anniversary and wish them the best of luck for the future.

RECOGNIZING THE HONORABLE RAYMON THOMAS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the Honorable Raymon Thomas, Chairman of the Holmes County Board of Commissioners, for his exceptional achievements.

At the Florida Association of Counties annual conference, Chairman Thomas was awarded the President's Advocacy Award, an honor given to only six commissioners throughout the State. Thomas is a dedicated public servant who works tirelessly to enhance the life of Holmes County. At the same conference, he was one of twenty-six commissioners recognized for completing the advanced training provided by the Florida Association of Counties. The Chairman is now distinguished as the Advanced County Commissioner.

The Florida Small Counties Coalition also recognized Thomas for his community leadership when they presented him with the Outstanding Legislative Service Award for the 2007 legislative session.

In addition to his remarkable accolades, Thomas has been selected to serve on the board of directors for the Florida Association of Counties and has also accepted the role of Vice Chair of the FAC Rural Caucus.

His recognition by various organizations confirms his commitment to excellence and the continuous advancement of Holmes County. I am proud to honor Chairman Thomas for his achievements and thank him for his dedicated service.

As an extraordinary public official, Thomas's knowledge and commitment to service have helped to create a better life for the citizens of Northwest Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Honorable Raymon Thomas for his exemplary service as Chairman of the Holmes County Board of Commissioners and wish him continued success throughout his career.

NEWS ARTICLE HONORING LADY BIRD JOHNSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce an article entitled "A Legacy of Her Own," in the Washington Post on July 13, 2007. This op-ed tribute written by Joseph A. Califano, Jr., highlights the legacy of Lady Bird Johnson. Lady Bird Johnson was instrumental in influencing President Johnson to support the Head Start program for low-income children in the country. She was also an influential advocate of beautification projects in the Nation's Capitol and throughout our country.

Lady Bird Johnson's legacy has helped more than 20 million needy children since 1966 and her efforts have increased our country's appreciation for public space. Lady Bird Johnson was one of our Nation's finest First Ladies and she will truly be missed.

REMARKS BY AMBASSADOR PETER ALLGEIER

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. MEEKS of New York. Madam Speaker, as co-chair of the Congressional Services caucus, I wish to call the attention of members to an important statement on July 26, 2007 by Ambassador Peter Allgeier, U.S. Ambassador to the World Trade Organization, on the Doha Round of trade negotiations. Ambassador Allgeier spoke in the World Trade Organization's Trade Negotiations Committee. I wish especially to call attention to his remarks on Services, one of the three essential pillars of the Round.

Members will remember that talks in Potsdam among the EU, India, Brazil, and the United States "G–4" ended on June 21, 2007 without making progress. Immediately WTO Director General Lamy refocused negotiations back in Geneva, and the Chairs of the Committee on Agriculture and NAMA were instructed to produce draft texts embodying what progress had been made in their respective sectors. These texts were tabled last week. No progress was made, however, in services, which accounts for 65 percent of the global economy and 20 percent of global trade.

Ambassador Allgeier's statement is important for two reasons. First, he states that the United States believes that the agriculture and NAMA texts have "advanced our collective work" and that the United States is prepared to "continue serious and concerted efforts in September to build on these texts."

The second reason is that Ambassador Allgeier establishes that in addition to making more progress on the agriculture and NAMA pillars, "we also must define what is necessary to achieve a level of ambition for services that is at least on par with the level of ambition" for agriculture and NAMA. In other words, the United States is insisting that progress must be made in services for this Round to be considered a success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, no Doha Round result will be adequate or defensible if it does not include substantial new market access for U.S. services exports. In 398 Congressional districts more that 70 percent of workers are employed in services. Every state exports services. The United States has a surplus of $73 billion on its services trade, and we can expect this to grow substantially—if the Doha Round can succeed in knocking down the substantial barriers to these exports in foreign markets.

I ask unanimous consent that the text of Ambassador Allgeier's remarks be included in the RECORD.

STATEMENT BY U.S. AMBASSADOR PETER ALLGEIER AT THE TRADE NEGOTIATIONS COMMITTEE

(July 26, 2007)

Like others, I would like to thank Ambassadors Falconer and Stephenson for their extraordinarily hard work in producing draft texts. During the past two days we all have been providing our initial reactions—some of which, including our own, have been decidedly pointed and sometimes critical.

But none of those reactions should be taken as diminishing the significance of the contributions by both chairs, and their dedication to helping us achieve the needed modalities.

As a general matter, we would first underscore our commitment to work with both of the draft texts in September. While we have serious concern with some of the content in each of the draft texts, we nonetheless believe that they have advanced our collective work, and the United States is prepared to continue serious and concerted efforts in September to build on these texts.

We also would note our strong agreement with Chairman Falconer that there should be no assumption that the ultimate solution to the issues will lie in simply landing on the mid-point of the various ranges that have been put forward. Indeed, given the lack of clarity in some areas of the texts, they are as much snapshots of the current situation as they are suggestions pointing to particular solutions. However, as we achieve greater clarity in these areas, it should help us to narrow our differences.

In this context, both draft texts serve to underscore what the United States believes is a continuing fundamental—and still unmet—challenge of the Doha negotiations and key to achieving a successful outcome: namely, securing a strong market-opening outcome that will result in meaningful new economic opportunities and trade flows worldwide—in agriculture, industrial goods, and services.

AGRICULTURE

As we outlined earlier in the week, our fundamental concern with the Agriculture draft text—and with the state of play within the negotiations—is the uneven treatment across the three "pillars" in agriculture. While the domestic support and export competition pillars sections of the text are highly developed, many key topics in the market access pillar remain conceptual at best—with regard to both developed and developing country market access.

Combined with this uneven treatment is a continued imbalance in ambition across the pillars. Ambition in agricultural market access must match ambition in domestic support.

This assessment means that our first priority in September must be to fill in the gaps, on Special Products, Special Safeguard Mechanism, Sensitive Product treatment, tariff caps, and other critical elements.

On domestic support, the text calls for large reductions in U.S. Overall Trade Distorting Support. For those who have called for "effective cuts," it is important to note that U.S. OTDS levels would have exceeded the upper bound of the range in the Chair's paper in 5 of the past 8 years. And we would underscore that, while we have indicated that we are prepared to offer more on OTDS, our ability to make further cuts depends upon securing significant real increases in market access.

We remain committed to work with Members to ensure treatment for cotton that is consistent with the Hong Kong Ministerial Declaration. However, in our view, the draft text on cotton fails to take into account reductions to cotton-specific support relative to other commodities through the general formula. We have stated consistently that one cannot determine the application of the Hong Kong text until one knows the outcome from the basic disciplines. We continue to believe that the only path forward is through that sequence.

Finally, it is only logical that Members who are in compliance with their domestic support obligations should not be subject to dispute settlement actions over such measures.

NAMA

The key to a successful NAMA result is the coefficients in the Swiss formula. Unfortunately, the range proposed in the draft text for the approximately 30 developing countries applying the coefficient is too high, and the gap between the developed and the developing coefficients is too wide to achieve our twin goals of creating new market access opportunities for all while adhering to the principle of less-than-full-reciprocity in reduction commitments.

In terms of both absolute ambition in NAMA and ambition relative to what is under negotiation in agricultural domestic support, the proposed range for the 30 or so developing countries falls short.

At the end of the day, it is the new tariffs that everyone's businesses will be paying that will help determine whether we have a worthwhile outcome. We all need a result that provides meaningful new market access for our workers and manufacturers. Without such a result, we will not have concluded a truly pro-development Round.

Therefore, our aim must be to improve the balance of contributions as we ensure a high level of ambition overall.

The gap between the developed and developing country coefficients is too wide, particularly when one factors in the array of flexibilities available to developing countries. And the proposed range for the developed countries' coefficient of 8-9 is not realistic, given that many rapidly growing advanced developing countries are offering little beyond binding currently applied tariff rates.

For example, currently, the average applied tariff for the 30 developing countries applying the formula is just over twice the average rate applied by developed countries. Under any scenario in this text, this ratio would widen so that the average end rate for developing countries applying the formula would be more than three times the average end rate for developed countries. The pattern is similar for bound rates.

Furthermore, under any scenario in the draft text, no developed country would have a double-digit tariff anywhere, whereas even under the Chair's most aggressive formulation for developing countries, high tariffs would remain. For example, while the highest U.S. tariff would fall below 8%, several developing countries could maintain tariffs above 60%.

In terms of relative contributions, the developed countries would account for more than 75% of all the duties forgone as a result of the proposed tariff reduction ranges. The five largest developing countries would absorb less than 20%, and all the other formula countries would absorb barely 5%. Of course, the majority of developing countries don't have to apply the formula at all.

We agree with the Chair's assessment that sectoral arrangements are a key element in the framework to reach the mandate. Sectorals are a concrete way to improve the ambition and balance in this round. They are an effective tool in helping developing countries attract investment that will plug their economies into the global supply networks that are the international business model of today.

SERVICES

Services is one of the three critical pillars of the Doha market access negotiations, and an essential element in meeting the development promise of Doha. It simply is not possible to develop a competitive, growing economy without providing access to world-class services in key areas such as financial services, telecommunications, express delivery, and distribution.

As we focus on achieving agreement on modalities for Agriculture and NAMA, we also must define what is necessary to achieve a level of ambition for services that is at least on par with the level of ambition for Agriculture and NAMA. In our view, that means both binding what already is open as well as making new commitments in services market access.

We therefore believe it would be important for the Services Chairman to hold consultations in September, including possibly open-ended meetings, with a view to producing a services document at the time that modalities for Ag and NAMA are agreed. Such a document will be necessary to set a timetable for revised offers and final negotiations, as well as to articulate an appropriate level of ambition for services at this stage of the negotiations.

In the meantime, we all need to be working at home to prepare the groundwork with our domestic regulators and stakeholders for our revised offers.

CONCLUSION

The only way to achieve a Doha success—and the only way to meet the development goals of Doha—is through a result that actually expands international trade. Our aim must remain to achieve a balance that reflects the broadest array of offensive interests across the market access pillars of agriculture, NAMA, and Services. The only way to do this is to attain the highest level of ambition if each.

For the U.S., there is no higher international trade priority than a successful conclusion of an ambitious Doha Round. For our part, we will come to the table prepared to carry forward our work, fully equipped with the will and flexibility necessary. We ask that our trading partners do likewise.

PERSONAL EXPLANATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. YOUNG of Alaska. Madam Speaker, on rollcall Nos. 691–747, I was absent due to a medical reason. I would like the RECORD to show that, had I been present, I would have voted as follows:

691—"yes," 692—"no," 693—"no," 694—"no," 695—"no," 696—"no," 697—"yes," 698—"no," 699—"no," 700—"no," 701—"no," 702—"no," 703—"no," 704—"no," 705—"no," 706—"no," 707—"yes," 708—"no," 709—"no."

710—"no," 711—"yes," 712—"no," 713—"no," 714—"yes," 715—"no," 716—"no," 717—"yes," 718—"yes," 719—"yes," 720—"yes," 721—"no," 722—"yes," 723—"yes," 724—"no," 725—"yes," 726—"no," 727—"yes," 728—"yes."

729—"no," 730—"yes," 731—"yes," 732—"yes," 733—"no," 734—"yes," 735—"no," 736—"no," 737—"yes," 738—"yes," 739—"no," 740—"no," 741—"no," 742—"no," 743—"yes," 744—"yes," 745—"yes," 746—"no," 747—"yes."

BLACK COLLEGE STUDENTS FOCUS ON MATH AND SCIENCES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce an article entitled, "Challenges for Black Colleges' Brightest in the Lab," written by Samuel G. Freeman in the New York Times on July 18, 2007. This article is about a new program that brings gifted science and technology students from Historically Black Colleges and Universities in the South, like Morehouse College in Atlanta, to two major Research Universities.

Talented science students participate in an eight-week immersion program known as STEM which stands for science, technology, engineering, and math—career fields in which black students continue to be highly underrepresented. STEM was founded by Mr. Adam W. Herbert who became the first black president of Indiana University. There are 5 students participating in the program this summer at the Indiana-Purdue campus and at the University of Indiana at Bloomington where they join the research teams of renowned professors. The students get free room and board, a $4,000 stipend, and various development training sessions and lectures outside the lab such as writing grant applications and preparation sessions for the Graduate Record Examination. In exchange, the two universities get an inside track on recruiting highly capable blacks for graduate study.

I applaud Mr. Herbert, Indiana University, and Purdue University for launching this initiative to bridge the gap for blacks in the science and technology field. I am positive that this program will be successful in developing young black students by situating them to succeed in a career path that only a handful of African Americans have reached before. This is an exceptional commitment to the American values of diversity, equality, and opportunity.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. TIAHRT. Madam Speaker, on July 18th, I inadvertedly voted "yea" for rollcall vote No. 662, it was my intention to vote "nay."

TRIBUTE TO MR. RAYMOND M. FLAVIN ON HIS 95TH BIRTHDAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. KILDEE. Madam Speaker, today I rise before you and ask my colleagues in the 110th Congress to join me in recognizing Mr. Raymond M. Flavin on his 95th birthday. This momentous occasion will be marked by a reception on September 2, 2007.

Mr. Flavin was born on August 25, 1912 in Litchfield, ND and moved to the Flint area in 1935. On January 18, 1937 he married his wife Dorothy and the couple had five children. Ray moved to Flint Township in 1941 where his residency remains to this day.

Ray Flavin began his public service career in 1955 as a trustee on the Flint Township Board. He was also the police commissioner during this term. Ray was elected Supervisor of Flint Township by the Township Board in 1958 to fill the unexpired term of the previous supervisor who had passed away. In April 1959 he was elected to the position of Flint Township Supervisor. He served in this capacity during the years 1958 to 1964, from 1970 to 1972, and 1974 through 1980 for a total of 15 years.

Ray's position as Township Supervisor boasts many accomplishments, including: successfully joining the efforts to make Flint Township a Charter Township and assisting in the creation of the Kate McCarthy Senior Citizens Center.

Mr. Flavin was elected to the Michigan House of Representatives 83rd District in 1965. During his term he was a member of the State Ways and Means Committee and was Vice-Chairman of the Subcommittee on General Government.

Madam Speaker, I am a better person because of my friendship with Ray Flavin. I shall always be grateful to him. Madam Speaker, once again, I ask you and my colleagues to join me in celebrating the 95th birthday of Mr. Raymond M. Flavin.

HONORING KEVIN FOURNIER ON HIS GRADUATION FROM THE UNITED STATES CAPITOL POLICE ACADEMY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. LIPINSKI. Madam Speaker, I rise to honor Kevin Fournier, an outstanding native of Beverly in my congressional district, who will graduate from the United States Capitol Police Training Academy today, July 27, 2007.

Kevin Fournier grew up in Chicago's Beverly neighborhood and graduated in 2002 from Brother Rice High School. Kevin then attended the University of Iowa where he studied political science, earning a degree in 2005. From an early age, Kevin displayed the qualities of a scholar and a leader, and has always been determined to positively influence his community and society at large.

Kevin's dedication, in addition to his outstanding academic and physical performance credentials, enabled him to enter the ranks of one of the finest law enforcement organizations in our Nation, the United States Capitol Police. Like all successful Capitol Police recruits, Kevin completed extensive courses at the Federal Law Enforcement Training Center and at the Capitol Police Training Academy. Kevin's exceptional interpersonal skills, professionalism, and technical proficiency in firearms and police procedures will enable him to protect and serve Members of Congress, staff, guests, and the general public with distinction.

Today, I ask my colleagues to join me in congratulating Officer Kevin Fournier and all of our new Capitol Police officers as they begin careers on Capitol Hill. I have confidence that these fine new officers, like Kevin, will serve as an example to other police officers around the country, following in the great tradition of the Capitol Police. As Members of Congress, we are grateful for the commitment of these new officers, and are forever indebted to all the men and women who have served or currently serve in the United States Capitol Police.

HONORING ENGINE COMPANY NO. 110 OF THE CHICAGO FIRE DEPARTMENT AND 100 YEARS OF DEDICATED COMMUNITY SERVICE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the distinguished history of Engine Company No. 110 of the Chicago Fire Department on the occasion of its 100th anniversary. Over the last century Engine Company No. 110 has selflessly served the community to keep it safe.

The local firehouse is an important, traditional, and valuable resource in the neighborhood. Engine Company 110 strives for perfection to better help those in the community.

I have visited Engine Company No. 110 many times. This company has always epitomized the exemplary values of honor and protection that the Chicago Fire Department and the Maltese Cross have become known to symbolize. All too often we take for granted the heroic efforts of these dedicated public servants.

Fire Marshall and Chief of Brigade, D.J. Swenie originally established Engine Company No. 110 on September 7, 1907. Today, Captain Dave Dietz continues this tradition of bravery and service for our community.

The anniversary celebration honoring Engine Company No. 110 will take place on September 8th at the current firehouse location at 2322 W. Foster Avenue. This will be a wonderful event that will memorialize this important anniversary.

Madam Speaker, on behalf of the citizens of the north side of Chicago and the constituents of the Fifth Congressional District of Illinois, I wish to recognize the past and current firefighters of Engine Company No. 110 for their dedication and commitment to service. Moreover, I wish all the best for the future firefighters of Engine Company No. 110 and their families.

ON INTRODUCTION OF THE PROSTATE CANCER MEDICAID COVERAGE ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. NORTON. Madam Speaker, today I introduce a bill to allow treatment using Medicaid funds for men who are diagnosed with prostate cancer. This bill mirrors the measure that Congress enacted in 1999 to help low-income women who would otherwise not qualify for Medicaid, despite being diagnosed with breast cancer or cervical cancer. Congress found that women responded in large numbers to efforts by government and others to encourage early diagnosis using mammography after the Breast and Cervical Cancer Mortality Prevention Act was enacted in 1990. However, in 1999 Congress recognized that because the screening did not provide coverage of treatment for women above the poverty level, the screening legislation had the tragic but unintended consequence of informing these women of a serious disease that demanded immediate treatment but leaving them without the means to seek that treatment. Later, Congress amended Title XIX of the Social Security Act to provide medical assistance for the women screened and found to have breast or cervical cancer under a Federally funded screening program.

In today's bill, I have endeavored to provide the same relief for men. This bill allows men, earning up to 250 percent of the poverty level, who are diagnosed with prostate cancer through a Federal screening program for prostate cancer, to qualify for treatment using Medicaid funds. The program would target men who are low-income, uninsured or underinsured men who, nevertheless, do not qualify for Medicaid and do not have private insurance.

Prostate cancer outranks breast cancer as the second most common occurring cancer in the U.S. and the second leading cause of cancer-related deaths. However, diagnosing this cancer is often less expensive, and unlike breast cancer, often does not require immediate treatment. Prostate cancer treatment does not require invasive surgery in many instances. Many prostate cases can be diagnosed with a simple Prostate-Specific Antigen (PSA) Test unlike the high technology mammography machines used to detect breast cancer. Many men are advised to wait and watch for the development of the disease before seeking treatment.

However the rate of cancer deaths coupled with available treatment is strong evidence that many lives could be saved at considerably less expense if early detection and treatment were more available. Although race is a factor, every man over the age of 50 is at risk of developing prostate cancer and should be screened. Veterans that have been exposed to Agent Orange also have a higher risk of developing prostate cancer. Many doctors recommend yearly screening for men over age 50, and some advise men who are at a higher risk for prostate cancer to begin screening at age 40 or 45. Many black men are at the highest risk of prostate cancer—it tends to start at younger ages and grows faster than in men of other races. Currently, Medicare provides coverage for an annual PSA test for all men age 50 and older but men still do not fall within existing requirements to receive Medicaid.

I urge my colleagues to join with me in establishing this program guaranteeing treatment for men diagnosed with prostate cancer. It will meet an immediate and pressing need in communities across the country, and across racial and class lines.

I urge all of my colleagues to support this bill.

PRAISING PEACE MEDIATOR BETTY BIGOMBE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to praise the work of Ms. Betty Bigombe who has worked tirelessly on the Northern Uganda's peace process for over two decades. Ms. Betty Bigombe's story was featured in the Washington Post on July 11, 2007 in an article entitled, "The Woman Behind Uganda's Peace Hopes."

Ms. Bigombe was the primary negotiator between Joseph Kony, the commander of the Lord's Resistance Army (LRA) and the Ugandan President Yoweri Museveni. Ms. Bigombe first started working on the northern Ugandan peace process in 1988 when Museveni appointed her as the minister of state for the north. Ms. Bigombe was called to action again on Feb. 21, 2004 after reading news dispatches of a massacre at a displacement camp in Barloonyo.

Ms. Bigombe contributed to the peace talks by meeting with Joseph Kony and his army and urged them to sign a peace agreement. While the peace talks in Northern Uganda are now being led by southern Sudanese mediators, Kampala officials and the LRA continue to regularly consult with Ms. Bigombe.

Ms. Bigombe has my deepest respect and admiration. She has put her life on the line and became the voice of nearly 2 million displaced Ugandans and 25,000 children who were kidnapped and forced to serve as soldiers and sex slaves. The road towards peace in Northern Uganda has taken personal sacrifice on the behalf of Ms. Bigombe. For instance, she has personally financed her operations while in Uganda and lived off grants. She found herself bankrupt in 2005 as a result. In addition, working on the peace process demanded time away from her family and loved ones and she often found herself missing birthdays and other celebrations. These are life moments that she simply cannot get back.

Ms. Bigombe and others like her should be celebrated for their bravery and contributions in bringing peace throughout the world.

TRIBUTE TO BLOUNT MEMORIAL HOSPITAL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor a hospital that embodies the spirit, standard, and strength of the community it serves.

Blount Memorial Hospital in Maryville, Tennessee first opened its doors 60 years ago with 50 beds and 12 doctors. Now, with hundreds of beds and doctors and numerous outreach facilities, the hospital sets a new standard for community healthcare.

The citizens of Maryville are blessed to have at their disposal such quality care close to home. People of many other communities its size must often travel to bigger towns for full care, but this is not so in Blount County, Tennessee.

I am extremely honored to represent the fine men and women who work hard every day to make Blount Memorial hospital a source of community pride.

The hospital's transformation into a premiere medical facility could not have occurred without the outstanding leadership of its longtime administrator. Joe Dawson has witnessed many milestones in his 22 years at Blount Memorial, and I am sure he will spearhead many more. I thank him for his leadership.

Madam Speaker, in closing, I would like to call to the attention of my colleagues and other readers of the RECORD the article from the Daily Times newspaper, which is reprinted below.

[From the Daily Times, July 25, 2007]

BMH TURNS 60

(By Jessica Stith)

With 50 beds and 12 physicians, Blount Memorial Hospital opened its doors to the community 60 years ago. Now, the hospital houses over 304 licensed beds, not including the 76 beds in their transitional care center or the 92 beds in MorningView Village, a senior community. The hospital currently employs more than 280 physicians on active and courtesy staffs.

On Tuesday, 24 American flags were unveiled down East Lamar Alexander Parkway in front of the hospital in celebration of the hospital's 60th anniversary and in honor of those who have died in the line of duty, those missing in action and those who served and continue to serve our Nation.

Past and present employees, board members, physicians, volunteers, hospital partners from the past and friends of the Blount Memorial Hospital family joined to celebrate and recall the history of the hospital.

Two proclamations were presented to the hospital—one from Blount County and the cities of Maryville and Alcoa and a second from the Tennessee House of Representatives.

Joe Dawson, who became the hospital's sixth administrator in 1985, opened the ceremony by welcoming guests in the birthday celebration of the hospital. "This is the actual first day (July 24) Blount Memorial took their first patient," Dawson said.

Dawson said the 24 honor flags would be displayed on patriotic holidays and the hospital's anniversary each year.

Robert Redwine, president of the hospital's board of directors, said this year's anniversary theme was, "Honoring the past. Ensuring the future." Redwine pointed out the rich history and milestones of the hospital. He said the need for the hospital arose in the early 1940s when ALCOA Inc.'s North Plant was built.

The hospital's "founding fathers," Judge George Roberts, Joe Gamble and A.D. Huddleston, were appointed to investigate the feasibility of building a publicly owned hospital in the county.

In 1945, the Federal Works Agency agreed to finance about 50 percent ($200,000) of the $400,000 needed to build it. The community raised $200,000 that included a $100,000 donation from ALCOA. The aluminum company's contribution included a day's pay given by every worker, Redwine said.

A 14-acre site was purchased, and Maryville College donated 0.675 acres of land in front of Walland Highway, where construction began.

On Blount Memorial's first day of operation, 40 patients were brought to the hospital by ambulance and six were admitted. The staff performed two operations, dealt with two emergencies and delivered a baby boy, Richard Brown.

Since that day, the hospital has grown significantly in its size and services offered. In the past 10 years, The Good Samaritan Clinic, Blount Memorial Health Center at Tellico West in Vonore, Home Equipment Services office, MorningView Village, Transitional Care Center, Breast Health Center, Atrium Cafe and an outpatient diagnostic center at Springbrook have been opened—not to mention many additions and renovations.

Redwine thanked many partners and friends of the hospital for their continued support. "And of course we want to thank the community for your continued support," Redwine said.

"We are here to serve you." "Please remember this is your hospital. We want you to be proud of it, and we want you to use it."

Proclamations read:

Blount County Mayor Jerry Cunningham, Alcoa Mayor Don Mull and Maryville Vice Mayor Tom Taylor presented a joint proclamation to the hospital on behalf of the county and cities. The proclamation "declares July 24, 2007, as Blount Memorial Hospital's 60th Anniversary Day," and encourages the community to join the celebration.

State Rep. Doug Overbey and Rep. Joe McCord presented a proclamation to the hospital stating that the "General Assembly is privileged to recognize Blount Memorial Hospital for its countless contributions to the well-being of the citizens of Tennessee."

Senator and retired physician Raymond Finney spoke at the celebration about how he was glad to be "back home" as he was on staff at Blount Memorial Hospital for 33 years. He talked about the hospital's accomplishments and credited many of those to great leadership who have been there for years.

"One of the things that makes this hospital so good is capable people that stay put," Finney said. "I really appreciate what's been accomplished here. I know what is going on across the state in health care, and we have an exemplary hospital here."

Dawson said he expects the hospital to continue growing and believes the hospital will reach many more goals by its 70th anniversary. "We're very much a reflection of Blount County and the changes of Blount County," Dawson said.

In the next 5 to 10 years, Dawson said he expects the hospital will have new technology and said the hospital will be "reaching out into the community" more by building more primary care and outpatient facilities.

IN OPPOSITION TO H.R. 980 PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. FOXX. Madam Speaker, the first responders of our Nation deserve our great respect and admiration for their commitment to keep the public safe from harm. They play a vital role in securing our communities against our time's many threats to peace. I fully support our public-safety community in its increasingly complex and difficult task.

The measure before the House, H.R. 980, would allow the Federal Government to assert itself on an issue that has typically been left to State legislatures. H.R. 980 would establish a national system of collective bargaining for most of the Nation's public safety officers, including but not limited to, law enforcement officers, firefighters, and other emergency service personnel (such as EMTs and other first responders) employed by State and local Governments.

This legislation does not pass good policy muster for a variety of reasons. Foremost among those reasons is its utter disregard for the 10th Amendment rights of States. My home State of North Carolina has exercised its State rights and chosen to prohibit collective bargaining rights. It has been a Right-to-Work State since 1947. Under the provisions of this bill, North Carolina could no longer exercise its constitutional rights, but would be forced to comply with unprecedented Federal mandates.

The legislation also does not include protection for secret ballot elections. Public-safety workers would be at the whims of strong-arming union-boss tactics. But despite the threat to the interests of States and their public safety workers and the fact that it supersedes State and local authority, this bill was pushed through the House under a suspension rule.

Fortunately, there is a decent chance this law will be ruled unconstitutional because of the Federal Government's overstepping its bounds and imposing a Federal mandate on States. This bill would preempt State authority to regulate the collective bargaining rights of its State and local public safety employees. While the bill asserts that States would not be preempted, this assertion only applies to States with comparable or greater rights than those required under this legislation. In other words, if a State doesn't match or exceed what the Federal Government wants, it is preempted.

H.R. 980 infringes on State rights and it expands the Federal Government's scope and role by creating an onerous national standard for public safety employee labor laws. But there is no real case for enacting this bill—currently 48 States have labor laws governing these workers and 29 of those States would already meet the proposed standard. The dark side of these 29 States that meet the standard is the 21 States that would have to create new labor laws or face Federal Government intervention of imposed regulations.

Moving away from how this affects States, H.R. 980 does not provide protections for individual public-safety employees who do not want to unionize—especially in States that do not currently allow such unionization. States often have good reason to prohibit such unionization of public-sector employees. Collective bargaining and the process that surrounds it can cause strife in the workplace that might otherwise undermine Americans' public safety. Although current law already prohibits strikes in the public sector, such prohibition has at times been violated during the collective bargaining process.

North Carolina is one of the States that has laws barring monopoly collective bargaining for public safety employees. It would be significantly affected by this bill's mandates. Since North Carolina's laws do not meet these new burdensome standards, the State is faced with 2 choices: Enact or amend its laws that conform to the Federal standard; or have Federal labor law, administered by the Federal Government, govern the rights of its State and local firefighters and public safety officers.

With such an imposition, Democrats are empowering the Federal Government to supersede State's rights and set a minimum standard that must be observed, in an area where 48 States already have some form of allowance present. We do not need to expand the Federal role in this issue and it is unclear whether or not this would be constitutional under the Tenth Amendment.

For decades, States have exercised their constitutional right to make public-sector employment laws that each State found reasonable. With the passage of H.R. 980, the States would be forced to comply with Federal standards that might not reflect the values of the State and its citizens. This is just one more example of how the majority insists on inserting the Federal Government into more and more aspects of our lives. I believe a no vote on this bill is a protest against continued intrusion into issues best left to States.

PERSONAL EXPLANATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. CAMPBELL of California. Madam Speaker, on July 23, 2007, I missed rollcall votes 687–690. Regrettably, my flight from California to Washington, DC was cancelled and I had to take a flight that got me here after votes. Had I been here, I would have voted "yes" on votes 687, 688, and 689, and "no" on vote 690.

Rollcall vote 687: On Motion to Suspend the Rules and Pass, as Amended H.R. 404, Federal Customer Service Enhancement Act;

Rollcall vote 688: On Motion to Suspend the Rules and Agree, H. Res. 553, Mourning the passing of Lady Bird Johnson;

Rollcall vote 689: On Motion to Suspend the Rules and Agree, H. Res. 519, Honoring the life and accomplishments of Tom Lea on the 100th anniversary of his birth;

Rollcall vote 690: On Ordering the Previous Question, H. Res. 558, Providing for consideration of H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies, FY 2008.

THREATS TO U.S. NATIONAL SECURITY: DEPORTATION POLICIES THAT FORCE FAMILIES APART

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. RANGEL. Madam Speaker, conversations on this very important topic are necessary to recognize the consequences of criminally convicted U.S. residents deported to Latin America and the Caribbean. I commend Chairman ENGEL for taking an interest and exploring the challenges that our deportation policies have imposed on the region. I look forward to working with you and the Committee, as you examine this issue.

Recently, the Presidents and Prime Ministers of the Caribbean Community (CARICOM) visited the U.S. Congress. They spoke with several members and met with committees regarding the issues affecting the region. One major concern for them is the impact of thousands of criminally convicted deportees from the United States to the nations of the Caribbean. At times these individuals are repatriated without notice to the receiving country, regardless of the impact their arrival will have upon the societies to which they are being sent. The adverse impact of this practice is not only felt in the Caribbean, but in our communities as well, due to the financial burden it places on the families left behind without means of support.

The CARICOM members are not asking for a change in the policy, but adjustment to how it is executed. The CARICOM members understand that residence permits are a privilege granted to non-citizens contingent on their good .behavior. Clearly, the commission of a crime does not constitute good behavior. However, mothers and fathers are being separated from their families without making the appropriate provisions for the welfare of children who remain in our country. Those repatriated sometimes have no support units in their country of citizenship and are forced into a life of poverty, as well as stigmatized for being deported. In addition, the families they leave behind are left with huge legal bills or in situations where they have to fend off poverty. It is my contention that poverty is a threat to the national security of the United States.

The Human Rights Watch in their July 2007 Report entitled "Forced Apart Families Separated and Immigrants Harmed by United States Deportation Policy," stated that since 1996 approximately 1.6 million families have been torn apart by the U.S. deportation policies. The top ten countries of origin for noncitizens removed on criminal grounds represent Latin America and the Caribbean. Mexico being the most affected of these nations; with over 500,000 Mexican nationals being repatriaed between FY 1997 and FY 2005. Haiti, the poorest nation in our hemisphere, is among the top 10 with over 3,000 individuals being returned to that nation. Many parents explained that their children, the vast majority of whom had been left in the deporting country, faced extreme hardships, both emotionally and financially. These are American children that are forced into situations where they have to abandon school to support their families. These are American children sometimes forced to live in single-parent households or households without a parent. Ushered into a life of poverty. Poverty not only pricks our conscience, but it shortchanges our future as well. Society ultimately pays for poverty through a less productive workforce; more crime, higher use of welfare, greater drug addiction and other social ills.

We need to support initiatives to integrate repatriated individuals into their new society. Often they have spent their entire life in the United States and lack a support system in the receiving country. Recommendations that need to be explored include funding to expand or establish resettlement programs. These programs should be geared to setting up transition centers where individuals are afforded basic resources such as food, clothing and shelter. Job training programs and social service type institutions need to be reinforced in the region, since upon deportation, many of them drift into homelessness, and with no job prospects, they end up doing crime as a means of survival.

There needs to be the creation of a system to track and monitor high-risk criminal deportees. In some situations criminals are repatriated and no formal processing takes place in the receiving country. In essence they are let loose into the community and there are no systems in place to track their movement in the receiving country. It is believed that there is a correlation between the increase in gang related activity in the region and deportees. These individuals often make their way back into the U.S. or form part of trans-national organized crime units.

I am glad to see that this hearing has been convened to explore ways this Congress can help our neighbors in the Region address this issue. Failing to properly reintegrating repatriated individuals is a challenge that negatively impacts our neighbors and threatens our national security.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 734, I was unavoidably absent. Had I been present, I would have voted "no." On rollcall No. 735, I would have voted "no." On rollcall No. 736, I would have voted "no." On rollcall No. 737, I would have voted "no." On rollcall No. 738, I would have voted "aye." On rollcall No. 739, I would have voted "no." On rollcall No. 740, I would have voted "no." On rollcall No. 741, I would have voted "no." On rollcall No. 742, I would have voted "no." On rollcall No. 743, I would have voted "no." On rollcall No. 744, I would have voted "aye." On rollcall No. 745, I would have voted "no." On rollcall No. 746, I would have voted "aye." On rollcall No. 747, I would have voted "aye."

TRIBUTE TO THE MACKINAC BRIDGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor a daring feat of technology, design and architecture. This week, the mighty Mackinac Bridge turns 50 and, this weekend, the people of the State of Michigan will celebrate the bridge's remarkable legacy.

Before the construction of the bridge, the only way to cross the Straits of Mackinac was by ferry. The area around the Straits of Mackinac had blossomed into a popular summer resort destination. However, year-round boat service across the straits was not practical because, during the cold winters, the waters freeze, forming ice and preventing navigation of the straits. For this reason, as early as the opening of the Brooklyn Bridge in 1883, the residents of northern Michigan were inspired to dream of a bridge that would span the Straits of Mackinac and unite Michigan's two peninsulas.

Nonetheless, it would be several decades before the plans for the bridge began to take shape. The process began formally in 1934, when the Michigan Legislature created the Mackinac Straits Bridge Authority of Michigan, to study the feasibility of a bridge, and authorized the Authority to sell bonds for the project. In the mid 1930s, the Authority twice attempted to obtain federal funds for the project but was unsuccessful, despite the endorsement of the United States Army Corps of Engineers and President Franklin D. Roosevelt. As early as 1936, a route was determined for the bridge. However, World War II put plans for a bridge on hold.

The Mackinac Straits Bridge Authority of Michigan was abolished by the state legislature in 1947 but was reauthorized 3 years later in 1950. In June 1950, a board of three engineers was retained for the project. Following a report by the engineers in January 1951, the state legislature authorized the sale of $85 million in bonds for bridge construction. The bonds were sold and, in 1953, Dr. David B. Steinman was selected as the engineer for the project. Construction of the Mackinac Bridge began in November of 1954.

The next 3 years would bring a pitched battle between man and the elements. Engineers and ironworkers would defy nature by building a structure that would span 26,000 feet or approximately 5 miles. Not only would the bridge's five miles make it one of the longest suspension bridges in the world, but also the surrounding environs made the bridge's engineering, design and construction a formidable challenge. While most bridges cross placid water, the turbulent straits of Mackinac are ocean-like, often kicking up waves of more than six feet. The brutal northern Michigan winters further complicated construction.

These were the challenging conditions faced by the men and women who built the Mackinac Bridge. The 2,500 ironworkers and other tradesmen that built the bridge arrived at the Mackinac Straits from across the country and the small Michigan towns of St. Ignace and Mackinaw City were not quite ready for the workers' arrival. The laborers came from across the nation, hailing from hometowns in Texas, Idaho, Pennsylvania and Colorado. The laborers who built the bridge called each other by colorful nicknames such as Race Horse Roberts and Beer-Barrel Morgan. Together, they would toil tirelessly and bravely, risking life and limb to erect the bridge. Ultimately, five of them would perish in this endeavor.

The risks these workers endured were enormous. Everyday, they climbed to the top of the towers that would support the bridge's suspension cables. Lugging 40-pound belts with hammers, wrenches, bolts and steel rivets they braved 60 mile per hour winds, which would dip the wind chill to 50 degrees below zero.

Perched on a catwalk that ran between the bridge's 550-foot tall towers, the ironworkers strung the giant suspension cable from tower to tower. The cables that hold up the Mackinac Bridge are comprised of wires the workers spun together to create the suspension cables. In total, the laborers that built the bridge strung 42,000 miles of wire. In constructing the bridge, they used more than a million tons of concrete and steel. The steel is held together by 4.8 million rivets and a million bolts.

In 1957, construction was complete and, on November of that year, the bridge was opened to traffic. Today, 50 years later the Mackinac Bridge continues to tower over the Straits of Mackinac, a testament to those who toiled and died to build it. Travelers driving toward it during the day are awed by the 46-story tall towers stretching into the clouds. By night, when illuminated with thousands of lights, the bridge is an enchanting sight.

The Mackinac Bridge stands as a mighty monument. It stands as a testament to the hard work not only of 2,500 tradesmen and ironworkers that built the bridge, but also to the 7,500 workers at quarries, shops and mills in Michigan, Indiana, Pennsylvania, Minnesota and New Jersey who provided the raw materials to make the bridge. The Mackinac Bridge symbolizes American ingenuity and man's ability to overcome and tame nature. Perhaps most of all, the Mackinac Bridge represents the unison of the State of Michigan, two peninsulas, united by a five mile expanse of concrete and steel.

Madam Speaker, this weekend all Michigan residents will officially celebrate the Mackinc Bridge's 50th year. Our state will remember the ingenuity, brilliance and sacrifice that went into building it. I, too, will celebrate as, in the course of traveling my district, I regularly crisscross this mighty bridge, sometimes four times in a single day. Through wind, rain and snow, I have traveled across and explored the Mackinac Bridge from the inside, the outside, from above it and below it. No matter how many times a person crosses the bridge, it always remains a breathtaking sight and a graceful engineering feat! My district is comprised of Michigan's two peninsulas and 1,613 miles of shoreline. Traveling my district would be radically different, and almost impossible, without the Mackinac Bridge, which unites the two peninsulas and all of Michigan's citizens, physically and spiritually.

Madam Speaker, as Michigan celebrates the Mackinac Bridge's 50th birthday, I ask that you and the entire U.S. House of Representatives join me in paying tribute to this wondrous and uniquely American landmark and to the brave laborers from across our Nation who built it.

THE 100TH ANNIVERSARY OF THE WISCONSIN CHIEFS OF POLICE ASSOCIATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. BALDWIN. Madam Speaker, I rise today to extend my congratulations to the Wisconsin Chiefs of Police Association, which is celebrating 100 years of excellence. This outstanding achievement is marked by the Wisconsin Chiefs of Police Association's commitment to providing safe, efficient, and effective police services.

The Wisconsin Chiefs of Police Association's standards of excellence were first instituted in 1907 with the mission of supplying a public voice on social and professional issues for law enforcement. It has grown as a resource for its members by making training available in state-of-the-art concepts in policing, acting as a legislative advocate for law enforcement, providing representation for the general good of law enforcement at the local, state and federal levels, and providing open communications with the public. Its most important objective has been to ensure that Wisconsin law enforcement embodies the highest level of integrity and honesty and embraces moral and ethical behavior based on the principles found in the law enforcement code of ethics.

Today, the Wisconsin Chiefs of Police Association's membership spans Wisconsin and includes committees covering cutting-edge issues ranging from Homeland Security to Information Technology. And while the issues of the day may seem a far cry from those the Wisconsin Chiefs of Police Association dealt with 100 years ago, the call to tirelessly safeguard the lives and property of area citizens remains the same for the members of the Wisconsin Chiefs of Police Association. Now, more than ever, our state is comforted by the knowledge that such citizens are prepared to lead in protecting our communities.

I wholeheartedly congratulate the Wisconsin Chiefs of Police Association for 100 years of protecting our communities and recognize its continuing commitment to excellence.

TRIBUTE TO THE LATE EUGENE BARRETT, JR.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the late Eugene Barrett, Jr., who died on July 20, 2007.

A former Wyandotte County, KS Treasurer, Eugene Barrett, Jr., was born on January 26, 1930, to Eugene and Margaret Barrett of Kansas City, KS. A lifelong Kansas City resident, he served in the Korean War, after which he became a part of the local banking community at Kaw Valley State Bank, served as Wyandotte County Treasurer, and was appointed Kansas State Banking Commissioner by Governor John Carlin, a post he held from 1984 to 1987. With a long range vision for the future of Wyandotte County, he donated his time and service to many organizations, a few of which included the Wyandotte County Planning Commission, the Wyandotte County Parks Foundation Board, and the Wyandotte County 4–H Fair Board. He also served as a member of the Donnelly College Board of Trustees. Joined by his family, he also had a lifelong affiliation with the Sister Servants of Mary.

Eugene Barrett, Jr., was preceded in death by his loving wife of 42 years, Betty. He is survived by his five children: daughter Mary and husband Gary Batson; daughter Jenny Scheve; son Mike and wife Lori; son Paul and wife Erin; and son Gene and wife Anna, all of the Kansas City area. Additionally, he is survived by a sister, Sally and her husband Jim Sanders, of Lenexa, KS, 13 grandchildren, one great grandchild, and numerous nieces and nephews.

Madam Speaker, in the words of his family, Eugene Barrett, Jr., lived a meaningful and eventful life filled with loving family, and many friends will miss him dearly. I commend him for his service to our community and our state and appreciate this opportunity to pay tribute to him before the full U.S. House of Representatives.

TO EXTEND THE DESIGNATION OF LIBERIA UNDER SECTION 244 OF THE IMMIGRATION AND NATIONALITY ACT SO THAT LIBERIANS CAN CONTINUE TO BE ELIGIBLE FOR TEMPORARY PROTECTED STATUS

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I am honored to rise in support of H.R. 3123, which addresses the plight of displaced Liberian nationals, a group of people that is of great regional and global importance. H.R. 3123 recognizes the importance of extending the designation of Liberia under section 244 of the Immigration and Nationality Act. I thank the gentleman from Rhode Island, Mr. KENNEDY, for excellent work in bringing this legislation forward.

H.R. 3123 extends the designation of Liberian refuges under section 244(b)(1) of the Immigration and Nationality Act through September 30, 2008 and expands the designation of Liberia under the Immigration and Nationality Act as a country whose nationals are eligible for temporary protected status and work authorization in the United States. In addition, H.R. 3123 sets forth eligibility requirements for Liberian nationals or persons having no nationality whose last habitual residence was Liberia.

Madam Speaker, let us remember that from 1989 to 1996 the Liberian civil war claimed the lives of more than 200,000 Liberians and further displaced a million others into refugee camps in neighboring and distant countries, including our own. The United States and other countries have provided relief to Liberians. By supporting this bill we can show our affection and commitment to people of Liberia.

The United States has a historical connection to all Liberians, but we also have a moral responsibility to end the killings and mass displacement of innocent citizens. The termination of TPS designation of Liberia would place many Liberians that fled to our country for refuge at risk of being returned prematurely.

Madam Speaker, the elimination of TPS designation means that on October 2, 2007, former TPS beneficiaries will return to the same immigration status they maintained before registering for TPS, or to any other status they may have acquired while registered for Temporarily Protection Status. Accordingly, if an individual did not have lawful immigration status at the time of receiving TPS benefits, and did not obtain any other status during the TPS designation period, he or she will revert to being without lawful status. Such individuals are expected to depart the United States on or before October 1, 2007. Those who do not comply with this requirement may be subject to removal.

The Liberian people living in our country deserve better treatment and protection than the current Immigration and Nationality Act can afford. Congress needs to permit the extension of section 244 which enables the people to reregister for temporary protection status and work authorization.

Let us give the Liberian people the respect and protection they need by supporting H.R. 3123.

THE SECOND CHANCE ACT OF 2007

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to speak about the Second Chance Act which provides assistance to individuals who have been incarcerated, including the expungement of their records.

Individuals released from prison have no chance of becoming productive members of society because their criminal records prevent employers from considering them for jobs. This leads many of them to return to lives of crime. In an effort to change the dynamic of recidivism, we must remove barriers to employment—particularly criminal records—which hang over the heads of ex-offenders, even those who have been rehabilitated.

The Second Chance Act allocates $360 million towards programs that would help the ex-offenders adjust to their new environment after their release from prison. Focusing on four different areas: employment, housing, access to health services and families, it would provide a secure setting for the individual and make the transition easier, which would reduce the rate of recidivism.

Almost two thirds of newly discharged individuals return to their lives of crime within 3 years of their release. This signifies a great number of crimes being committed that could have prevented through effective programs, which is one of the components of this legislation. Billions of dollars are being wasted in the criminal justice system mostly because of the prosecutions of repeat offenders.

If we do not take the necessary actions to help these individuals, they will be trapped in the cycle of recidivism. We must take action to help them break the cycle.

TRIBUTE TO FOSTER TOWNSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Foster Township in Madison County, IL, upon her sesquicentennial. Foster Township includes all of town 6 range 9 west. A celebration will be held in Fosterburg, IL, on August 18 and 19, 2007 to celebrate this special occasion.

Though impossible to know for certain who the first settlers of the township were, legend is that Granny McAfee and her family settled in section 28 in 1816. On October 11, 1820 the first known land purchases were recorded and the land was purchased directly from the United States Government by 5 individuals. Early settlers included the Beemans, Decks, Edwards, Reynolds, Waggoners, Hamiltons, Gallops, Kyles, Rhodes, Fosters, Woods, Shorts, Doolings, Sherfys, Dillons, Crowders, Eatons, Bevills, Wilsons, Chandlers, Jinkinsons, Browns, Thompsons, Warners, Lobbings, and Titchenals.

As the township was located along the road between Alton and Springfield, it often served as a stage relay station for travelers. President Abraham Lincoln was one such traveler who visited Foster Township staying at both the Clayton House and the Foster Inn.

I am pleased to congratulate the citizens of Foster Township on this special occasion. I thank them for their contributions to this great nation. May God bless Foster Township!

IN HONOR OF THE HOMECOMING OF LANCE CORPORAL MATHEW LIBERTO OF FLEMINGTON, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to share in the celebration of LCpl Mathew Liberto's homecoming. Mat serves honorably with the 3rd Battalion, 14th Marines, 4th Marine Division out of Philadelphia, Pennsylvania. He has just returned from a deployment to Al-Qaim and a forward-operating base near Waleed on the Syrian border.

Today, his employer, New Jersey Manufacturers Insurance Company (NJM) is officially welcoming Mat home with all the pomp and circumstance deserved by a great American hero. He will be honored for his service along with his fellow employee, Joseph Bethea of Morrisville, Pennsylvania, a National Guard Flight Operations Sergeant with the 150th General Support Aviation Battalion of the 42nd Infantry Division. Joe also recently returned from deployment to Iraq.

I commend these gentlemen for their commitment to the ideals of freedom and liberty and to the sacrifices they have made that make it possible for those ideals to exist in our lives today. I also commend New Jersey Manufacturers Insurance Company, which is today treating these men to a hero's welcome. Not only did the employees of NJM take the time to correspond regularly with their deployed colleagues, they also sent them and their units care packages. This compassion and community is the strength of our national fabric, and it is an honor to share their story for posterity.

IN RECOGNITION OF DR. CHARLIE McFARLAND

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Dr. Charlie McFarland for being honored with a President's Call to Service Award from the President's Council on Service and Civic Participation.

The award, presented by former quarterback and Heisman Trophy winner Danny Wuerffel, honors Dr. McFarland's years of volunteer service. The majority of his efforts have been dedicated to the Special Olympics program which he not only created for Okaloosa County but helped begin for the State of Florida and even the Nation.

McFarland took his first group of disabled students to Special Olympics games in South Carolina in 1969. After seeing how beneficial the program was for that first group of 20 students, the school district applied for a charter from the Kennedy Foundation for the State of Florida. The charter was approved and in 1970 Florida held its first games, with 20 counties participating.

Over the years, McFarland has taken every opportunity to raise greater awareness of the program and raise much needed funds for it. He has convinced such big-name artists as Kenny Rogers, Alabama, Reba McEntire, Glen Campbell, the Oak Ridge Boys and the late Lewis Gizzard to perform or support the local program, has successfully lobbied NASA and Congress to allow Col. Dick Covey to take the Special Olympics flag on the space shuttle *Discovery*, and has helped the special education Silver Sand School obtain both a new track and pool.

In 1993, Dr. McFarland was named one of the charter members of the Florida Special Olympics Hall of Fame, and has kept serving with the Special Olympics even after he retired as an educator in 1995.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Dr. Charlie McFarland for his tireless contributions to the Special Olympics program.

HONORING JOHN D. SEAMAN, JR., OF ST. PETERSBURG, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize MSgt. John D. Seaman, Jr., from St. Petersburg, Florida. The son of Shirley and John Seaman of Inverness, Florida, Sergeant Seaman was born in Greenwich, Connecticut on July 23, 1959, and moved to St. Petersburg, Florida, in July 1964. He attended schools in St. Petersburg, as well as Maryland, Virginia, and North Carolina, while his father was stationed in the United States Coast Guard.

A 1977 graduate of Northeast High School in St. Petersburg, Sergeant Seaman worked and attended junior college for several years before enlisting in the Air Force in 1982. In 1984, Sergeant Seaman transferred to the Florida Air National Guard and joined the 290th Combat Communications Squadron, where he was assigned as a Satellite Communications Technician. Since then he has held numerous communications positions and been promoted throughout the ranks of the Florida Guard.

Throughout his military career, Sergeant Seaman has played an important role in many of the conflicts in which the United States military has taken part. He was in Riyadh, Saudi Arabia, during Operation Desert Storm, redesigned the communications architecture required for the invasion of Afghanistan, and was deployed to the Philippines for the start of Operation Enduring Freedom. Today Sergeant Seaman serves as the Transmissions Branch Superintendent assigned to the 290th Joint Communications Support Squadron, MacDill AFB, Florida.

A devoted family man, Sergeant Seaman is married to the former Kathleen R. Felton of Clifton, New Jersey, and they have two sons, John David and Michael Robert. A volunteer in his community, Sergeant Seaman is also an assistant coach for AA minor league baseball for North East Little League.

Madam Speaker, it is soldiers like MSgt. John Seaman, Jr., who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like John serve in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

SENATE—*Monday, July 30, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Lord God, eternal and infinite, at the beginning of this new week, we give You thanks for the grace You bestow upon us daily. Thank You for each morning with its light, for rest and shelter of the night, for health and food, for love and friends, for everything Your goodness brings.

Please continue to guide our judgment and actions so that we may fulfill Your will. Help us when we are blind so that we may see the path You have set before us. Remind our leaders to remember those in need.

Continue to watch over those who serve and protect our country. Lord, give wisdom to our Senators as they guide us down the challenging road into the future.

And, Lord, we ask You to comfort Senator NORMAN COLEMAN as he mourns his father's death.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 3 p.m. The time will be equally controlled between the two leaders. At 3 p.m., the Senate will resume consideration of the motion to proceed to H.R. 796, with the time until 5:30 to be equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees.

At 5:30, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed. If cloture is invoked, we can proceed to this very important legislation quickly.

For all Members of the Senate, last week we accomplished a lot. Here are the "must dos" this week: SCHIP and lobbying and ethics reform. There are other things we would like to do and, if we can get consent, we will do them.

The competitiveness conference report is completed. I hope we can do that by unanimous consent. The WRDA bill is completed, and we hope to be able to do that by unanimous consent. We also, again, later today, will offer a unanimous consent request to do the Freedom of Information Act improvements. This is an extremely important piece of legislation. It has bipartisan support and Senators LEAHY and CORNYN are the sponsors. I hope we can complete this before we leave. The Republicans raised an objection last week when we raised this by unanimous consent. I hope that problem is now taken care of.

So that is what we have to do. I will repeat, we must complete SCHIP and lobbying and ethics reform, and the other matters would be icing on the cake if we can do them.

IRAQ

Mr. REID. Mr. President, last week was a very productive week for the Senate and the American people. With Democrats and Republicans working together, the Senate was able to pass the conference report implementing the 9/11 Commission recommendations. Also, we passed the Fiscal Year 2008 Homeland Security appropriations bill and the Higher Education Reauthorization Act.

This week, we will turn our attention to important domestic initiatives, including reauthorizing the Children's Health Insurance Program and passing the ethics conference report to strengthen the integrity of our Government. That legislation is completed. The House will pass it tomorrow. Without any qualification or reservation, it is the most significant lobbying and ethics reform in the history of our country. I hope we can do this piece of legislation without a lot of turmoil. I hope that people understand how important it is to the American people.

As we focus on issues that will lead to a better and brighter future for millions of Americans, two new reports illustrate that neither the present nor the future seem particularly bright for the Iraqis and Iraq itself, where our brave troops are fighting in this intractable civil war.

One report that came down this morning is from a humanitarian organization. The other is from President Bush's own Inspector General for Iraq Reconstruction.

According to the first report—released by Oxfam, an international aid organization, and the NGO Coordination Committee network in Iraq—8 million Iraqis are in need of immediate emergency aid. So according to this first report, 8 million Iraqis are in need of immediate emergency aid. That is probably more than a third of the population. It means they are desperately lacking basic daily necessities such as food, water, and sanitation.

Even more troubling, these conditions are worse now than before the war started. Before the war, 19 percent of Iraqi children were malnourished. Today, that is 28 percent. And 50 percent lacked adequate water supplies before the war; that is now 70 percent. So 70 percent of all Iraqis live without clean water.

With awful and deteriorating conditions such as these, it is no wonder a recent poll of the Iraqi people showed 70 percent of the Iraqi people believe the American presence is making them less safe.

Our troops are certainly not to blame for these failures to make the Iraqi people safer or healthier. In the war's 4-plus years, they have accomplished everything they have been asked to do. They took down the Iraqi dictator. They have heroically battled those who seek to destabilize Iraq and the region. They have provided time for Iraqi factions to come together and negotiate a peaceful settlement of their differences which, unfortunately, these factions have not taken advantage of.

These failures lie with the President, who took us to war without a plan for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

peace, and the Defense Department generally, which has not managed to administer a strategy for success, and the Iraqi Government, which hasn't taken responsibility for their country's own future.

The second new report, from the Inspector General's Office for Iraq Reconstruction, sheds new light on how thoroughly our efforts in that area have failed to help Iraqis and how dearly that failure is costing American taxpayers.

This inspector general's report tells us Iraq's central government has refused to take responsibility for more than 2,300 reconstruction projects America has already paid close to $20 billion to construct.

The result is many projects are lapsing or continue to rely on American funds only.

I say this in the background of the Iraqi people having arguably the largest oil reserve in the world. When I met those in the first Iraqi Government, along with Senator Frist, one of the Iraqis proudly said of the governing body: People say we have the second largest oil reserves in the world, but we have the largest oil reserves in the world.

I don't know whether it is first or second, but they have a lot of oil, which translates to money, and they are not helping at all with these projects.

Not a single project has been turned over to the Iraqi Government in more than a year. Even among those few that have been turned over, many, if not most, are now failing.

As a result, our almost $6 billion investment in Iraq reconstruction is largely being wasted. What would happen in America? We would not tolerate $6 billion being wasted in taxpayer dollars, and we should not stand for it in Iraq—especially when it is our taxpayers' money that is being wasted.

As long as we continue our open-ended commitment of troops, the Iraqi Government has no incentive to step up. As long as we continue financing projects that they let lapse, they will continue to let our troops and taxpayers shoulder the burden.

The father of a soldier from Nevada wrote me recently to tell me how that burden is affecting his son and his son's fellow soldiers. He gave me permission to read this when I called and asked him after reading this heartfelt letter. He asked me not to mention his son's name, so I am not going to do that. I will not mention the man's name who wrote the letter. If anybody has a question, I will be happy to show them the letter in my office.

He wrote:

> Our son is a 20-year-old cavalry scout in the Army. He and his best friend quit college their first semester to "make a difference." We are a close-knit family and although we only get to speak to Mike once every 3–4 weeks, the conditions, morale and circumstances he deals with are like nothing we read about in the press.
>
> I have always supported our troops but cannot support the war anymore, particularly when I continue to receive information from my son that is upsetting to me. He has not had a day off since his deployment in early January. He has had his hummer blown up and narrowly escaped death, seen his close friend blown to pieces 30 yards away, had a suicide bomber blow up a hummer in his unit 50 yards away, and the stories go on.
>
> My concern is no days off, 7 days a week in combat, 4 hours of sleep per night and no days off in sight for the future. I have to buy a good deal of equipment for him to send over to Iraq . . .
>
> I am a successful local businessman and a very patriotic person . . . but we feel helpless and do not know who to speak to . . . What do our soldiers have to look forward to except fighting every day, looking death in the eye daily, no days off, strategy that changes daily, 125 degree weather, [and] little communication with the outside world . . ."

The Presiding Officer, from firsthand experience, knows what this man is talking about. Most of us don't.

This young man from Nevada, fighting with bravery far beyond his 20 years, deserves better.

As his father said, he signed up for the Armed Forces to "make a difference." There are challenges facing America in nearly every corner of the globe—real dangers that will affect our security for generations to come. This young soldier should be helping us wage a real war on terrorism that goes after those who attacked us. He should be involved in peacekeeping missions to stop genocide and spread peace. Instead, he is stuck in an endless war that even President Bush's own military experts admit has no military solution.

It is long past time to end this preoccupation with Iraq. It is time to rebuild our overburdened military, so this young soldier from Nevada, and 160,000 more just like him, have the rest and care they need to do their job effectively.

As we work this week to make life better for millions of Americans at home—especially children—we continue to think of our troops and the Iraqi people who suffer abroad, and we will continue to work every day to bring about the new course our troops and all Americans deserve.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Maryland is recognized.

Mr. CARDIN. I thank the CHAIR.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1899 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

AMERICANS WITH DISABILITIES RESTORATION ACT

Mr. HARKIN. Mr. President, last Thursday, July 26, 2007, was the 17th anniversary of the signing of the Americans with Disabilities Act. On that day in 1990, thousands of people gathered on the south lawn of the White House. It was the largest gathering at least to that date—it may still be—for the signing of legislation. It was a beautiful sunny day. President Bush signed the Americans with Disabilities Act into law. That bill had taken a long time to develop, years to develop. A lot of hard work and effort went into it.

As the chief Senate sponsor of that bill, getting that bill passed was the proudest day in my life, having been raised with a brother who was disabled. Seeing how he was discriminated against all his life compelled me when I first came to the House and then to the Senate to work on these issues, the issues of the discrimination against Americans with disabilities and how people with disabilities had been kept out of the mainstream of American life, how they had been shunted aside, warehoused, categorized in ways that demean their personhood in ways that prevented them from contributing all they could to our American society.

So the Americans with Disabilities Act was a major civil rights act—a major civil rights act—to ban discrimination, just as we did against people of color, against women, national origin, sex, for example. We now include people with disabilities under a broad civil rights umbrella.

We have made great advances since that time. It is all over. One can see it wherever one goes—curb cuts, accessible buses, accessible trains, widened doors. Every building now built in the United States of America is fully accessible. Architecture has changed. I have a nephew who is an architect, and he said when that bill became law in the 1990s, architecture school started teaching different subjects, architecture firms started designing buildings differently for universal accessibility. We have come to accept that situation.

There is a problem, and the problem has come about through some Supreme

Court decisions of late. That is why last Thursday on the 17th anniversary of the signing of the Americans with Disabilities Act, I joined with Senator SPECTER of Pennsylvania, with House majority leader STENY HOYER, and the ranking member of the House Judiciary Committee, Congressman JIM SENSENBRENNER, in introducing a bipartisan measure called the ADA Restoration Act of 2007.

As I will explain in more detail shortly, this bill offers a modest, reasonable legislative fix in response to court decisions that have misconstrued the original legislative intent of the Americans with Disabilities Act, which I will refer to now on as the ADA.

Again, what is remarkable about this legislation is that it was done in a spirit of genuine bipartisanship, with Members of both parties coming together to do the right thing for millions of Americans with disabilities. But that is the way we developed the first ADA in 1990. It was a truly overwhelming bipartisan effort. As I said, as I was the chief sponsor in the Senate, I worked very closely with then-Senator Bob Dole who had been the majority leader and then was the ranking minority member in the Senate. We had invaluable support, of course, from the White House. President George Bush, Bush 41, George Herbert Walker Bush, was very helpful; Key members of the administration—I especially want to note for the record Boyden Gray, White House counsel, without whose support and intervention the law probably would never have been passed; Attorney General Richard Thornburgh, again a key player in getting the ADA passed in 1990; Sam Skinner, then Transportation Secretary, also was very much involved.

The introduction of the ADA Restoration Act last Thursday and the reaction to it has been a breath of fresh air amidst all the going back and forth politically in Washington, very much in the same spirit we had in 1990 when members of both parties embraced the legislation as something that can and should be done and should be beyond partisanship. There was a sense that on this one measure, we could put partisanship aside and come together as a unified body and make a real difference in the lives of our fellow citizens who have disabilities.

The fact is, we all take pride in the progress we have made in the last 17 years. Nobody wants to go backward. The ADA, as I said, is one of the great landmark civil rights legislation of the 20th century, a long overdue emancipation proclamation for millions of Americans with disabilities.

Again, we removed most physical barriers. We have required employers to provide reasonable accommodations so that people with disabilities can get jobs and have equal opportunity in the workplace.

There were four goals of the ADA, four pillars, so to speak: equality of opportunity, full participation, independent living, and economic self-sufficiency.

The reach of the ADA revolution struck me some time ago in Washington. I attended a downtown convention of several hundred disability rights advocates, many with very severe impairments. They arrived in Washington on trains and planes and buses built to accommodate people in wheelchairs. They came to the hotel on the Metro and in regular buses all seamlessly accessible by wheelchair. They navigated city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate people with disabilities. There were sign language interpreters on the dias so people with hearing disabilities could be full participants.

For those of us able-bodied, these many changes are all but invisible, but for a person in a wheelchair, for a person without sight, for a person with deafness, they are transforming and liberating.

So our provisions in ADA outlawed discrimination against qualified individuals with disabilities in the workplace and required employers to provide reasonable accommodations. But, as I said, a problem has arisen.

In recent years, the courts have ignored Congress's clear intent as to who is to be covered by the ADA. The courts have narrowed the definition of who qualifies as an individual with a disability. As a consequence, millions of people whom we intended to be covered by the ADA, including people with epilepsy, diabetes, yes, even cancer, are not protected anymore. In a ruling this spring, the Eleventh Circuit Court even concluded that a person with mental retardation was not disabled under the ADA.

Looking back to the legislative history, it is abundantly clear that we in Congress intended that the protections of the Americans with Disabilities Act apply to all persons without regard to mitigating circumstances, such as taking medicine or using an assistive device.

Nonetheless, in a series of cases, the Supreme Court has all but ignored congressional intent. Together, these Supreme Court cases have created an absurd and unintended catch 22-type situation. People with serious health conditions, such as epilepsy or diabetes or seeing problems, who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find they are no longer protected by the ADA. If these individuals are no longer covered by the ADA, then their request for reasonable accommodations in the workplace can be ignored, denied, or they can be fired. On the other hand, if they stop taking their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won't be qualified for the job.

Think about what kind of a position this puts a person in. Let's say you have epilepsy and you take medication to control it. That makes you able to work. But under the Court decisions, if you take a job and the employer finds out you have epilepsy, they can fire you. And guess what. You are not covered by the ADA. On the other hand, if I have epilepsy, I don't take my medication, and I have seizures, I will never get the job. This is absurd. It is absurd, and it is wrong. It flies in the face of clear, unambiguous congressional intent.

I often tell people that when we write laws here, we don't write every little thing into the law. That is why we have hearings, that is why we have committee prints, and that is why we have report language that goes with the laws we pass. It is very clear and it was common agreement at that time, on both sides of the aisle and with the White House, that the law was designed to protect any individual who is treated less favorably because of current, past, or a perceived disability—a perceived disability.

Listen to the report language. Here is the report language we had in the Senate report accompanying the bill:

> Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

The House report says the same thing and goes on to say:

> For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity, are covered under the definition of disability, even if the effects of the impairment are controlled by medication.

This is important because if an individual, I repeat, is not considered to be disabled under the ADA, then they do not have the protections of the Americans with Disabilities Act. For example, as I said, they are not entitled to reasonable accommodation on the job and they can be fired for any reason—let's say not being able to do the job without an accommodation. So if you are a person with a disability and you have an assistive device, you get the job and you need a reasonable accommodation so you can do the job, but the employer says: I am not going to do it, well, guess what. They do not have to because the individual is no longer considered disabled. But if they didn't have the assistive device, they wouldn't get the job in the first place.

This is what has happened, and it has created consternation among people with disabilities who want to use assistive devices and take medication and do things—they want to work. But if they do that, they are no longer protected by the ADA.

So that is why we have introduced the ADA restoration bill, to again overcome the hurdles the Supreme Court has pronounced in three or four cases—I won't get into those now—and so that we get to the original intent of the ADA, which is to say you are covered if you have a past disability, a present disability, or you are perceived to have a disability.

Again, I repeat, we have a supreme absurdity confronting people with disabilities now. People with serious health conditions, such as epilepsy or diabetes, who are fortunate to find treatments that make them more capable and independent, more able to work, may now find they are no longer covered by the ADA.

One last thing. In another Supreme Court case, the Court held there must be "a demanding standard for qualifying as disabled." This, too, has resulted in a much more restrictive requirement than Congress intended and has had the effect of excluding countless individuals with disabilities from the protections of the law.

So the situation cries out for a modest, reasonable legislative fix, and that is exactly what Senator SPECTER and Congressmen HOYER and SENSENBRENNER and I and many other cosponsors propose to do with the ADA Restoration Act of 2007. Our bill amends the definition of disability so that people Congress originally intended to be protected are covered under the ADA.

Mr. President, 17 years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support. Likewise, today, we are building a strong bicameral, bipartisan majority to support ADA restoration. As I said, the companion bill was introduced in the House last week. Now, as with the ADA in 1990, it will take some time. We have to have hearings. It has been referred to four committees in the House and referred to the HELP Committee here in the Senate. But I am grateful for the bipartisan spirit with which we are approaching this legislation.

We have said all along, going clear back to the 1980s, that the Americans with Disabilities Act is supremely nonpartisan. There is nothing Republican, Democratic, liberal, conservative, or anything else about this. It is simply doing the right thing. As we look back over the last 17 years, we can take pride in what we have done, particularly when you see the curb cuts all over America or you go into movie theaters now and you see places where people with wheelchairs can come in or you go into restaurants now and see families taking out somebody who maybe has a seeing-eye dog or a companion dog. We have even made the Capitol of the United States fully accessible to people with disabilities. As I said, every place all over America, even sports stadiums, has been transformed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired, and the time of the majority has also expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Again, we have come to the point where we have to go back and put into law what it is we originally intended and to cover people now who are caught in this absurd catch-22 situation. We have an opportunity again to come together as Republicans and Democrats. We have a chance to come together for millions of Americans with disabilities.

I look forward to working with colleagues on both sides of the aisle to restore Congress's original intent, to ensure that Americans with disabilities are protected from discrimination. So on behalf of Senator SPECTER and myself, the Senate bill is S. 1881, and we encourage Senators to take a look at it. We hope we can get good bipartisan support, have our hearings on it this fall, and get this enacted as soon as possible, probably early next year sometime.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to the consideration of H.R. 976, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, the psalmist sang:

> Out of the mouths of children and infants,
> You have ordained strength.

Today we begin debate on a bill to renew and add strength to a program that helps children and infants, the State Children's Health Insurance Program, known as SCHIP. CHIP works. Since the plan began 10 years ago, CHIP, or the Children's Health Insurance Program, has cut the number of children without health insurance by more than a third, more than a third over the last 10 years.

Health insurance matters. Children with health coverage are more likely to get the care they need when they need it; that is, if they have health coverage. Because of SCHIP, millions of children get checkups. They see doctors when they are sick. They get the prescriptive medicines they need.

Uninsured children suffer. Uninsured kids are less likely to get care for sore throats, for earaches, and asthma. When care is delayed, small problems can become big problems. Nearly half of uninsured children have not had a checkup in the past year. Uninsured children are twice as likely to miss out on doctor visits or a checkup.

I think of a single mother from my home town of Helena, MT, who learned that her son had epilepsy. When did she find out? She found out right after her son lost private health coverage. She checked into other health care plans but none covered the expensive medication her son needed. Plans called her son's epilepsy a preexisting condition.

Then a friend told her about CHIP. She applied, and she found out her son was eligible. Thanks to CHIP, this young man got the medications he needed, and his mother got the peace of mind she deserved.

CHIP, again known as Children's Health Insurance Program, makes sense as an investment. A child who is healthy can go to school. A child who is healthy in school is more likely to do well. A child who does well in school is more likely to get a job. And people with jobs are less likely to end up in jail or on public assistance.

Thus, CHIP helps Americans to compete. Ensuring that kids can have health insurance is an investment in America's future.

CHIP helps. CHIP helps more than 6 million children whose parents work but cannot afford insurance on their own—6 million. These low-income working families are not poor enough for Medicaid, and they are not rich enough to afford private health insurance. Ninety-one percent of children covered by CHIP live in families making less than twice the poverty level.

It is time to strengthen CHIP. Millions of children have no health insurance. There are more kids without health insurance than there are kids in the first and second grades combined. Think of that: more kids without health insurance than there are kids in America in the first and second grades combined.

Americans overwhelmingly support getting their kids healthy, and the Senate will begin debate on a bill that will fulfil CHIP's promise to the 6.6 million children now covered. And our bill will cover 3.2 million more children who are now uninsured. This bill is a good compromise. It puts enough resources on the table to make a difference for children. It keeps CHIP focused on kids, and it is fiscally responsible.

We keep CHIP focused on kids. Childless adults who are covered today will transition off the program. No new waivers will be allowed for CHIP coverage of childless adults. Coverage of low-income parents will transition to separate block grants at a lower match rate. No new waivers will be allowed for CHIP coverage of parents.

We build in flexibility. States will be able to designate CHIP funds to help families afford private coverage offered by employers or other sources.

We pay for what we do. When Congress created CHIP in 1997, we paid for it with a cigarette tax. We continue that funding source. We increase the Federal tax on cigarettes by 61 cents, and we make proportional increases for other tobacco products. Increasing the cigarette tax will also discourage smoking, particularly among teens. And that will be good for kids, too.

CHIP is the legacy of work by Senators of goodwill from across the spectrum. It is the legacy of work by Senators such as CHUCK GRASSLEY and JAY ROCKEFELLER, ORRIN HATCH and TED KENNEDY. This year, Senator GRASSLEY and I worked with Senators ROCKEFELLER and HATCH to craft a consensus package that was the basis of the bill, the bill before us today.

The Finance Committee modified it and endorsed it with a strong 17-to-4 vote. I believe the committee has produced a bill of which the Senate can be proud. I thank my colleagues for their hard work, for their patience, and their commitment to getting something done.

CHIP is not new. CHIP is tried and it is true. It has worked successfully for 10 years. And four out of five Americans would like to see Congress add new funds to the program.

Now it is time for us to act. For the benefit of children and infants, let's provide strength to the benefit of children. Let's expand health care coverage, and for the benefit of children let's pass this legislation.

Mr. President, I yield 10 minutes to one of the fathers of this program with whom I am very proud to have worked this last year, and did yeoman's work, did a great job for kids and also his State of West Virginia, Senator ROCKEFELLER.

Mr. ROCKEFELLER. Mr. President, I rise with great pride today to speak in support of the Children's Health Insurance Program—or CHIP—Reauthorization Act of 2007, legislation I authored with Senators BAUCUS, GRASSLEY and HATCH to provide health care to 4 million children in need. It is fitting that we are starting debate on CHIP reauthorization today because in less than 1 week—on Sunday, August 5, 2007—we will be celebrating the 10-year anniversary of the date that this landmark and widely successful program was signed into law. This all started out quite some time ago with John Chafee and myself and some others, about 10 years ago. But there has been an intensity of effort led by Chairman BAUCUS, Ranking Member GRASSLEY, myself, and ORRIN HATCH over the last 3 months, meeting up to 2 hours a day, virtually every day, our staff meeting around the clock to try to reach bipartisan consensus, which we have reached, all by giving up some and reaching accommodation.

I have to say I have a lot of pride in what we are doing today. But I hope we will fulfill our work in the Senate in the next few days. It is interesting that Sunday, August 5, 2007, is the actual 10-year anniversary this program. As you know, it expires at the end of September, in which case all children who now have health insurance under this program—all of children, not only the new ones we are including, but all of them—would lose their health insurance.

This legislation is incredibly personal to me, if I may say so, because I spent 4 years chairing the National Commission on Children. It was a long time ago. I swore I would try to honor the commission with its very wide spectrum of American public officials and private people, by getting our unanimous recommendations into law. And one of them was, in fact, the Children's Health Insurance Program. So I do that very carefully. I also do that with a certain personal emotional experience.

When our oldest son was born, when he was 10 days old, he developed something called pyloric stenosis, which is called projectile vomiting, which means your stomach is not taking in food.

Because we had health insurance, and we could afford health insurance—unlike the people of the chairman of the Finance Committee's bill that we are discussing. Because we could afford that health insurance, we could take him down to the hospital. He had an operation, and he is doing fine. Otherwise he would have died. So that is partly what is inside of me during this debate.

As I think about this, I think in 1997 we were acting out of despair and frustration because of what was not happening for children. Sometimes I think this body's best work comes at a point when we do reach genuine despair and frustration, when we cannot take it any more. We are so aware of what we are not doing that we proceed to do it. I think that is part of what is propelling us now. The Children's Health Insurance Program is proven, as the chairman of the committee has said. It works very well. In 2006, more than 6 million children were enrolled and were receiving good benefits.

Together, CHIP and Medicaid have significantly increased children's health insurance. Even as the overall number of uninsured Americans who are not children have gone up, the number of insured children have remained steady and it even declined. In fact, between 1997 and 2005, CHIP and Medicaid reduced the percentage of children below 200 percent of poverty without health insurance by about one-third. More insured children, less uninsured because of the good work of this bill.

West Virginia, we have 39,000 children who are affected by this program. One can say that 39,000 is not very many, or one can say that is 39,000 lives that have been profoundly and intimately affected by all of this. Again, I am moved by that.

I started work as a Vista volunteer in West Virginia. I remember what it was like when kids did not get health care. And that feeling remains in me today as strongly as it did in 1964 when I went to West Virginia for the first time. Anyway, the facts are not so good for everybody.

There is a wonderful 12-year-old boy named Deamonte Driver. His mom knows that feeling all too well. Her son lost his life because the Medicaid coverage lapsed for him, and a dental infection spread to his brain and he died. That happens in America. It happens every single day. We do not notice it. But that is what we are here in this Chamber for: to minimize that as much as we possibly can.

The bill before us today is $35 billion. That provides health insurance coverage for 4 million low-income children who would otherwise be uninsured. Let me repeat. They would be uninsured. Most of them are already eligible for Medicaid or CHIP but not currently covered, and that is at a cost of $35 billion over 5 years—not per year but over 5 years.

As Peter Orszag, who is the very talented CBO Director, said this is the most efficient possible way per new dollar spent to get reduction of roughly 4 million uninsured children.

Now, it was not easy to get to this point. It was very hard for me because I wanted a $50 billion program. It was in the budget mark for $50 billion. There are a lot of things we had to give up because we had to arrive at a place where Republicans and Democrats could agree. As we met every afternoon for several hours in Chairman BAUCUS's office, we had to come to a point where Republicans who wanted $22 billion, or the President's program, or us, who wanted $50 billion, where we could ratchet it down so we could agree on something. So we agreed on the $35 million. That is where our chairman, MAX BAUCUS, was a fearless leader. He and I have sort of agreed—I think we have all agreed—we are going to oppose any amendment which enlarges this program, which would tend to make us happier, or which would diminish the program, which would tend to make others happier. We are going to oppose amendments. That is not a comfortable thing to do. We don't offer enough dental in this bill for my taste. But when somebody comes and says: I want more dental because dental is so important, because so many kids lose their teeth by the time they are 14, 15-years-old, I will oppose that, because I want to keep the integrity of this bill to make sure that 10 million children who are at risk of no health insurance without CHIP get to keep their health insurance.

Our legislation passed the committee 17 to 4. The Finance Committee is a tough committee. Seventeen to four it passed; that is a huge vote. So today is monumental.

The bill does basically three things. The bill eliminates the Federal CHIP shortfall so States could keep covering the 6.6 million kids they cover now. You remember the President reduced the budget from $15 billion to $5 billion, so that would have taken effect. The increase in health care costs has also made things more difficult. So eliminating the shortfalls restores CHIP coverage to 1.4 million children. Again, 1.4 million is a lot of families, a lot of lives who would have lost CHIP and faced a lot of agony and a lot of people staying up at night lost in despair.

Secondly, it provides new Federal resources for States to cover 2.6 million children currently eligible for Medicaid or CHIP but not enrolled. They are out there, as eligible as anybody else, but they are not enrolled because the money isn't there for them. We have sent $20 billion to Saudi Arabia to do what they want, to buy arms. I keep asking: What if we were to do some of that here? What if we were to do that on climate change? That is not the discussion of the afternoon so I won't pursue it, but our legislation includes 1.7 million who are Medicaid eligible, and 900,000 who are CHIP eligible. This 2-to-1 ratio matches the ratio of uninsured Medicaid-eligible children to uninsured CHIP-eligible children.

And, third, this bill improves the predictability and stability of the CHIP funding formula so that States can cover more children.

At the proper time, I will support my colleagues in strongly supporting this bill, which is a start.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from West Virginia. Before the former chairman speaks, I compliment him on his steadfast advocacy for the members of his caucus and for the work for kids he has demonstrated. He has a difficult job. He is standing up for his side of the aisle. There was negotiation, innumerable meetings. I can't mention the number of meetings we have had, there have been so many. At the same time he has also worked for kids. I compliment him for working hard to accomplish both objectives.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the chairman of the committee for his kind words, and my kind words go to reemphasize the close working relationship over a period of 6 years, now going into the seventh year, he and I have had being leaders of both the Republican and Democratic members of the Finance Committee. I thank him very much for continuing that working relationship while he was chairman a few years ago and now chairman again. That is why this committee produces legislation that eventually gets to the President. I thank the Senator very much.

The State Children's Health Insurance Program—and people watching will hear the acronym SCHIP used often—is the product of a Republican-led Congress 10 years ago, 1997, and it is sunsetting this year. That is why we are here reauthorizing and bringing more kids into the Children's Health Insurance Program. It is very much a targeted program designed to provide affordable health coverage for low-income children of working families. These families make too much to qualify for Medicaid but struggle to afford private insurance if they can even get it. It is important that we reauthorize this targeted program for children. The Finance Committee bill proposes a reasonable approach for reauthorizing SCHIP that is the product of months of bipartisan work in the committee. Chairman BAUCUS referred to innumerable meetings. We don't keep track of the number of meetings we have, but for every meeting Senator BAUCUS and I have been involved in, usually Senator HATCH and Senator ROCKEFELLER were there as well. In the meantime, including a lot of weekends of work, the staffs of the respective Senators were involved in negotiations to get us to the floor this day.

Once again, I emphasize what I heard Senator ROCKEFELLER say. This is a bipartisan bill voted out of committee on a vote of 17 to 4. It is a compromise. I think it is the best of what is possible. Clearly Members on the left would want to do more. My colleagues on the right want to do less and go in a different direction. Neither got what they wanted. That is pretty much the essence of a compromise, not only on SCHIP but the essence of compromise in the Senate probably over two centuries of the Senate's history.

This compromise bill maintains the focus on low-income, uninsured children and adds coverage of an additional 3.2 million low-income children.

Although I have been pleased with the bipartisan cooperation that led us to the substance of the bill, I can't say the same for the way in which the bill is now being debated on the floor. Without participation or consultation, the Democratic leadership decided to use a so-called shell revenue bill, the House small business tax relief bill, as a vehicle for debate. The Democratic leadership will correctly maintain that the reason for this unusual maneuver is a strategic decision to accelerate a couple of procedural steps. That is nothing new in the Senate. You can't find fault with trying to shorten up the process because the Senate process is already long enough. But since there is no House-passed SCHIP revenue bill in the Senate now and not likely to be one by the time the Senate debate ends this week, the Democratic leadership wants to take a shortcut now.

While I share the goals of completing Senate action on SCHIP and doing it this week, I would rather not be debating a general tax bill. This shortcut means, then, that it is legitimate for Members on both sides of the aisle to raise unrelated tax amendments. That was not the posture we took in committee. In fact, we discouraged that, and we got both Republicans and Democrats to agree to voting this bill out as a health insurance bill and not as a general tax bill except for the provisions that relate to tobacco. Of course, now we are on the floor. The stage is set very differently.

When I found out about this maneuver from the Senate Republican leader, Mr. MCCONNELL, I urged the Democratic leadership, through Senator BAUCUS, to reconsider. I feared this shortcut would only widen the playing field for the first stages of the debate. Obviously, my counsel was rejected. It is disappointing but so be it.

Despite my objections to this procedural maneuver, I do support the Senate Finance Committee bill and will have more to say about it after the cloture vote this afternoon. In fact, I will have a lot to say about it. I will have a lot to say about particularly people who believe we have gone too far. I want to make very clear that it would be impossible to do what the President said he wanted to do under the amount of money he wanted to put into this program, which was $5 billion over what is presently being expended. Obviously, we are way above that at $35 billion, but we were able to do what the President wanted to do and cover some more kids. I will go into details on that later on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I yield 10 minutes to the chairman of the HELP Committee, one of the fathers of the CHIP program, the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, many of the best ideas in public policy are the simplest. The Children's Health Insurance Program is based on one simple and powerful idea—that all children deserve a healthy start in life, and that no parents should have to worry about whether they can afford to take their child to the doctor when the child is sick. CHIP can make the difference between a child starting life burdened with disease or a child who is healthy and ready to learn and grow.

I would like to begin by thanking my colleagues Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER and Senator HATCH for their dedication to making sure that more of America's children have a start at a healthy life. They have worked diligently to reach the bipartisan bill that we have for us today. But I am not surprised by that.

Throughout the history of CHIP, Members on both sides of the aisle have exercised true leadership and set politics aside to focus on the needs of children. Senator BAUCUS, Senator ROCKEFELLER, and Senator BAUCUS have long been advocates for the health and well-being of children and have been willing to work with those who shared that goal.

My old friend Senator HATCH and I worked together in 1997 to create this program that was our shared vision for healthier future for American children. This year, we have once again worked together to find common ground on covering the children deserve decent, quality health care.

As we now consider the future of CHIP it is instructive to look back on the history of the program and the circumstances in which it was created.

The enactment of Medicaid in 1965 brought decent health care to families living in poverty, including children. But it became clearer and clearer as the years and the decades passed, that more and more children were unable to obtain health care because they lived in families whose incomes were too high to qualify for Medicaid but too low to afford health insurance.

Finally, in Massachusetts, in the 1990s we agreed that health care coverage for children is a necessity and that action needed to be taken. John McDonough, executive director of Health Care for All in Massachusetts, deserves much of the credit for what came next. His pioneering work while he was in the Massachusetts Legislature on children's health care led to the passage in 1993 of the State's Children's Medical Security Plan, which guaranteed quality health care to children in families ineligible for Medicaid and unable to afford health insurance.

A year later, Massachusetts expanded eligibility for Medicaid, and financed the expansion through a tobacco tax—the same approach we used successfully a few years later for CHIP and the same approach that is proposed in the bill before us now.

Rhode Island and other States took similar action, and helped create a nationwide demand for action by Congress to address the unmet needs of vast numbers of children for good health care.

In 1997, Congress acted on that call, and the result was CHIP. Senator HATCH and I worked together then—as we have this year—to focus on guaranteeing health care to children who need it. Now in every State in America and in Puerto Rico, CHIP covers the services that give children a healthier start in life—well child care, vaccinations, doctor visits, emergency services, and many others.

In its first year 1997, CHIP enrolled nearly a million children, and enrollment has grown ever since. An average of 4 million are now covered each month, and 6 million are enrolled each year. As a result, in the past decade, the percentage of uninsured children has dropped from almost 23 percent in 1997 to 14 percent today. That reduction is significant, but it's obviously far from enough.

CHIP improves the overall quality of life for children fortunate enough to have its coverage, by allowing them to get the care they need when they need it. They are more likely to have a real doctor and a real place to obtain care, and, their parents don't delay seeking care when their child needs it. Children on CHIP also have significantly more access to preventive care.

Studies also show that CHIP helps to improve children's school performance. When children are receiving the health care they need, they do better academically, emotionally, physically and socially. CHIP helps create children who will be better prepared to contribute to America. CHIP all but eliminates the distressing racial and ethnic health disparities for the minority children who disproportionately depend on it for their coverage.

CHIP's success is even more impressive and important when we realize that more and more adults are losing their own insurance coverage, because employers reduce it or drop it entirely.

That's why organizations representing children, or the health care professionals who serve them, agree that preserving and strengthening CHIP is essential to children's health. The American Academy of Pediatrics, First Focus, the American Medical Association, the National Association of Children's Hospitals and countless other organizations dedicated to children all strongly support CHIP.

A statement by the American Academy of Pediatrics puts it this way: "Enrollment in SCHIP is associated with improved access, continuity, and quality of care, and a reduction in racial/ethnic disparities. As pediatricians, we see what happens when children don't receive necessary health care services such as immunizations and well-child visits. Their overall health suffers and expensive emergency room visits increase."

Today we are here to dedicate ourselves to carrying on the job begun by Congress ten years ago, and to make sure that the lifeline of CHIP is strengthened and extended to many more children.

Millions of children now eligible for CHIP or Medicaid are not enrolled in these programs. Of the nine million uninsured children, over two-thirds—more than 6 million—are already eligible for Medicaid or CHIP. These programs are there to help them, but these children are not receiving that help either because their parents don't know about the programs, or because of needless barriers to enrollment.

Think about that number—9 million children in the wealthiest and most powerful nation on earth; 9 million children whose only family doctor is the hospital emergency room; 9 million children at risk of blighted lives and early death because of illnesses that could easily be treated if they have a regular source of medical care.

Nine million uninsured children in America isn't just wrong, it is outrageous. We need to change it as soon as possible.

We know where the Bush administration stands. The President's proposal for CHIP doesn't provide what is needed to cover children who are eligible but unenrolled. In fact, the President's proposal is $8 billion less than what is needed simply to keep children now enrolled in CHIP from losing their current coverage—$8 billion short. To make matters worse, the President has threatened to veto the Senate bill which does the job that needs to be done if we are serious about guaranteeing decent health care to children of working families across America.

We can't rely on the administration to do what is needed. We in Congress have to step up to the plate and renew our commitment to CHIP. That is why I am supporting the CHIP bill before us. It is a genuine bipartisan compromise. This bill provides coverage to 4 million children who would otherwise be uninsured.

It adjusts the financing structure of CHIP so that States that are covering their children aren't forced to scramble for additional funds from year to year and so that Congress doesn't have to pass a new band-aid every year to stop the persistent bleeding under the current program. Importantly, this bill will not allow States to keep their CHIP funds if they aren't doing something to actually cover children.

Equally important, this bill allows each State to cover children at income levels that make sense for their state. The bill also supports quality improvement and better outreach and enrollment efforts for the program. It is a scandal that 6 million children today who are eligible for the program are not enrolled in it.

In sum, this bill moves us forward together, Republicans and Democrats' to guarantee the children of America the health care they need and deserve.

Our priority should be not merely to hold on to the gains of the past, but to see that all children have an access to decent coverage. Families with greater means should pay a fair share of the coverage. But every parent in America should have the opportunity to meet the health care needs of their children.

Quality health for children isn't just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do, and it is something we can do today. I look forward to working with my colleagues to make sure this very important legislation is enacted.

I commend the chairman of the Finance Committee and Senators GRASSLEY, ROCKEFELLER, and HATCH, who are putting the children of America first and reminding all of us of the responsibility we have for the most vulnerable Americans, the children. They have, over a considerable period, fashioned legislation that will make an enormous difference in not only the health of the neediest children but will also reduce the increasing disparity in our Nation. We have tried to make some progress in the area of education under the leadership of Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH. We are going to reduce another area of considerable disparity and that is among the neediest children in the Nation.

We are over the long term not only going to say we are going to have a healthier Nation because we are going to invest in children and make sure they will get a healthy start for their future, we are going to be a stronger nation because we are a healthier nation. Over a long period of time, this is obviously going to have important implications in terms of the quality of health not only of the children but of our Nation.

This is an enormously important day in the Senate. I thank the leadership for giving this the kind of priority in these first weeks and months of a new Congress. Senator REID had indicated this was a strong priority. It is an example of where we have had strong leadership in our Finance Committee. We have had strong leadership in the Budget Committee. There are scarce resources because of our involvement in Iraq, limited resources, but nonetheless, under the leadership of Senator CONRAD and with the strong support of our colleagues, we were able to get the commitment that we on this side of the aisle and the other side, with those courageous Republicans, are saying this is a matter of national priority. This is of national importance. We are moving ahead. I thank all of those Senators.

Having listened in our caucus, a number of our colleagues have been strong supporters of our leaders on the Finance Committee. I thank my colleague and friend JOHN KERRY, among others. I thank all of those for bringing us to where we are today.

This is an enormously important occasion. I welcome the opportunity to speak to it.

I want to go back over the period when we saw the fashioning of this legislation a number of years ago. We have found this was just about the time the country was dealing with the issue of the tobacco settlement. There was a question about how we could use the resources that were going to be gained from the settlement. There was a great debate. Many in this body thought we ought to use it all for deficit reduction; we ought to give it back to the States and let them make the decision. But there were a number of bipartisan Senators saying: No, let's make sure that we develop what is an extremely important need, and that is health care for children. There was a recognition that in 1965, with the passage of Medicaid legislation, we tried to take care—we still don't include all the children who should be there—of the poorest of the poor children. We said at that time, as a matter of national policy, that we as a country were going to give focus to the neediest in our country. It was the Medicaid program for the neediest, but a special attention was given to children in the Medicaid program. That was matched with dedication and commitment in the development of a title I program to deal with education for the neediest children in our country. Those went along together, and we are coming back to the point where we are doing that under these circumstances. So this legislation is important, and I welcome the chance to say these words.

I wish to also point out, as others have pointed out, the area of need. We know we are making a downpayment on the area of need, but we still have a long way to go if we are serious about including all the children who are eligible. We need to take care of the neediest children in Medicaid.

But then we need to look at those in our economy who are working hard, playing by the rules but who cannot afford health care for their children. Those are the ones who are reaching $18,000 or $20,000, up to $35,000, $38,000, $40,000 a year, depending on what part of the country they are in. We find out that those are the individuals and those are the families who are the most hard-pressed in any event to afford health care. We know the cost of $8,000, $9,000 per family for health care. We know the challenges those families are facing, and we know the increasing number of those families who are being dropped from health insurance.

This program was to try to build upon the Medicaid Program and then have the CHIP program going, taking care of all children in this country, and to take care of working families—maybe the working poor but, more accurately, working families—to make sure their children were going to be attended to. This, I believe, is where this legislation is targeted. These families are working hard. They are part of our American system. They are playing by the rules. But affording that protection is not available to them. The CHIP program reaches out to them. Some can say: Well, this is an expensive program. I have listened to all my colleagues. I have listened to Senator WYDEN from the State of Oregon speak eloquently about this issue. We need to remind ourselves this body is about trying to define priorities. What are the Nation's priorities? What is important to us? We are here to try to give focus and attention and direction to the areas of greatest need.

What our bipartisan leadership today is saying is the area of greatest need is the children. In this case, the children are members of working families who are virtually unable to get that kind of focus and attention and coverage unless they have access to this program.

What are greater priorities than education and health care focused on our children? We still know there is more to be done. So I welcome this opportunity to speak. I wished to spend a little time speaking on this issue. I have referred to how this whole program has reduced health disparities among children and also how it has reduced disparities on the basis of race in our communities across the country. It was not focused on that, but that was the unintended consequence. So this legislation is a matter of enormous importance.

Finally, I would say, as to this program, if we are interested in educating the children of this country, we have to make sure the children can hear the teacher. We have to be able to make sure the children are going to be able to see the blackboard. We have to make sure the children have proper dental care. I commend, particularly, the efforts they have made in dental care for children in this program. It is not mandated, but there are resources here to encourage the development of these dental programs. We are all aware that dental plans are some of the first to leave. We have seen the number of children out there with deterioration of their teeth, with all kinds of consequences. As we all read in the Washington Post not long ago, some children actually lost their lives.

So I thank those who have been a part of this process. I commend all of them. This is a very worthwhile effort. I am hopeful it will be very successful.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I now recognize the chairman of the Senate Budget Committee, Senator CONRAD from North Dakota, for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the chairman of the Finance Committee not only for this recognition but for his leadership in putting this legislation together. This has not been easy to do. It has been extraordinarily challenging. We wish to thank Senator BAUCUS, the chairman of the Finance Committee, for his diligent effort and his advocacy for this program. I also thank Senator ROCKEFELLER of West Virginia for the extraordinary effort he has made with respect to extending children's health insurance in this Nation. I also recognize, on the other side, Senator HATCH and Senator GRASSLEY.

We are now debating legislation to reauthorize the Children's Health Insurance Program, otherwise known as CHIP. This is one place where we should all be in agreement. To extend health care to our children has to be one of America's priorities. There is no greater moral obligation than providing for the least among us, especially our children. We also know providing health care for kids is a good investment because improving their health early on is an investment paid for over a lifetime. You get the return for a lifetime.

The bipartisan Children's Health Insurance Program has been extremely successful in getting kids covered and keeping them healthy. Experts across the country agree. Here is what one health care expert had to say about the Children's Health Insurance Program:

> It is a simple idea: We invest in children's health care, and we get healthy children eager to learn and grow," said Dr. Rob Nordgren of Child Health Services of Manchester (New Hampshire). . . . Nordgren said children who get good health care, which begins early in life and continues without interruption, are less likely to need expensive interventions as adults.

What could be a simpler or more profound idea than that? You provide health care to children, and that is a gift that keeps on giving. It keeps on returning on the investment through that child's lifetime. This is a good investment.

There are 6.6 million children who now have health insurance because of the Children's Health Insurance Program. But 9 million children remain uninsured, and 6 million of these kids are eligible for the Children's Health Insurance Program or Medicaid right now, but we do not have the money to actually provide them the coverage. In this reauthorization, Congress simply needs to invest more to reach these kids.

But let's be clear. If we do not act, we are not only losing an opportunity to get more kids covered—if we freeze the current program, by 2012, there will be over 1.4 million fewer children covered simply because of a lack of funds.

Here are some facts about this bill.

First, it provides health insurance for 4 million more uninsured kids, children who would otherwise go without coverage. To bring it closer to home, this bill will mean an increase in funding for North Dakota to get more kids covered. In fact, North Dakota's allotment will almost double, from about $7.7 million now to over $13 million next year. This will allow the State to cover 1,450 more children over the next two years.

Second, I think it is important to note this bill is fully paid for over 6 and 11 years. Therefore, it fully complies with pay-go. We have heard some other ideas here. As chairman of the Budget Committee, let me be clear, this bill fully meets its pay-go obligations. It also meets the other requirements of the Children's Health Insurance Program reserve fund set out in the 2008 budget resolution that allows for the reserve fund adjustment.

Third, it is a 5-year reauthorization. Congress will reauthorize in 2012 with new policies and with new offsets. Perhaps we will not even need a Children's Health Care Insurance Program by then because perhaps by then we will have reformed the way we deliver health care in this country.

I believe the time is right to do that, and certainly in this next 5 years, it will become more critical because we know we are on a course that is absolutely unsustainable. So my own conviction is we will be reforming health care during this period.

Fourth, reauthorizing the children's health program could actually spur action on broader health care reform. It is wrong that our Nation has over 40 million uninsured. We must do something to fix this problem. Having SCHIP in place for this next 5 years will serve as a bridge to what we all hope will be a brighter day of fundamental health care reform.

Now, let me conclude by saying, some have criticized this bill on budgetary grounds. To the extent that funding levels in the outyears are lower, it simply means we will have to pay for these costs during the next reauthorization. But that is the way it always works.

I have been stunned to hear some of my Republican colleagues complain that this bill sunsets at the end of 5 years. They say: Well, if the program continues beyond that 5 years, there will be a cost in those succeeding years. Well, of course that is true. But this bill is paid for, for the next 5 years, unlike what they did on their enormous tax cuts.

Look at this slide I have in the Chamber that shows what they did. These are the tax cuts, under current law, that they put in place, without paying for any of them, by the way. As shown on the chart, here is what it would cost to extend those tax cuts: $421 billion in 2017—$421 billion. That is shown on the chart. Here is what extending the CHIP program would cost by comparison. Do you see this little, tiny line at the bottom of the chart?

Now, our friends on the other side are complaining about that little gap. They say nothing about this yawning chasm created by them—$4.1 trillion. They say nothing about that. But they complain about this tiny sliver to provide health care insurance for our kids. One has to ask: What priorities are those?

Again, this SCHIP funding is paid for. Overall, this bill sets us on a responsible path to get every child in America covered with health insurance. Four million fewer children will be without health insurance as a result of this legislation. We should be proud of that.

It is not socialized medicine, as some have asserted. The Children's Health Insurance Program and Medicaid are partnerships between States and the Federal Government. These programs use private doctors and private health plans to provide services. This is not socialized medicine.

The children's health program is successful. It was created with strong bipartisan support. Faith leaders, business groups, labor, insurers, health providers all support this reauthorization proposal.

Partisan politics should not get in the way of providing health care insurance for our kids. Goodness knows, if we cannot agree on anything else on the floor of this body, we should be able to agree on providing health care insurance for our kids.

America's children are counting on us. They deserve our very best and they deserve our support for this legislation. We cannot let them down. I hope all my colleagues are paying close attention to what is at stake. If they are, they will support this legislation.

Again, I thank the chairman of the committee, Senator BAUCUS, for his leadership and his untiring efforts and Senator ROCKEFELLER for, over and over, bringing the challenge of health care insurance for our kids to the attention not only of the committee but of the full Senate and of the country.

I thank the Chair and yield the floor.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from Oregon, a very valuable member of the committee and a tireless advocate for good, solid health care.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I don't want to turn this into a bouquet-tossing contest, but I do want to single out the bipartisan quartet: Chairman BAUCUS, Senator ROCKEFELLER, who is here, Senator GRASSLEY, and Senator HATCH. To carve out hours and hours, as the four of them have day after day, is evidence of their commitment. I just want them to know I am very much aware we would not be here today advocating for America's kids without their work and their effort to find common ground. I wish to start the day by praising the four of them.

Mr. BAUCUS. If the Senator will yield, I note the Senator from West Virginia is a very busy man and he could be doing other things, other meetings, and so forth, but he has decided to stay on the floor during all debate on this bill, and I think that is a testament to how strongly he is committed to getting this legislation passed, as well as the Senator from Oregon. The two of you could be vying for who is an even stronger advocate for health care, and you both do a good job.

Mr. WYDEN. I thank you and all four of you for your efforts.

Mr. President, it seems to me this is the opening bell of round one in the fight to fix health care in America. Fixing health care is the premier domestic issue of our time.

Suffice it to say we heard in the Senate Finance Committee and we hear on the floor of the Senate every day that the current health care system cannot be sustained. The costs are going up too dramatically. The rapid growth of the elderly population is, of course, relentless, and the disadvantage our employers face every day competing in tough global markets cannot be sustained.

My sense is the challenge for the United States is twofold. One—and this is embodied by what Senator ROCKEFELLER, Senator BAUCUS, Senator HATCH, and Senator GRASSLEY are doing—is to meet the immediate needs of the most vulnerable Americans, immediately. It is obscene that millions of youngsters, in a country as rich and strong and prosperous as ours, go to bed at night without decent health care. The bipartisan effort of these four Senators is moving to erase this moral blot on our country. I am proud to be supporting the four of them in this effort.

But as we move to tackle these immediate needs of the most vulnerable Americans, let us also set about the task of trying to transform American health care. Senator BENNETT, a member of the Republican leadership, has joined me in this effort. We brought to the floor of the Senate the first bipartisan health reform bill in more than 13 years. As Senator ROCKEFELLER knows, as we are both admirers of the late John Chafee, his was the last, and Senator BENNETT and I want to work with colleagues to pick up on this effort. Senator BENNETT and I have tried to build on the bipartisanship embodied by Senator ROCKEFELLER, Senator HATCH, Senator BAUCUS, and Senator GRASSLEY.

What we are saying is that you need something of an ideological truce on health care in our country. I think my party has been right in saying you have to get everybody covered. It is the moral thing to do. If you don't do it, the people who are uninsured shift their bills to the insured. But I think colleagues on the other side of the aisle have had a point as well in saying that you just can't turn everything over to Government, that there is a role for the private sector. So Senator BENNETT and I are trying to pick up on the prospect of an ideological truce, just as Senators ROCKEFELLER, BAUCUS, GRASSLEY and HATCH have tried to do on the children's health program.

I can tell my colleagues, having served on the Senate Finance Committee through the markup, and through those weeks and weeks of discussion, that what Senator ROCKEFELLER and the other leaders of the Finance Committee had to do was a heavy lift. There are a lot of colleagues on our side of the aisle who wanted to spend more. They were interested in covering other groups of citizens. That was unacceptable to colleagues on the other side. So Senator ROCKEFELLER and Senator BAUCUS had to swallow hard; they had to make concessions on points that were important to them. That is what Senator BENNETT and I are trying to do in terms of transforming American health care. So I am glad Senator ROCKEFELLER and the group on the Finance Committee have brought us a bipartisan piece of legislation because it lays the groundwork, in my view, for going further.

I have a word for the administration on this point in particular: I am very hopeful they will join the bipartisan effort here in the Senate to find common ground. We know this bill has a long way to go. It will be considered by this body. The other body has other ideas with respect to how to tackle this issue.

I would say to the administration that there are a number of us on both sides of the aisle who want to work with them on a broader piece of health legislation. But to get to that broader piece of health legislation, you first have to deal with the needs of the children. In fact, in the budget resolution—and this has not been widely noticed—it specifically stipulates that the children's health program would come first, before there was an effort to deal with heath issues in a broader way.

Now, I share the view of the administration with respect to the Tax Code in health care. It is a mess. It is regressive. It disproportionately rewards the most affluent in our society and promotes inefficiency at the same time. If you are a high-flying CEO, with today's Tax Code, you can go out and get a designer smile put on your face and write off the cost of every dime of that operation on your taxes. But if you are a hard-working woman in West Virginia or Oregon or elsewhere and your company doesn't have a health plan, you don't get anything out of the Tax Code.

So I am supportive of working with the administration in a bipartisan way to fix the Tax Code as it relates to health care and to fix the private marketplace. But you don't get there until you first deal with the needs of our children. So I want to be conciliatory, both with respect to the administration and with colleagues on both sides of the aisle. We have a big opportunity with this issue.

With respect to domestic issues, one of the biggest ones—the immigration legislation—obviously reached something of a standstill. If we can sustain this bipartisan effort for the country's most vulnerable—and I know of no one in the Senate—no one—who doesn't care about the well-being of our kids—if this effort can be sustained, there will be a broad berth for another effort to move significantly to transform American health care.

Seven members of the Senate Finance Committee, during our discussion of the children's health program, specifically talked about the need to fix American health care. Senator CONRAD, the distinguished chairman of the Budget Committee, pointed out that over the next 5 years—the life of this program—there will be plenty of opportunities to transform American health care. Senator BENNETT and I are saying we want to do it in this session. We don't think we got elected to wait around for another 2, 3, 4 years to fix health care; we want to do it in this session.

We had a very promising hearing in the Senate Budget Committee where support for our efforts was demonstrated by both the chairman of the committee and the ranking minority member. I wish to underscore that even the Senate budget resolution makes clear that this program for children will be done first. As Senator BAUCUS and Senator ROCKEFELLER pointed out earlier, this is a question of reauthorizing existing Federal law. The country has already made the judgment that the needs of children are going to come first. But a lot of us are not going to say the job is done by passing one extremely important bill; that there will be more to do, there will be an opportunity to do it in a bipartisan way.

While he is on the floor, I want to thank Senator ROCKEFELLER, Senator BAUCUS, Senator GRASSLEY, and Senator HATCH.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WYDEN. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. I just want to use it to thank our colleagues who are the principal architects of the children's health program. Because of those of us who would like to go further in this Congress, the bipartisanship the leaders of the Senate Finance Committee have shown is going to give us that kind of opportunity, if the administration will join this bipartisan effort as it goes through this body and the other body.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Chair, and I thank the manager of the bill.

I wanted to pick up on a point Senator CONRAD made briefly. I want to get this so clear at the beginning of this whole amendment debate and whatever debate follows: The whole concept that somehow this Children's Health Insurance Program is a Government-run health care program—is wrong. Throw that out. It is completely and totally wrong. It is not even an entitlement program. It is a capped block grant program to the States. It is optional. The States don't have to use it if they don't want to. All of them do, including the District of Columbia, but it is optional.

In virtually all cases, the CHIP programs as they are carried out by the States are funded through private insurance, very much the way it was done in the Medicare prescription drug benefit plan. Thirty-nine States only use private insurance. It has nothing to do with the Government-run health insurance program. It is health insurance under the private sector using insurance companies, private insurance companies.

Mr. President, I thank the Presiding Officer and yield the floor.

Mr. BAUCUS. Mr. President, I notice Senator DOLE on the floor. I don't know if she wishes to speak on this measure. I see Senator GRASSLEY is not on the floor, but I, on behalf of Senator GRASSLEY, will yield such time as the Senator would like to consume.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, I am perplexed by what is happening in the Senate these days. Many of my colleagues are calling for a huge tax on tobacco—a product purchased disproportionately more by lower income people. This tax hike is said to provide billions of dollars to expand SCHIP health care coverage for children whose families cannot afford insurance coverage. While I strongly support reauthorizing SCHIP, a massive and highly regressive tax increase on an already unstable product is a terribly irresponsible way to fund this important program. Furthermore, my home State of North Carolina, which has lost more manufacturing jobs than any other State and continues to undergo a difficult economic transition, stands to lose tremendously if the tobacco tax skyrockets.

I am fully aware that many of my colleagues view ganging up on tobacco and smokers as politically popular. I am not appealing to you to change your views on smoking, but I am urging you to acknowledge the reality that this tax increase is an irresponsible and fiscally unsound policy.

According to the Tax Foundation, no other Federal tax hurts the poor more than the cigarette tax. Of the 20 percent of the adult population that smokes, around half are in families earning less than 200 percent of the Federal poverty level. In other words, many of the families SCHIP is meant to help will be disproportionately hit by the Senate's proposed tax hike. In addition, tobacco sales have been declining 2 to 3 percent a year and are expected to be slashed by another 6 percent if the Federal excise tax is increased. Yet in order for this tax-hike trick to work, millions more Americans would have to actually take up smoking to foot the bill.

A recent ad in Roll Call from North Carolina-based R.J. Reynolds put it best:

> Below that familiar picture of Uncle Sam pointing his finger, was the line "Congress Needs you to Smoke."

That is right. More than 22 million additional Americans will need to take up smoking to keep the SCHIP program running over the next decade.

Another example of how ill-conceived this proposal is: The Senate very well may approve legislation this year to force the FDA to regulate tobacco products.

That agency's staff and resources are already fully consumed by its mission of regulating food, medical devices, and pharmaceuticals. But if many in the Senate have their way, the FDA will soon take on tobacco.

It is no secret that the Senate FDA bill seeks to ultimately put many tobacco companies out of business. So it appears we are going to eliminate tobacco companies while simultaneously relying on the tax revenue from tobacco sales to fund children's health care.

If we are really serious about providing health care coverage to children in lower income families, this illogical plan clearly is not going to cut it. I oppose this tax hike plan not only because it is fiscally unsound but also because it unfairly hurts my State of North Carolina.

In recent years, the forces of the global marketplace have triggered a difficult economic transformation, and our traditional industries of furniture and textiles have shuttered the doors of their factories and mills, resulting in the loss of 194,000 manufacturing jobs. Tobacco, another long-time linchpin of North Carolina's prosperity, has also faced its share of challenges from offshore competition. However, this economic engine for North Carolina has endured, but it may collapse altogether if the Senate moves forward with the 61-cent increase on tobacco products.

Tobacco is woven into the fabric of my State like Texas and cattle or Iowa and corn. In North Carolina, tobacco is part of our history and culture. In fact, many of our State's great educational institutions and health care facilities are rooted in tobacco funding. Today, more than 255,000 North Carolinians rely on tobacco for their livelihood. These are not just folks in the fields and factories but also suppliers and retailers. The industry accounts for $22 billion in value-added revenue, or 6 percent of North Carolina's economic activity.

Clearly, if the Senate indiscriminately picks this industry to foot the bill for additional Government spending, North Carolina suffers tremendously. According to Blake Brown, a widely respected agricultural economist at North Carolina State University, North Carolina would lose nearly $16 million in farm production and at least $540 million in decreased manufacturing; we would lose up to $12.5 million in the State cigarette tax revenue; and we would lose $10.3 million from our portion of the master settlement agreement payment, which funds the bulk of our safe economic development programs.

In addition to North Carolina losing thousands of manufacturing jobs, supplier and retail jobs, State Agriculture Commissioner Steve Troxler says we could lose as many as 1,800 farm jobs. Compound these jobs and revenue losses with the looming threat of FDA regulation, and North Carolina is looking at what Commissioner Troxler calls a double whammy.

The rug is being pulled out from under us. Am I supposed to go back to my constituents, whose jobs are at stake, and say: Sorry, folks, Congress doesn't think you are taxed enough, so, yes, Congress raised taxes to the tune of $35 billion at the expense of your jobs and farms? No single industry should be targeted and victimized by such unreasonable Federal regulations and taxes.

Let me be clear. Reauthorizing SCHIP has my strongest support. Since its creation in 1997, this program has lowered the number of uninsured children by almost 25 percent. As we seek to provide greater access to health care for all Americans, starting with children first is not only good policy but it is the right thing to do. However, this legislation is the wrong way to go, period.

I urge Senators to vote for the McConnell alternative. It responsibly restores SCHIP to its original content: helping low-income children. I am not asking my colleagues to sympathize with the tobacco industry and smokers. I am asking you to look at the Baucus bill for what it is: a massive tax hike that disproportionately impacts low-income people and an ill-conceived and unsound plan that unfairly targets a single industry and hurts the economy of several States.

Let's reauthorize SCHIP, but let's do it the right way.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I wish to reserve time for Senators to speak. I ask unanimous consent that the following time be reserved for these Senators: CASEY, 5 minutes; STABENOW, 5 minutes; WHITEHOUSE, 5 minutes; BINGAMAN, 5 minutes; and myself, the remaining 5 minutes. I think that totals 25. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Montana has 24 minutes remaining.

Mr. BAUCUS. Then I will cut myself down to 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania, Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I thank Senator BAUCUS, my distinguished colleague from Montana, for not only the argument he is putting forth today on children's health insurance but in a special way his leadership on the Finance Committee.

On the question of children's health insurance, the Senate is confronted with a very serious matter, a matter that has long-term implications for millions of families and our economic security. I believe at least two questions must be asked and answered this week, and they are as follows:

Question 1: Will the Senate make a full commitment to the children of America and especially to their health care?

Secondly, does the Senate want America to have a high-skilled workforce in the future to compete in an ever-changing economy and a furiously competitive world economy?

For that reason and so many others, I thank the Senators in this Chamber who have provided the leadership on the Finance Committee, including Senator ROCKEFELLER, Senator BAUCUS and, many years ago, Senators KENNEDY and HATCH, who came together in a bipartisan way, as they are today, and Senator GRASSLEY, among others.

A lot of people watching today may ask what is this program we are talking about? We hear SCHIP, the acronym. Let's call it children's health insurance for short because the acronyms don't make a lot of sense sometimes. It is a 10-year program, where we have covered 6.6 million children, so they can have well-child visits, dental exams, preventive care, all of the things we see on this chart, when we are speaking about a well-child visit. Every child in America should have an opportunity to communicate, through their parents, with their physician. Every family should make sure that a child within their care gets six visits to the doctor in the first year of life, a complete record of physical exams, showing height, weight, and other milestones. They should have their hearing and vision checked. They should be checked for normal development, nutrition, sleep safety, infectious diseases and, of course, general preventive care. It is critically important that every child gets that, no matter what their income is or where they live in this country.

In Pennsylvania, we have had more than a 10-year experiment; we have had children's health insurance since 1993. I am proud that my father, Governor Casey, and every succeeding Governor, including Republican Governors Ridge and Schweiker, and Governor Rendell, a Democrat, who strongly supported it and tried to expand this important program.

Today, I wish to talk for a couple of minutes about the coverage overall across the country. In our State, it is 162,000 children. But across the country, even though we have covered well more than 6 million children, there are still 9 million American children today who have no health insurance at all. Of those 9 million, 6 million of them are eligible right now for either the Children's Health Insurance Program or Medicaid. Of those 6 million eligible but not enrolled, 78 percent are from working families. Let me say that again: Seventy-eight percent of the children right now who are eligible for children's health insurance or Medicaid are from working families. We should remember that as we debate this issue. There is a lot of talk in this Chamber that has been misleading on that question.

We know what happens when a child has health insurance. They have access to preventive care, they perform better at school, and they are much more likely to have healthy emotional and social development. If we want—as I think every Member of the Senate wants—a skilled workforce in the future, that starts with giving quality early care and education to our children, giving them the blessing of health insurance so they can learn more now and earn more in this new century.

There are people out there saying: How do we pay for this? You are talking about an increase in children's health insurance. We pay for it by making sure we are increasing a tax that should be increased for this purpose—the tobacco tax—by 61 cents. We are going to have a long debate, and I will wrap up in a minute. When we have this debate today and in the next couple of days of this week, and when people come down to the Senate floor and talk about how much it is going to cost and why we should not do this, I ask them—especially those arguing against an increase—to hold up this pamphlet. This is the health care every Senator gets. They come in here and talk against this program and say they don't want to increase it. But I think every Senator who argues against it and says health care for Senators is a higher priority than health care for kids should hold up the health care they get, and they should thank the American people, and then they can go argue against this.

We have a long debate ahead of us. We will make sure that we make this a priority for the American people, the health care of our children.

Mr. BAUCUS. The Senator can speak longer if he wishes. He is very passionate. I ask unanimous consent for 5 more minutes for the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. My colleague from Montana gave me a lot more time and I appreciate that.

I think it is important that we talk about this program and talk about why some of the arguments have been framed and how they have been framed in the last couple of days. We have had a lot of bipartisanship here. A lot of Members of the Republican caucus in the Senate have been brave and independent enough and have focused on the needs of children enough to break with the President to say that we respect your view, Mr. President, but we have to expand this program.

I appreciate that. I am grateful for their wisdom and leadership and their integrity. They have shown an ability, and both sides have to work together on this, to make sure that when we talk about the cost of this program—the President thinks we should only increase it by $1 billion a year, when there is a consensus across the country, by far, and in this Chamber and across the way in the House to increase it by at least $7 billion a year. That is the least we should do. I think we can go higher, but to get the job done we can compromise.

I think it is very important to remember when we are talking about these numbers, one thing is abundantly clear: The President's proposal is going to have one dramatic and irreversible impact for children, and this is a fact: By 2012, if President Bush gets his way on this issue, 800,000 American children will lose their health insurance. So I want those on the other side of the aisle who have not yet come around to the thinking of most of the Members of the Senate to remember that. You are just not voting for an increase that may help some children; you are voting to cut 800,000 children off of health insurance. I know we are going to hear from some Members of the Senate that terminology about socialized medicine and Government-run health care and all of that.

I ask them again to remember the health care they get as Senators when they go on about that point. The facts are otherwise when it comes to what we are talking about. For the Children's Health Insurance Program and for Medicaid beneficiaries, these are individuals who are covered through private managed-care plans, private insurance. In Pennsylvania, we have some nine private providers for the Children's Health Insurance Program. I defy anyone to tell us these American companies are part of some Government-run program they do not support.

The support on this issue is overwhelming. The American Medical Association, all of the pharmaceutical companies virtually have not only supported it but they are advertising in favor of it, and the private insurance companies and trade associations and so many other major American companies.

President Bush said he did not want to federalize this program. I don't understand it, though, because on the one hand, President Bush says he agrees the program has worked, and on the other hand he says he wants to cap it. I don't understand why he does that.

I think it is important for us to remember the benefits all of us have in this Chamber at this time on our own health insurance.

We are going to have a lot more time later this week to talk about other aspects of this legislation. I ask every parent out there who is watching this debate to remember for just a moment what happens to their child when they are sick and when they are hurt. Your first instinct is to hug your child and to give them all the warmth and support that you can provide them. But that is not enough. Often you have to take them to a doctor or to a hospital. But for the parents of children who don't have health insurance, all of the love they provide, the warmth and embrace of a hug is not enough either, and those families and those mothers and fathers are powerless to help their children and show the full measure of their love.

I ask my colleagues and those watching today to consider what this means for a child and his or her family and also what it means for America, for our workforce, and for our economy in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that Senator STABENOW now be recognized to speak for 5 minutes, a very valuable member of our committee, very active member of our committee, and a fountain of ideas.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I first thank our chairman of the committee for his passion in caring for children, always keeping us focused as we brought together a bill that truly is a compromise in the best sense of the word. It is as we should be doing in the Senate, coming together with a number of perspectives and coming up with a final product. I thank the chairman for leading us in that effort and working with the ranking member. Together they have been a great team on this legislation.

The chairman has constantly said to us: It is about the children. It is about the children. Keeping us focused on what this is really about will allow us to come together in a very strong bipartisan vote for a very important bill.

I also thank Senator ROCKEFELLER for his passion in caring about children and his leadership in creating the children's health program. He and Senator HATCH have been a critical part of getting us to this point as well.

This is a step forward, and as with any compromise, it always involves give and take. I come from a State that has received 1 of the 15 waivers to cover some adults in our State. That is being phased out. That is not my first preference, but it is a compromise. It is a way to recognize this is a children's health program, and we are all coming together and coming to the middle to work together to get a product that the vast majority of the Senate can support.

We are talking about a program for uninsured children, 78 percent of whom live in working families. So we are talking about moms and dads who are working one minimum wage job, maybe two, maybe three to make ends meet. We have helped that family by passing an increase in the minimum wage.

This second piece for families who are working very hard, who care about their families and want to make sure their children have the health care they need, is very critical to supporting working families. That is really what the Children's Health Insurance Program is all about.

In Michigan, according to the University of Michigan, the number of uninsured children in our State grew by 7 percent just in 4 years, between 2000 and 2004. At the same time, we have seen employer-based coverage cut back and more and more families paying more and more of the health care bill and more and more families, as well, relying on Medicaid.

Last year in Michigan, MIChild, which is the children's health program, one-third of the children relied on MIChild or Medicaid for health coverage. One-third of all the children in Michigan in a State of 9 million people were relying on the support of this program and other public programs under Medicaid to have the health care they need. Again, three-quarters of these children came from a home with at least one working parent. So this is very much a program for families who are working hard to make ends meet, families who go to bed at night and don't want to have to say a prayer that their kids don't get sick during the night or the next day. This allows families to have the integrity of work and know that their children are able to receive the care they need.

It is also very important to point out the fact that this is very much about rural families in Michigan and around the country, not just urban families. Certainly, we care about urban children, but we know that in Michigan, the fact is, the majority of dollars are going to rural communities. Thirty-two percent of all rural children receive our children's health care program or Medicaid, 32 percent as compared to 26 percent. So this is very important for children in every part of Michigan, as well as the country.

Because of the importance of the children's health program for so many families, I urge my colleagues not to listen to the negative attacks on this carefully crafted compromise as we move forward.

There are always challenges drafting a standard 5-year reauthorization and fitting it into a budget window. In this Congress, we have or will address several other 5-year reauthorizations: the farm bill, FDA prescription drug user fees, the Trade Adjustment Assistance Act, and the "Leave No Child Behind" education bill.

As a member of the Budget Committee, I remind my colleagues of the problems in advancing the administration's proposal for reauthorizing the children's health program. The Senate, in a bipartisan vote, rejected this proposal.

The President's fiscal year 2008 budget proposed less than half of the funding needed for states to cover existing children, let alone to make progress in covering more uninsured low-income children.

This would be a step backwards for our children. Under the President's budget, the number of States facing shortfalls in 2012 would increase to 46.

Enrollment of children and pregnant women over the course of a year would fall by 1.6 million by 2012.

This is not acceptable. We have a chance before us to make a real difference in the lives of millions of children, many of whom are in working families.

We all made compromises on moving CHIP forward. For example, I want to work out something that keeps my State whole, but I recognize the need to continue to work in the bipartisan spirit that created CHIP in the first place.

I know some of my colleagues want to debate a whole other set of options. We should have a full debate on health care, but this is the opportunity to cover more children.

We are eager to tackle many pressing issues, especially a plan for small businesses. But the Children's Health Insurance Program expires at the end of September. Right now, we must focus our energy on reauthorizing this successful program.

Let us remember the bipartisan spirit that created this great program for our Nation's children. CHIP is a great success story that we can all be proud of.

I know my time is up, my short 5 minutes are up. I again urge all my colleagues to join us in what truly is a wonderful, bipartisan effort to cover children with health care in the United States.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time on our side be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I first wish to pay tribute to the distinguished chairman of the Finance Committee and the distinguished ranking member and Senator ROCKEFELLER, Senator SNOWE—so many people—Senator KENNEDY, others on the committee, Senator STABENOW, Senator WYDEN, folks on our side who have really stood up on this issue, the CHIP issue, Senator SNOWE in particular, Senator SMITH—I could go right on down the line—Senator ROBERTS who has been a stalwart. I don't want to leave anybody out.

This has been the result of tremendous negotiations over a long period of time, meeting virtually every day, led by the distinguished chairman of the committee. We have lots of issues, lots of difficulties, lots of past experience, mistakes that were made by the administration that have caused us a lot of problems, and yet a desire on the part of virtually everybody to try and do what is right for our children who basically are not being helped by our current health care system.

As we know, the CHIP bill works remarkably well. Hardly anybody I know has found fault with the way it has operated. The big problem is that we spent $40 billion over the 10-year authorization of CHIP, from 1997 to today, and it expires this September. But the costs of trying to bring on the additional kids who qualify to this program and the extra costs that have been caused by the administration issuing waivers, which has resulted in at least one or two States having more adults on the program than children, has caused some difficulties. We think we have resolved some of those problems, and we hope the vast majority of Senators will recognize that and vote for this bill.

We know the House bill is going to be off-the-charts expensive. Frankly, this is the bill people ought to look at, they ought to support, and I believe we ought to support wholeheartedly because we are trying to help the children of this country who are the least likely to be helped because they do not vote.

The CHIP bill has helped millions of children, there is no question about it. It was originally decided to help the children of the working poor who were the only kids left out of the process. The poor children were helped by Medicaid, and, of course, those in the middle class or above were able to afford their own health insurance. But these kids were left out of the program and, of course, left out of basic health care. We have been able to resolve many of those difficulties through the original CHIP program. In this program, we will do away with waivers. We can't do away with some of the grandfathered people who are on CHIP right now, but we will get childless adults out of the program, and we will bring into the program pregnant women, which we did not do before.

When we did the original CHIP bill, I was against bringing them in because of the high cost of the bill at that time. That bill cost $40 billion over 10 years. This bill will cost $60 billion over 5. But the reason for the original cost happened to be not only inflation, but also the outreach programs that were included, and the fact that we weren't covering upwards of 3 million children. Some estimate even more under the original CHIP program.

My personal belief is, if we cover these children properly, we will save billions of dollars in the long run. We will save more than what it costs us to take care of these kids. But even if we didn't, we still ought to be taking care of these children who basically are not problems to society but can be great contributors to society if they are healthy. If we don't take care of them while they are in their youth, it is very likely they will not be as healthy as they otherwise would be and, in the end, they would cost more money than if we had faced the music and done what is right now. That is why this CHIP bill is so important.

Again, I want to compliment and thank all of those who have participated in bringing this bill about.

Mr. President, I understand Senator LOTT wants to speak at 4:30. I have another set of remarks I would like to make. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe under the agreements that have been worked out I am going to speak at this time with regard to the SCHIP issue.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LOTT. Mr. President, let me first emphasize that we will have a motion to proceed to the State Children's Health Insurance Program this afternoon, and Republicans and Democrats will vote for that procedural motion to go forward because all of us support reauthorization of the so-called SCHIP program, which is Washington speak for State Children's Health Insurance Program.

This is a classic example of how no good deed goes unpunished because I remember when this program was developed legislatively on the Senate floor. The Senator from Utah was a key player. I remember some of the exchanges that were made at the time with Senator HATCH talking and Senator KENNEDY and Senator Phil Gramm when we created this program. This was about, I guess, 10 years ago or so. We created it because we did believe there was a need in America for children to have health assistance—a health insurance program—particularly low-income children.

There were a large number of children who were not then covered, so it was well intentioned, and everybody wanted to go forward with a program that would cover these children so their health needs could be addressed and so they could live healthier lives.

I just heard Senator HATCH make the point that if we don't have this type of health insurance available for children in critical times, a longer term cost will greatly exceed what the cost might be for the program at this time. So we were in it together. We created it at a time when we had a Republican majority in the Congress and a Democratic President in the White House. It was generally a bipartisan effort, and we created a good program that was targeted. It was expensive, but we believed it was important that we get this done.

Now, since that time, this program has continued to grow, and we have seen States start adding not only higher and higher levels of income for these children to be covered—up now to, I think, 350 percent of poverty in some States, and another State now is actually trying to get it up to 400 percent of poverty, which certainly is not low-income children. That is middle-income coverage. That would cover children in the range of a family of three making $60,000 to $70,000 a year. So that has really started causing problems, with the higher and higher level of income for children and adults being included. That was never the intent.

The core mission of this program was for children to get this help, but more and more States have included adults, and not just the pregnant mother but the parents and even adults beyond that in some of these States that have gotten waivers. It is going to be argued by some Senators, Senator GRASSLEY and probably Senator BAUCUS, that a lot of this problem has been caused by this administration—probably the previous administration but certainly this administration—by giving waivers to the States to begin to cover a higher and higher income level of children and adults. That is a legitimate criticism. They shouldn't have done it, and they shouldn't have done it the way they did. And certainly they shouldn't have done it repeatedly. I don't know how many States have gotten waivers now—14, 16 States, something of that nature, and more to come probably.

Some people at the Department of HHS will say: Well, we don't have much discretion under the waiver. I don't believe that is true, and certainly they had more discretion than they exercised. So the program now, with these waivers, has got lots of problems, and that is why I oppose it in its current form.

Let me first talk about the Baucus bill and give the reasons I am opposed to it. The baseline for this children's health program is $25 billion over 5 years—$25 billion. I believe the President, and these are general numbers, but I think the President asked for basically a $5 billion increase over those 5 years, which would have brought it up to the $30 billion range. I was thinking in committee that was not enough; that we were going to have to go higher so that we could try to cover those children now covered in the program, realizing some who would be eligible are not covered because, No. 1, they may not have applied, No. 2, they are covered by private insurance, and No. 3, they were covered by Medicaid. But it was clear to me it was going to take more money in order to cover the children we really intended to cover than the basic of $25 billion.

Now, I thought we were going to be talking in the range of $7 billion or $8 billion, and I still believe that is the right number to continue to cover those children who are now covered by the program. The bill we have before us, though, has risen by $35 billion above the so-called baseline for a total of $60 billion over 5 years—$60 billion. A program that was originally intended for low-income children to get this health insurance, certainly never intended to be $25 billion, now in this bill would be $60 billion over 5 years, and explosive in the outyears. And this is before we go to conference with the House. The House is talking $70 billion to $100 billion.

So even though one might say: Well, this bill has gone way too far, this is the new baseline, if we pass it at $60 billion, it will only go up. What will it be, $70 billion, $80 billion, $90 billion for this program—only for this program? And by the way, a program that will include adults and will include children probably certainly well above 200 percent of poverty.

That is why we have an alternative that will make sure we cover those children we originally intended to cover and children now under the program, but we did not want this sort of doubling of the size of the program in the next 5 years. Ours would even provide for a 33-percent increase over the next 5 years. We have a real problem. It is a massive spending increase. It uses certain budget considerations to deal with what happens after the fifth year.

Some people say: Well, there will be time to change that. But nobody really believes that once you build a program, like this chart shows, that goes up, up, and up, and then all of a sudden when it reaches a certain level, it drops back down. It won't do that. It will continue to go up. And therein is the second part of the problem.

How do you pay for this? The bill before us has tax increases in the $61 billion to $70 billion range. I believe that is accurate, but a minimum of $61 billion, with that coming from a tax on cigarettes and other tobacco products. The fact is, when you tax something with that much of an increase, which takes it up to a full dollar from the current 39 cents, that is a huge increase. When you have that kind of increase, a dollar a pack on cigarettes, what you are going to get is less revenue. So at a time when the cost of the program is going up, the revenue that is actually going to be coming in is going down. That is a prescription for huge budget problems.

Of course, the argument again is, well, that is down the road; we will have time to fix that later on. But one of my concerns about the program as it is now is that it also will actually be taking children now on private insurance—children who have coverage—and they will be going off private insurance coverage and going into the so-called SCHIP program. There are an estimated 600,000 children—and I don't know how you estimate those numbers, which I suspect are low—but a large number of kids, up to perhaps as many as 2.1 million, will be moved from private health insurance programs to the Government-run health care program.

So here we have a massive spending increase, we have a program that will be taking children now covered off of private insurance and moving them on to a government program, and you have a massive tax increase.

We will have an alternative that reauthorizes the program, keeps it focused on the core mission of low-income children, which does increase funding generously, by as much as 33 percent, and avoids the huge tax increase. And the revenue it brings in is real, not a revenue that will be on a declining basis. It will give, additionally, millions of Americans access to health insurance through the small business health plans and includes reforms in the health savings accounts.

Mr. President, I know we have a number of Senators lined up to speak, but I just wanted to begin to point out some of the basic problems of how we got here, what is in this bill, and the fact that we will have an alternative that I believe is better than the one that was reported by the Finance Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. McCONNELL. Mr. President, are we under controlled time?

The PRESIDING OFFICER. Yes. The Senator from Iowa on the minority side controls 40 minutes.

Mr. McCONNELL. I yield myself 10 minutes of my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, 10 years ago a Republican-controlled Congress created and passed the State Children's Health Insurance Program. It targets the health care needs of poor children whose families make too much to be eligible for Medicaid but are still in danger of not being able to afford private health insurance.

In many ways, this program, SCHIP, is a remarkable success. The rate of children in America living without health insurance dropped 25 percent from 1996 to 2005. Last year, 6.6 million children had health care coverage thanks to SCHIP, including more than 50,000 in the Commonwealth of Kentucky. Those are some truly astounding numbers.

There is a lot of good in the current SCHIP law that we should reauthorize, but at the same time, we should also modernize and improve it.

Our goal should be to continue to target those low-income children who fall between the cracks and go without health insurance. And we should seek out those children who are eligible for SCHIP, but currently go without, and bring them into the program.

Unfortunately, I have serious concerns with the bill that the Finance Committee sent to the floor. I do appreciate all the hard work of the ranking member, Senator GRASSLEY, as well as Senator HATCH, who is one of the original authors of this program. However, the committee's bill is a dramatic departure from current SCHIP law: It will significantly raise taxes, increase spending, and lead to government-run health insurance.

Funding for this proposed massive increase in spending relies not just on a massive tax increase, but also on a budgeting gimmick. Their plan will increase SCHIP spending every year for the next 5 years, with projected spending of $8.4 billion in 2012.

Then suddenly in 2013, like magic, spending would drop to only $400 million—a decrease of $8 billion in one year. That's not because the funds won't be needed—rather, it is a sleight of hand needed to fit the program within the bill's funding limits.

But does anyone seriously think Congress will decide to cut SCHIP by $8 billion in one year, so that millions who rely on it will lose their health insurance? Of course not. Future Congresses will go back and spend more, and this proposal will end up costing exponentially more than its current price tag.

Under this scenario, the Congressional Budget Office estimates the total cost of this bill over the period from 2008 to 2017 is actually $112 billion—$41 billion more than the advertised price.

And most of this increase will go toward people that SCHIP was never meant to cover.

The expansion proposal we are considering here on the floor will allow SCHIP coverage to extend to families with incomes as high as 400 percent of the Federal poverty level—even though 89 percent of children in families with incomes as high as 300 to 400 percent of the Federal poverty level already have private coverage.

The bill also includes a tax increase, when the American people are already taxed too much. So I hope we will have a free, open debate on this bill, and every Senator will be allowed to offer ideas to improve it.

Senators LOTT, KYL, GREGG, BUNNING and I will propose an alternative measure called the Kids First Act. It refocuses SCHIP to help the people it was designed to help: low-income children.

While considerably less expensive to the taxpayers than the Finance Committee's bill, it's worth noting that many States, including Kentucky, would fare better next year under the Kids First Act than under the committee bill.

Our plan is fiscally responsible and focuses Government assistance on those who really need it. I urge all of my colleagues to seriously consider it.

Many Senators have also worked exceedingly hard to craft comprehensive measures addressing the uninsured in America. I applaud their efforts, and look forward to having a full and open debate on the Senate floor about their ideas.

I especially want to recognize Senators BURR, COBURN, CORKER, DEMINT and MARTINEZ for their work in this regard.

As we begin to consider SCHIP legislation, this Senate should focus on reauthorizing a program that works, instead of transforming it into a license for higher taxes, higher spending, and another giant leap toward government-run health care.

Legislation like that will not receive a Presidential signature. But this Senate can craft something that will. Let's work toward that and produce a bill that focuses on the true goals of SCHIP—providing a safety net for kids in low-income families.

I also have here an editorial from today's Wall Street Journal that describes many of the problems with the committee's bill I just detailed. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 30, 2007]

THE NEWEST ENTITLEMENT

The State Children's Health Insurance Program sounds like the epitome of good government: Who could be against health care for children? The answer is anyone who worries about one more middle-class taxpayer entitlement and a further slide to a government takeover of health care. Yet Schip is sailing toward a major expansion with almost no media scrutiny, and with Republicans in Congress running for cover.

Schip was enacted in 1997 to help insure children from working-poor families who make too much to qualify for Medicaid. In the intervening years, the program reduced the rate of uninsured kids by about 25 percent but has also grown to cover the middle class and even many adults—and it gets bigger every year. Schip expires in September without reauthorization, and Congressional Democrats want to enlarge its $35 billion budget by at least $60 billion over five years.

State Governors from both parties are also leading the charge—and for their own self-interested reasons. Schip money is delivered as a block grant, which the states match while designing their own insurance programs. All cost overruns, however, are billed to the federal government, which is on the hook for about 70 percent of Schip's "matching rate." This offers incentives for state politicians to make generous promises and shift the costs to the feds, or to toy around with costly universal health-care experiments. And since the states only get 57 cents on the dollar for Medicaid, they are working hard to transfer those recipients to Schip.

This self-interest explains a recent letter from the National Governors Association demanding "urgent action" on Schip, which got lots of favorable play in the press. Yet these are the same Governors who have been moaning for years about rising entitlement burdens, which is what Schip will be soon enough. Particularly egregious was the signature on the letter of Minnesota Governor Tim Pawlenty, a Republican who regards himself a conservative health-care maven and should know better.

This "bipartisan" cover is serving Democrats in Congress, who want to liberalize Schip eligibility as part of their march to national health care. The Senate Finance Committee has voted 17-4 to increase Schip spending to at least $112 billion over 10 years. Not only does it use a budget trick to hide a payment hole of at least $30 billion, it proposes to offset the increase by bumping up the cigarette tax by 61 cents to $1 a pack.

House Democrats are putting the finishing touches on their own plan, making the cigarette tax somewhat lower to win over tobacco-state Members. Instead, the House is proposing to steal nearly $50 billion from Medicare Advantage, the innovative attempt to bring private competition to senior health care.

Michigan's John Dingell explains that "these are not cuts" but "reductions in completely unjustified overpayments"—which will come as news to insurers that offered coverage plans based on certain funding expectations. The "overpayments" he's referring to were passed expressly as an incentive for companies to offer Medicare Advantage in rural areas with traditionally fewer insurance options—and are intended to be phased out over time. Democrats apparently want to starve any private option for Medicare.

In any case, the actual costs of Schip will overwhelm these financing gimmicks. Like all government insurance, Schip is "covering" more children by displacing private insurance. According to the Congressional Budget Office, for every 100 children who are enrolled in the proposed Schip expansion, there will be a corresponding reduction in private insurance for between 25 and 50 children. Although there is a net increase in coverage, it comes by eroding the private system.

This crowd-out effect is magnified moving up the income scale. In 2005, 77 percent of children between 200 percent and 300 percent of the poverty level already had private insurance, which is where the Senate compromise wants to move Schip participation. New York State is moving to 400 percent of poverty, or some $82,000 in annual income. All of this betrays the fact that the real political objective of Schip is more government control—HillaryCare on the installment plan.

We'd have thought Capitol Hill Republicans would understand all this, especially with the White House vowing to veto any big Schip expansion. But we hear the GOP lacks the Senate votes for a filibuster and perhaps even to sustain a veto. GOP Senators Mitch McConnell and Jon Kyl are backing an alternative to account for population growth and reach the remaining 689,000 uninsured children that Schip was intended to help. Republicans would be wise to support this version, or they'll take one more step to returning to their historic minority party status as tax collectors for the welfare state.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that my remarks be printed in another place in the RECORD and the time be charged against our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HATCH are printed in today's RECORD under "Morning Business.")

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to yield 2 minutes to the distinguished Senator from New Mexico; that then I be able to complete my remarks on CHIP after he is done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. First, let me thank the distinguished Senator profusely. I thought it would not be appropriate to let the SCHIP legislation proceed without some comments about how it got started.

Actually, in 1992, when I was chairman of the Senate Budget Committee, I helped to create the State Children's Health Insurance Program, also known as SCHIP, as part of the Balanced Budget Act, believe it or not.

The program has been a success. The number of children without insurance has declined by a very large amount. The Senate Finance Committee has approved a reauthorization of SCHIP, and the full Senate will take it up this week. The bill increases 5-year funding for the program from $25 billion to $60 billion. The $35 billion expansion is paid for in full by taxes on tobacco products.

In the current form, I will support the Finance Committee-passed bill. I suggest that many should. In my home State's problem with uninsured children, recent reports have New Mexico at the bottom in the Nation in coverage of these children. About 100,000 children in my State are without insurance, 25 percent of the adolescent population.

I have many concerns with the cost of this bill and the way it is paid for. However, I am willing to spend the next 5 years working on these concerns.

If the bill is substantially changed or expanded during debate this week in the Senate, or if it is significantly changed during conference with the House, they can count me out; I will no longer support it. This is about the size we ought to support, to handle our money properly and to create a program that may very well be one of those that will help us immensely with insurance for adolescents and children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I compliment the distinguished Senator from New Mexico for his remarks. I personally appreciate them.

Mr. BAUCUS. I wish to also compliment the Senator from New Mexico.

Mr. HATCH. Madam President, this week the Senate will focus on how to reauthorize and finance the CHIP program.

Therefore, I would like to take some time on the Senate floor today to lay the groundwork for that process by examining the history of the CHIP program and the successes it has had over the last decade.

The Balanced Budget Act of 1997—BBA 97—created CHIP as Title XXI of the Social Security Act. Today, all 50 States, the District of Columbia and five territories have CHIP programs. As is allowed by the law, 17 States use Medicaid expansions, 18 States use separate State programs and 21 States use a combination approach of both their Medicaid program and the State program.

The CHIP program is financed through both the federal and State governments and is overseen by the States. States receive an enhanced federal match for the CHIP program. This federal match is significantly higher than the federal match that States receive through the Medicaid program.

The Medicaid federal medical assistance percentage, known as F-MAP, ranges between 50 percent and 76 percent in fiscal year 2006; the CHIP F-MAP ranges from 65 percent to 83.2 percent.

Through BBA 97, approximately $40 billion in federal funding was appropriated for the CHIP program. Overall, States have spent $10.1 billion dollars since it was first implemented through September 30, 2005.

Today, approximately 6.2 million children have their health insurance coverage through the CHIP program. As one of the original authors of the CHIP program with Senator KENNEDY, Senator ROCKEFELLER, and the late Senator Chafee, I am very proud of the program's successes and I want these successes to continue.

When we drafted this legislation in 1997, our goal was to cover the several million children who had no insurance coverage. Their families were too rich to qualify for Medicaid; however, their families did not have enough money to purchase private health insurance. We have gone a long way in meeting that goal, but we are clearly not there yet. Coverage of these uninsured children is still my top priority.

I have always believed that we shouldn't even consider expanding this program to other populations until we have covered all children who do not have health care coverage.

Unfortunately, that has not been the case and a program that was created for low-income children has covered childless adults, parents of CHIP-eligible children and pregnant women. How has this happened?

Both the Clinton and Bush administrations granted waivers to States to cover adults, something that I strongly oppose. Today, 11 States cover parents through State waivers and six States cover childless adults in CHIP through State CHIP waivers.

When Senator ROCKEFELLER, Senator KENNEDY, Senator Chafee and I worked on the original legislation in 1997, our goal was to cover the several million children who had no health insurance, but I believe that the bill before the Senate today makes great progress in this area.

I believe the bill the Senate is considering this week captures the true essence of the 1997 law and builds on that foundation to insure even more children.

That, indeed, should be our purpose.

The bill drafted by Finance Committee Chairman BAUCUS, Finance Ranking Republican Member GRASSLEY, Finance Health Subcommittee Chairman ROCKEFELLER and myself is the very essence of compromise.

To be fair, it does not make any of us Republicans comfortable to face a veto threat from our President.

It does not make me comfortable to face a veto threat issued by my colleague and good friend from Utah, Secretary Leavitt.

It does not make me comfortable to advocate for such a large amount in new spending.

At the same time, I know none of you on the other side of the aisle are comfortable with the fact that we did not authorize spending up to the $50 billion limit in the budget resolution. Many of my Democrat colleagues made sacrifices in endorsing this bill and in sacrificing program expansions they so dearly advocated.

Senator KENNEDY and I often like to joke with each other that if neither side is totally comfortable with one of our compromises, we must have done a good job.

And in that spirit, I say to my colleagues, we must have done a good job.

This bill will make it all about the kids. That was our goal, and we achieved it. Our bill will provide health coverage to 2.7 million of the 6 million currently uninsured, low-income children who are 200 percent of the Federal poverty level and below.

I want to circle back to the cost of this bill.

I remember so well my conversations with my colleagues in 1997 about the cost of the original CHIP bill and the precedent it could represent.

We must recognize that we have already covered the kids who are easy to find. Six million of them to be exact.

We can all be proud of that.

But one of the lessons we have learned along the way is that it will cost proportionately more to cover the remaining children. They are harder to find and thus harder to cover.

This is what CBO told us.

So you can't do the simple math and say:

> It costs $40 billion to cover 6 million kids, so it should cost $40 billion to cover the remaining 6 million kids. It doesn't work that way.

CBO told us that we need to give States more money to cover these new uninsured children, and that is what we have done.

We have made a number of other important decisions in this bill.

We have restored the program back to its intent to cover children, not adults. This was a hard decision for Senators from States with adult waivers, and I commend them for their commitment to the children.

The legislation before the committee removes childless adults from the CHIP program by the end of FY09 and afterwards, gives the States the option of covering these individuals through Medicaid.

It also prohibits the approval of any new State waivers for parents to be covered through CHIP.

Only parents living in states with approved parent waivers will be eligible for health coverage through the CHIP program.

The next tough issue was the coverage of pregnant women. While I was not opposed to this in theory, in practice we all know that the cost of one delivery could fund insurance for three or four children. That is why I opposed this coverage in 1997.

I have been convinced that States should have the option of covering pregnant women through the CHIP program. This was a difficult decision for me and, again, a true compromise.

Third, we included money for outreach and enrollment. This is key for enrollment, but as we found out, it is very expensive. So we made the decision to place a limit on the amount of money dedicated to these efforts.

Fourth, our legislation includes premium assistance through CHIP for coverage through private plans. And if it is determined that family coverage would be more cost efficient, the entire family would be covered through this health plan.

This is something that was very important to me and Senator GRASSLEY. Utah has started such a program with the hopes of providing affordable coverage to an entire family.

Fifth, our legislation includes a cap of 300 percent of the Federal poverty level for eligibility in CHIP. If a State provides CHIP coverage above that level, it will not receive the enhanced match. States with higher eligibility levels when this legislation becomes law would be grandfathered in.

Finally, I am pleased that this bill changes the name SCHIP back to CHIP, the way it was before the House added the superfluous S.

Madam President, this is a good bill. It accomplishes what we have set out to do—to take care of the children.

Yes, I wish it did not cost what it does, but I am persuaded this is necessary spending when I think of the 6 million American children who are leading healthier lives because of our vision and commitment.

We should not let the opportunity pass us buy to build on that solid foundation and do even more good for the children, our future.

I will add one more point that I want my Republican colleagues to take to heart. This is a bipartisan compromise bill. It is not like the legislation being considered by the House of Representatives that will cost up to an additional $50 billion to reauthorize the CHIP program over the next 5 years.

In my opinion, the Senate version of this legislation is the better deal for the American people, and it is my hope that my colleagues who disagree will take one more look at this legislation.

I urge my colleagues to support the motion to proceed to this bill.

I hope in the final analysis, once we do proceed, our colleagues will vote for the bill because it is the right thing to do.

How much time do we have remaining on both sides?

The PRESIDING OFFICER. The minority has 9½ minutes, and the majority has 6½ minutes.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 4 minutes to the Senator from Rhode Island and ask unanimous consent that notwithstanding the quorum calls, I be recognized for 2 minutes immediately prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I thank Chairman BAUCUS and Ranking Member GRASSLEY and the distinguished Senator from Utah, Mr. HATCH, who have been so energetic in preserving, enhancing, and protecting this plan. Rhode Island has a significant role, going back to the days of John Chafee, whose name has been mentioned by Senator HATCH, and, of course, through Senator JACK REED, whose relentless advocacy for this program is a legend on this floor.

My time is very short, so I will speak to a very simple point and come back and speak more to the children's health issue later in the debate.

It strikes me, as a new legislator, that legislating is about choices. The distinguished Senator from Utah said this bill is expensive, but it is the right thing to do. I would like to show two charts to help illustrate the expense in some context.

This is a chart which illustrates the additional cost we are talking about for children's health care in America, the subject we are debating in these increments, the increase over the next 3 years. The chart compares it to the cost to all of us of the Bush tax cuts going to the 1 percent of the richest Americans. So is it expensive to spend $2.1 billion on children's health care in 2008? It probably is. And is it expensive to spend $5 billion on children's health care, increasing it in 2009? Is it expensive to spend $7.9 billion? It probably is. But this is an administration which is happy to spend $70 billion on the richest 1 percent of America in the same year that they are fighting about $2.1 billion to improve health care for children. They are willing to spend $72 billion in the following year and $82 billion after that. So in the context of comparing expense to doing the right thing, it is a little bit expensive, but is it ever the right thing, particularly in a world where we are judged by our choices.

Here is another demonstration of really the same principle. We are talking about a cost spread over 5 years to help America's children have health insurance. By comparison, the interest alone on the Federal debt George Bush ran up with his tax cuts to the rich, just the interest expense in the fiscal year 2007, is more than that. It is $46 billion. This administration is fighting about whether we should spend $35.2 billion over 5 years for children's health insurance, poor children's health insurance, versus the Gulf Stream gazillionaires' tax breaks.

If you look to the President for leadership, you don't find it. What you find in his budget is $5 billion across the whole period instead of 35, which, because of the increase in medical costs over that period, it has been estimated would throw a million American children off of health insurance.

What Chairman BAUCUS has done, what Ranking Member GRASSLEY has done, is work out a bipartisan compromise in the Senate that is the right thing to do and not all that expensive.

I congratulate them.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I understand the Senator from Iowa wishes to yield back the remainder of his time, and I understand that under the order, I have 2 minutes remaining.

Mr. GRASSLEY. I yield back the remainder of my time.

Mr. BAUCUS. I have 2 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Madam President, there are a lot of points one could make at this juncture. We will have time tomorrow and in the next several days. The Senate is about to vote on the motion to proceed to the bill. I understand Senators on both sides of the aisle will support it.

It is important to be on the bill. There are differing views within this Chamber about how we get the reauthorization passed, but I don't think there is much disagreement that we need to do something. If we don't get to the bill, we are probably then not going to authorize the Children's Health Insurance Program, and that is going to mean a lot of kids are going to lose health insurance. So I urge Senators to vote to proceed to the bill. I understand the Senate will vote to proceed, and I think that is the right thing to do.

One point I want to make, in this very brief time, is there is some illusion by some Senators as to some States providing CHIP to families who are 400 percent of poverty, that somehow the Children's Health Insurance Program is going to not only help low-income kids but help high-income kids.

I understand that concern because it has been bandied about. But the fact is, no State currently covers their children at 400 percent of poverty. Only one State is thinking about it. That is New York. That State would have to get approval—either with a waiver by HHS or have their plan approved. I frankly doubt this current administration is going to agree to do that.

I also point out, of all the children in the country covered by CHIP, only 3,000 come from families above 300 percent of poverty. Only 3,000 children today come from families who are above 300 percent of poverty. Frankly, that is an ideal calculation. That is less than one-tenth of 1 percent of the 6.6 million kids who are covered. So a very small fraction of the children come from families who are above 300 percent of poverty. They all live in the State of New Jersey.

I might also add, those 3,000 children in New Jersey represent about 2.4 percent of the children covered by the Children's Health Insurance Program in that State—a very small percentage—and all these children pay $1,400 per year for their health care, which is a contribution of 2.2 percent of their family income. Most families pay three or four times that.

So this program—as the facts will show and the record will show—by no stretch of the imagination is a program that is going to help high-income kids. In fact, it is the opposite.

I urge Senators to vote to proceed to the health care bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

> Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher Dodd, Patty Murray, Benjamin L. Cardin, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 976, an act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA), and the Senator from Rhode Island (Mr. REED) are necessary absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ) the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 0, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—80

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—20

Biden
Brownback
Bunning
Clinton
Craig
Crapo
DeMint
Dodd
Ensign
Graham
Gregg
Johnson
Kerry
Lincoln
Martinez
Murkowski
Obama
Reed
Sessions
Shelby

The PRESIDING OFFICER. On this question, the yeas are 80, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, 2 years ago this week the House of Representatives forced through the Central American Free Trade Agreement, the dysfunctional cousin of the job-killing trade agreement, NAFTA, the North American Free Trade Agreement. CAFTA expanded NAFTA into five Central American countries and the Dominican Republic despite widespread bipartisan opposition to it in the United States, in Central America, and in the Dominican Republic.

During the CAFTA debate, the largest ever bipartisan coalition was formed in opposition to CAFTA and in support of fair trade, a very different direction in our trade policy. A coalition of farmers, ranchers, cattlemen, small business men and women, labor groups, human rights organizations, consumer and environmental and faith groups connected the widespread opposition to NAFTA around the country, with Democrats and Republicans, were standing up to the President.

CAFTA passed but not on its merits. In the middle of the night, the vote was held open until enough arms were twisted to secure a win in the House of Representatives by only two votes. CAFTA passed by the slimmest margin of any trade agreement in the modern era. That was because of the overwhelming opposition by those of us who support fair trade. We forever changed the debate on trade.

Make no mistake, we want trade. As Senator DORGAN says, we want trade and plenty of it. However, 2 years after CAFTA, supporters of the failed NAFTA-like model still are trying to force through Congress more of the same—more job-killing trade agreements that hurt U.S. businesses and that exploit workers in developing nations, more fundamentally flawed agreements designed to protect multinational corporations, and big drug companies. They are protectionists all right; they protect large corporations, especially the large drug companies.

More trade agreements can send our trade deficit soaring and hemorrhaging U.S. jobs. In 1992, the year I first ran for the House of Representatives, our trade deficit was $38 billion. Last year, it exceeded $800 billion. From $38 billion, that is an increase of more than 20 times. The first President Bush said for every billion-dollar trade agreement or deficit, it translates into 13,000 jobs. You do the math on what an $800 billion trade deficit means.

CAFTA was passed by two votes. Since CAFTA passed 2 years ago this last week, how has it done so far? CAFTA proponents told us if it didn't pass, poverty would get worse in Central America; CAFTA would promote economic growth, curb the violence in Central America, and serve as a model for strengthening democracy. Let's look at the region 2 years later.

Violence and murders continue to silence the opposition to CAFTA throughout Central America. State violence was responsible for the death of several CAFTA demonstrators in Guatemala. Since 2001, more than 2,500 women and girls have been brutally murdered in Guatemala. Many work in factories built for export and make just a few dollars a week. The Guatemalan Government failed to bring those responsible to justice. And we reward that Government with a free-trade agreement. Four Guatemalan police confessed in the murder of three Salvadoran legislators whose crime was they opposed CAFTA. Despite the threats of violence, still thousands of people are protesting CAFTA in Central America.

CAFTA promoters also said the trade deal would strengthen labor rights. U.S. Trade Representative Zoellick told us:

> If CAFTA stumbles, labor rights in Central America will not be strengthened.

The reality is, there have been disturbing developments in the region, including the recent passage by the Honduran Government of a law to create "exception zones" that will allow foreign factories to pay less than the national minimum wage in the southern part of the country. The national minimum wage—think how low it is. It is only a few dimes an hour. This whole idea of a trade agreement is to lift up standards. That is what they say, but what they do is have an exception even from the low wages for foreign companies to come in and pay an even lower wage.

In Guatemala, forced laborers, most of whom are well under the age of 18, are coerced to work 10- to 14-hour days, 6 or 7 days each week.

In Nicaragua, the human rights ombudsman alleges that nearly half of the female employees working in free-trade zones had been subject to physical or sexual abuse.

Consistent with its history of repeating the same act and expecting different results, the administration now wants Congress to approve deals with Peru, Panama, Colombia, and South Korea—still using the failed NAFTA-CAFTA trade model. I think it was Albert Einstein who said the mark of insanity is doing the same thing over and over and over and expecting a different result. This President continues to try to push through trade agreements.

NAFTA failed. PNTR with China is causing a hemorrhaging of industrial jobs from Ohio, in Stubenville, Toledo, Dayton, Cleveland, Canton, Portsmouth—from all over our State. Yet the President continues to push these kinds of trade agreements with Peru, Panama, South Korea, and Columbia through Congress.

This fall, Congress will debate these new free-trade agreements, and this fall I look forward to working with my fair trade colleagues in the House and Senate in changing our Nation's trade policy. It is clear that an overwhelming majority of the American people want a very different trade policy. It is clear that our communities, people all over my State of Ohio and all over this country understand that these trade policies have cost people their jobs, they have broken too many families, they have hurt too many communities, and they have depleted the manufacturing base in our country.

People want a different direction in trade. We want trade; we want more of it. We want trade under different rules. That is why we demand fair trade.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I wish to take this opportunity to speak today on behalf of the legislation that is pending before the Senate to provide health insurance to an estimated 3.2 million children in America who will undoubtedly stand to benefit from this legislation.

I wish to voice my strong support as a member of the Finance Committee for the Baucus-Grassley reauthorization of the State Children's Health Insurance Program. I also extend my congratulations to Chairman BAUCUS and Ranking Member GRASSLEY, as well as chairman and ranking member of the Health Care Subcommittee, Senator ROCKEFELLER and Senator HATCH, for their visionary leadership and tireless perseverance in crafting this package, which has received such broad bipartisan support on the committee—and hopefully on the floor as well—and never losing sight of the overarching goal of obtaining health insurance for uninsured children.

I can well recall in the Senate more than 5 years ago when Senators HATCH and KENNEDY originally authored the legislation that paved the way for this unprecedented program which was supported by the Federal Government in partnership with the States in recognizing that one of the most vulnerable populations in this country was left without health insurance. This really did engender strong support across the board in the Senate and in Congress, and in every State in the country it has been remarkably successful. That is why I think that record of experience should bode well for the passage of this legislation.

As many of my colleagues know, Senator ROCKEFELLER and I introduced separate SCHIP legislation earlier this year, a bill that is cosponsored by more than 22 Members of this body. Many of the elements of that legislation have been incorporated into the legislation that is pending before us today.

Although there are some key components that are absent, I think overall the core issues that are so essential to bolstering a strong program for the future have been inserted in this legislation.

This is a strong bipartisan bill, authored in a bipartisan fashion, and was reported out of the Finance Committee with an overwhelmingly strong support with a 17-to-4 bipartisan vote. Time and again, we talk about the value of setting partisan politics aside and working together to produce solutions for the problems confronting the American people. If there is ever a time to turn our words into action, that time is now.

So the legislation today, while neither perfect nor ideal, represents a strong consensus in response to a growing epidemic in our Nation today, which is a lack of health insurance among working Americans of limited means.

As many of my colleagues are aware, the SCHIP program is not for children below the poverty line. They are already covered by Medicaid. Rather, SCHIP provides fallback health coverage for children of working men and women above the poverty line who nevertheless have been unable to obtain even basic health care for their families, most often because of lack of health coverage at work and the prohibitively expensive cost of individual policies on the private market. In fact, nearly 90 percent of the uninsured children come from families where at least one parent is working and in households earning less than $40,000 per year, which is 200 percent of poverty, and fewer than half are offered employer-sponsored health insurance at work. This is a 9-percent drop since 1997. So, obviously, that is moving in a different direction, unfortunately, and that is because of the prohibitive costs that have been associated with health insurance plans recently.

For many working families struggling to obtain health care benefits even accessible to them, the costs are moving further and further out of their reach. The anguish of those who work hard to make ends meet yet still cannot afford to pay for health coverage for their children is truly devastating. Parents without access to affordable health insurance for their children live in constant anxiety. They face decisions no parent would ever want to have to confront as to whether their child is really sick enough to go to a doctor. They worry every day about their children doing simple activities, worrying because they can ill afford the consequences of a broken arm or a sprained ankle. Their only alternatives is to ratchet up their credit card balances, often irrespective of mounting debt. That is why this SCHIP program has been such a saving grace for so many families. It has been the one remarkable program which has led to a substantial reduction in the number of uninsured.

Some may say that $35 billion over 5 years, which is the estimated cost of this program, will only cover an additional 3.2 million children—that it will cost $2,188 per child. But I happen to believe this is just further illustration of how health care costs continue to spiral out of control. The staggering cost of an individual policy with reasonable coverage is a reality families without health insurance confront every day.

Today, the income eligibility for the Children's Health Insurance Program in my State of Maine is 200 percent of poverty, $41,300 per family of four. An uninsured parent who wants to buy coverage for their child on the individual market with a $250 deductible and 20-percent coinsurance can expect to pay $8,777 a year. This should hardly be surprising given that a family of four seeking to purchase a health insurance plan on the individual market will typically pay in excess of $24,000 per year. That is $24,000 per year. So when people talk about the fact that this is going to cost $35 billion for 3.2 million children, that is a cost of $2,188, a price that no individual, no family could possibly hope to obtain to provide health insurance for their family. That is why this Children's Health Insurance Program is so essential and critical to working families.

In 1998, a year after Congress passed this program, 14 percent of children in Maine were uninsured. Within 5 years, the number of uninsured in Maine dropped to 7 percent and has remained at that level. This is, at the same time, a dramatic improvement in health coverage as well as a definitive statement that a great deal more work remains if we are to address the critical issues of affordability and accessibility of health insurance, especially as they relate to health care for our children.

That is why I am so pleased that the Baucus-Grassley bill before us provides a significant increase in Federal investment in the Children's Health Insurance Program beyond the reauthorization of the status quo because States not only require sufficient Federal funding to ensure that children currently enrolled in the SCHIP program do not lose coverage and become uninsured, but they also need additional funding to enroll more uninsured children.

Most critically, this legislation increases the Children's Health Insurance Program coverage to children in households earning up to 300 percent of poverty level. That was one of the central pieces of the legislation Senator ROCKEFELLER and I introduced earlier this year. It also adopts another key Rockefeller-Snowe component by ensuring coverage for pregnant women—a long overdue upgrade in the program that rightfully has gained broad support in this Chamber.

I believe the Finance Committees's approach to SCHIP is a balanced, carefully considered package worthy of the Senate's support. I wish to address some of the opposition that has arisen to this bill because I think it is important to address some of these comments and complaints.

While I acknowledge my colleagues' sincerity in searching for solutions to our overall national uninsured program and I, in fact, support some of the proposals they offer, I must assert that now is neither the time nor the place for attempting to move these legislative proposals. With the September 30 expiration date on SCHIP fast approaching, we simply must take care of children first.

First, we heard the unfortunate veto threat issued by the White House, and I am dismayed by this stance because it seriously misjudges the concern Americans have about access to health care, especially for children and especially for this program.

Year after year, poll after poll affirms that access to affordable health care is the No. 1 domestic priority of Americans. Moreover, in a March New York Times/CBS News poll, 84 percent of Americans surveyed said that they supported expanding the Children's Health Insurance Program to cover all uninsured children. That was 84 percent of the American people, obviously across the political spectrum. By its very nature, it includes Republicans, Independents, as well as Democrats. A similar majority said they thought the lack of health insurance for many children was a very serious problem for this country. So to stand in the way of these efforts which are presented to the Children's Health Insurance Program demonstrates a stark disregard for the wishes of the American people.

Let there be no mistake, I think the public would hold us all accountable if we failed to reauthorize this program but also to make future investments in this program. I think undeniably the problem deserves to be recognized.

Some of my colleagues will say the SCHIP reauthorization is the first step toward Government-run health care and that we will substitute public coverage for private insurance. This is patently untrue, especially because most Medicaid and SCHIP beneficiaries receive coverage through the private plans that contract with their States. For instance, 73 percent of the children enrolled in Medicaid receive most or all of their health care services through a managed care plan. Far from scaling back private coverage, this bill actually shores up employer-based coverage by giving States the option to subsidize employer-sponsored group health care for families for whom coverage is cost prohibitive. Moreover, the bill targets incentive payments only to enrollment of low-income children under 200 percent of poverty, which is, as I said earlier, $41,300 for a family of four, who are least likely to have access to private coverage in the first place.

Some others will argue that SCHIP could reduce or eliminate coverage for adults, especially childless adults. Although I believe that coverage for adults can have a clear benefit for children, both in terms of enrollment for children as well as the fact that health problems for a working parent can lead to economic insecurity for a family, I recognize the opinion of those who desire to place a greater emphasis on covering children, and that is why this compromise legislation phases out coverage of adults.

I find it interesting, if not somewhat contradictory—I know the administration has been very vocal about the cost and scope of the legislation before us. But this is the same administration which has granted the State waivers to allow States to cover adults for the past 6½ years and just 2 months ago renewed waivers for adult coverage. Clearly, the trend from the administration was to grant State waivers recognizing the importance of insuring parents of uninsured children because, as we have seen time and time again, if a parent is insured, more likely the child will be insured as well and be part of the SCHIP program.

Others may argue that the cost of this legislation is too high, given that the baseline program is $25 billion. But I also would respond that the $35 billion that is placed in this bill is $15 billion below the amount we provided in the budget resolution and fully offset. This is a direct product of the negotiations that occurred within the Finance Committee to reach a compromise and consensus across the political aisle, and I applaud them for the efforts they made. We know the legislation before us will insure 3.2 million. There is probably at least another 5 or 6 million children who may be uninsured. So we haven't addressed the problem in its entirety.

I wish we could have gone the extra mile to do everything we could to reach all the children who are uninsured in America, but I believe this bill is the opportunity to push forward with the most important piece we can at this moment in time in reaching a consensus to address at least 3.2 million because it is $35 billion in addition to those who are already covered, which is an additional $25 billion.

I know some would suggest this is another way of advancing comprehensive health care reform. I think there is no question we all desire to address the most grappling domestic problem we face, and that is the issue of the uninsured, of which there are more than 47 million Americans who now lack health insurance. That is certainly the most preeminent domestic policy issue of our time. But if we cannot begin with insuring our children, how can we possibly address the larger population? This is a problem we must tackle, undeniably. Unfortunately, many of the proposals that are being discussed have not obviously been vetted yet for consideration through the committee process, and I am concerned that ultimately it will affect this legislation before the Senate.

For example, I have heard that possibly the Small Business Health Insurance Plan will be attached to the pending legislation. As the former chair and now ranking member of the Committee on Small Business, I have long championed and been an advocate for the Small Business Health Insurance Plan. In fact, I crafted my own legislation more than 4 years ago, so it is an issue I have advocated for a considerable period of time and clearly one that needs to be addressed. But I would hope we could consider that as a separate component. The fact is it deserves to stand alone in consideration, as we tried to do last year but, unfortunately, could not reach the 60 votes necessary to overcome the cloture vote.

There is no question we ought to address that particular issue. At this moment in time, since we are nearing a deadline of September 30 with respect to the reauthorization of SCHIP, I think it is important we stay on track in the Senate and address the other issues related to health insurance at a later point in time. I hope Members of the Senate will set aside those amendments and give their strong support to this legislation.

I think there is no question we have to work to achieve a consensus on health care as a larger question, without a doubt, as we were able to accomplish on this legislation which provides health insurance for uninsured and insured children in America. But I hope my colleagues will see the true benefits of this legislation and support this package that is before us today. I hope we will not be sidetracked with additional amendments, as I said, whether it is on the Small Business Health Insurance Plans or providing for tax credits or health savings accounts. I do think all those issues are critical and should be addressed in their entirety but not as part of this legislation that ultimately could erode the bipartisan support that has been developed for this critical piece of legislation before us today.

I hope we will pass this bill and allow the States to increase the SCHIP eligibility up to 300 percent, which will be the first time that has been allowed by the Federal legislation. I think the data available demonstrates that drawing the eligibility line at 300 percent of poverty will help maximize the number of children we assist with this legislation. In Maine alone, for example, approximately three-quarters of uninsured children are from families with incomes at 300 percent of poverty or below.

The Baucus-Grassley bill also provides States the option to provide health coverage for pregnant women, a policy that has garnered longstanding, well-deserved bipartisan support. The fact is, proper prenatal care can reduce the likelihood of having a preterm baby, and routine care for pregnant women can detect health conditions affecting the mother as well as the baby. Sometimes these medical problems can be addressed before the child is born. So I think this is an important adjunct to this legislation.

I am also pleased the bill includes the Lincoln-Snowe amendment that was adopted in the committee on the development of pediatric quality measures aimed at reducing preterm births as well. Our country has one of the highest rates of infant mortality among industrialized nations. That is a disgrace in a land with our wealth and our means. Coverage of pregnant women, coupled with quality measures on reducing preterm birth, will help turn around those unacceptable statistics. Investing in good prenatal care saves money too. According to the March of Dimes, health care costs for babies born prematurely are nearly 15 times greater than for full-term babies.

I hope the Senate will provide strong bipartisan support for this legislation. I think we should recognize the success of this program and what it has managed to accomplish over the last 5 years with strong Federal support. I think it is an ideal partnership with the States, which have been extremely successful and effective in the way they have administered this program.

What is also important about this legislation is that we revised the formula so we do not penalize States that do an excellent job of reaching out and continuing to insure more and more children. We don't want to reward just the status quo. So we revised the formula to take into account the States' experiences and how they have been able to succeed in covering low-income, uninsured children so they do not see their allotment drop as a result of being so successful.

That is the way it has worked in the past. If, for example, States have been very good at being able to insure many children in their States, many more than maybe some of the other States, they would lose part of their funding. So we have revised the formula so there isn't this perverse disincentive to cover more children. We should recognize success and make sure it is rewarded.

Finally, I was disappointed, and I know the Chair has been a strong advocate for this as well, that we were not able to provide dental coverage for children. It is something I attempted in the committee, and it was included as part of the Rockefeller-Snowe legislation to address this issue. The chairman of the committee, along with the ranking member, agreed to include a $200 million Federal grant that is specifically targeted to States to boost their coverage of dental benefits. I am disappointed we don't have a guaranteed dental benefit because I think it is long overdue and is something we should recognize is a critical dimension to health insurance.

We have known of so many examples of tragedies that have occurred and one most recently in Maryland, where a young boy died because he had an abscessed tooth. An extraction would have cost $100. He ultimately died. They spent more than $200,000 trying to save his life, but, unfortunately and tragically, they did not. Think about what might have been had he had dental coverage—simple dental coverage.

Hopefully, we will be able to achieve some kind of support for a compromise. I know I am not satisfied with the fact that we don't have that guaranteed benefit, but I am pleased we do have a $200 million Federal grant as part of this program and that will be the beginning of that process of providing dental benefits. I do think, ultimately, we need to incorporate it as part of the underlying and fundamental package of health insurance.

I thank the Chair and Members of the Senate for the opportunity to address this issue. I believe that in the long run we are taking a critical stand toward insuring more children in this country, and, hopefully, we can do more. I think the package before us is fiscally responsible. It provides for an offset with a 61-cent increase in the tobacco tax. I know there are those who do not support such a tax increase, but nevertheless, the 61-cent increase will help not only to completely offset the additional cost of this program of $35 billion, but it also will prevent nearly 1.9 million children from ever starting to smoke, it will help nearly 1.2 million adult smokers quit, it will prevent more than 900,000 smoking-caused deaths, and it will produce $43.9 billion in long-term health care savings. So even if an increase raises money in the short-term but levels off because, more importantly, fewer people will smoke, that is a win-win situation.

I hope the Senate will look to the strong 17 to 4 vote coming out of the Finance Committee, which is indicative of the broad bipartisan support. Also, it is an example of what we can accomplish when we set aside our political differences in order to do the right thing for children in America. Compromise is essential, and that certainly has been the hallmark of this effort.

We are poised to see a renewal of one of our most uniquely successful initiatives when it comes to a health insurance program for children. This will send a very strong signal to hard-working American families whom the Federal Government is prepared to provide the support to help their children and to help their families as they struggle to meet one of the basic necessities of their life. More importantly, I hope, we will reach the time when we will address the larger question of the uninsured in America because it is long overdue and is a vital necessity for millions and millions of Americans.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

IMMIGRATION

Mr. SPECTER. Madam President, I begin by thanking the staff for staying a few extra minutes to enable me to come back to the floor to make a short statement.

I have sought recognition to speak about a revised reform bill on immigration. In the course of the past 3 years, the Senate has spent a great deal of time on trying to reform our immigration system: to begin to fix the broken borders; to add more Border Patrols; to undertake some necessary fencing; to add drones; to undertake employer verification by utilizing identification which now can provide, with certainty, whether an immigrant is legal or illegal; to take care of a guest worker program to fill employment needs in the United States; and to deal with the 12 million undocumented immigrants.

During the 109th Congress, when I chaired the Judiciary Committee, we reported out a bill. It came to the floor, and after considerable debate it was passed. The U.S. House of Representatives passed legislation directed only at border patrol and employer verification, and for a variety of reasons we could not reconcile the bills and enact legislation.

This year a different procedure was undertaken: to have a group of Senators who had been deeply involved in the issue before craft a bill. It did not go through committee, and, as I said earlier on the floor, I think it probably was a mistake because the committee action of hearings and markups and refinement works out a lot of problems. At any rate, as we all know, after extensive debate, the bill went down. We could not get cloture to proceed, and it was defeated.

It was defeated for a number of reasons. But I believe the immigration issue is one of great national concern—great importance—and ought to be revisited by the Congress and that ought to be done at as early a time as possible.

We have a very serious problem with people coming across our borders—a criminal element, and a potential terrorist element. The rule of law is broken by people who come here in violation of our laws. We have continuing problems from the 1986 legislation that employer verification is not realistic because there is no positive way of identification.

No matter how high the borders or the value of border patrol, it is not possible to eliminate illegal immigration if the magnet is present. The legislation I will be putting in as part of the RECORD at the conclusion of my remarks is a draft of suggested proposals to be considered by the Senate. There are two major changes which have been undertaken.

Much as I dislike to, I have eliminated the automatic path to citizenship but instead deal with the fugitive status of the undocumented immigrants, the 12 million, and eliminate that fugitive status. Whether it is categorized as permanent legal resident or some other category, as a matter of nomenclature it can be worked out.

But the principal concern has not been the citizenship, although it is a desirable factor to try to integrate the 12 million into our society. But the principal concern has been that when an undocumented illegal immigrant sees a policeman on the street, there is fear of apprehension and being rounded up and deported, or the undocumented illegal is at the mercy of an unscrupulous employer who will take advantage of them and they cannot report to the police the treatment or a violation of law by an employer because they are fearful of being arrested and deported. In many places you cannot rent an apartment or undertake other activities. So I think eliminating the fugitive status is a major improvement.

The other significant change is to not tamper with or change family unification but to leave it as it is now. We had come up with, with the bill which was defeated, an elaborate point system for immigration. It was our best effort but, candidly, it turned out to be half-baked. It did not go through the hearing process to hear from experts. It did not have that kind of refinement and raised a lot of problems. That could be revisited at a later date. I have worked with the so-called interest groups representing immigration interests and have had what I consider to be a relatively good response.

I do not want to characterize it or put words in anybody's mouth. There is a certain reluctance to make any more concessions because concessions were made last year and the bottom fell out. So they made an inquiry, understandably so, that there be some realistic chance of getting the bill passed if they are to give up a path to citizenship.

I have undertaken to talk to many of my colleagues, Senators who opposed the bill, to get a sense from them as to whether, with the automatic path to citizenship out, and dealing only with the fugitive status, that there might be some greater willingness to find an accommodation and deal with the issues.

With respect to citizenship, even under the legislation that was defeated, there would not be an opportunity for citizenship until at least 8 years have passed, to take care of the backlog, and then another 5 years to work out the 12 million undocumented immigrants. So the citizenship, even under the bill which was defeated, was not something which was going to be imminent.

We have seen local governments and State governments trying to deal with the issue. Reports are more than 100 laws have been passed and ordinances enacted which would deal with the immigration problem. They cannot do it on a sensible basis. Last week the U.S. District Court for the Middle District of Pennsylvania handed down an opinion that the city of Hazelton, notwithstanding the understandable efforts by the mayor, program was not constitutional; that under our laws, the answer has to come from the Congress.

We have seen a lot of unrest on the issue. The front page of the Washington Post the day before yesterday had a report about groups of immigrants feeling that they had been mistreated. There was an uneasiness on all sides, uneasiness by people who are angry about the violation of our borders, by immigrants who think they are not being fairly treated, and a grave concern about the availability of workers on our farms across America, concerns of the hotel industry and landscapers and restaurateurs about the adequacy of our labor force. So there is no doubt that this is a very significant issue.

Last week I circulated to my 99 colleagues a letter, and one page summarizing the study bill—I will call it a study bill.

I ask unanimous consent that the text of the draft proposal and the one-page letter circulated to all other Senators be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. In conclusion, I emphasize that I am inviting suggestions and comments for improving the bill. The one view that I do have, very strongly, is that it is our pay grade to deal with this issue. Only the Congress can deal with the immigration problem, and it is a matter of tremendous importance that we do so. We obviously cannot satisfy everyone, but I invite analysis, criticism, and modification.

I see my distinguished colleague from Vermont, one of my distinguished colleagues from Vermont, awaiting recognition.

Exhibit 1

U.S. Senate,
Committee on the Judiciary,
Washington, DC.

Dear

I believe it is possible to enact comprehensive immigration reform in this Congress, perhaps even in this calendar year, if we make two significant changes in the bill we recently had on the floor.

First, a new bill should eliminate the automatic path to citizenship for the approximately 12 million undocumented immigrants. Instead, we should just eliminate the fugitive status for the 12 million so that they would not be fearful every time they see a policeman, be protected from unscrupulous employers who threaten to turn them in if they don't do the employer's bidding, and be free to do things like rent apartments in cities which now preclude that. From soundings I have taken from many senators, that should take the teeth out of the amnesty argument, which was the principal reason for the defeat of the last bill.

Second, we should not tamper with the current provisions on family unity with the elaborate point system which was insufficiently thought through. If that is to be ultimately accomplished, we need hearings and a more thoughtful approach.

Third, although not indispensable, I believe we should provide more green cards to assist the hitech community.

The enclosed draft bill covers these three changes and also includes the guest worker program, the increased border security and enhanced employer verification in the last bill.

Because it will be easier to get real border security if we deal with the 12 million undocumented immigrants, I think this proposal presents an alternate and plausible path to achieve comprehensive immigration reform now.

I have discussed this proposal with the senators who were part of the core negotiating group and with the relevant interest groups and have received a generally favorable response and, in many cases, an enthusiastic response. Similarly, in discussing the proposed bill with the dissenters, I have heard no strenuous adverse response so I believe it is worthy of a repeat effort. Although the defeat of the bill on the Senate floor was a major disappointment, I think that we proponents of comprehensive immigration reform have significant momentum and these changes, perhaps supplemented by other modifications, could put us over the top.

Sincerely,

Arlen Specter.

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) In General.—With the exception of section 601 of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least.—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) Workplace enforcement tools.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) Processing applications of aliens.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for conditional nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) Sense of Congress.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) Presidential Progress Report.—

(1) In General.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) Progress not sufficient.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO Report.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

SEC. 2. IMMIGRATION SECURITY ACCOUNT.

Section 286 of the Immigration and Nationality Act is amended by adding at the end the following:

"(z) Immigration Security Account.—

(1) In General.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Immigration Security Account'.

(2) Source of Funds.—Immediately upon enactment, $4,400,000,000 shall be transferred from the general fund of the Treasury to the Immigration Security Account.

(3) Appropriations.—

(A) There are hereby appropriated such sums that are provided under subsection 2 to remain available until five years after enactment.

(B) These sums shall be available for the Secretary of Homeland Security to meet the trigger requirements set forth in title I, section 1, of this Act.

(C) To the extent funds are not exhausted pursuant to (b), they shall be available to the Secretary of Homeland Security for one or more of the following activities:

(i) Fencing and Infrastructure;

(ii) Towers;

(iii) Detention beds;

(iv) Employment Eligibility Verification System, including funds for expenditures under section 306 of this Act, relating to the State Records Improvement Grant Program;

(v) Implementation of programs authorized in titles IV and VI; and

(vi) Other Federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

(4) TRANSFERS.—The Secretary of Homeland Security shall have the authority to transfer amounts out of the Immigration Security Account as appropriate to carry out subsections (3)(b) and (3)(c) of this section.

(5) REPORTING.—The Secretary of Homeland Security shall submit to the Committees on the Judiciary and Appropriations of the Senate a plan for expenditure of the funds under subsection 2 within 60 days of enactment of this Act, and update the plan annually, that——

(A) identifies one-time and on-going costs;

(B) identifies the level of funding for each program, project, and activity, and if that funding will supplement an appropriated program, project, or activity;

(C) identifies the amount of funding to be obligated in each fiscal year, by program, project, and activity;

(D) includes milestones for completion of each identified program, project, or activity; and

(E) demonstrates how activities will further the goals and objectives of this Act.

(6) NOTIFICATIONS.—The Secretary of Homeland Security shall notify the Committees on Judiciary and Appropriations of the Senate 15 days prior to reprogramming funds from the original allocation or transferring funds out of the Immigration Security Account.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking '800' and inserting '1000'.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

"(1) 2,000 in fiscal year 2007;

"(2) 2,400 in fiscal year 2008;

"(3) 2,400 in fiscal year 2009;

"(4) 2,400 in fiscal year 2010;

"(5) 2,400 in fiscal year 2011; and

"(6) 2,400 in fiscal year 2012.

"(b) NORTHERN BORDER.—In each of the fiscal years 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.".

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the 'Secretary'), to establish new units of Customs Patrol Officers (commonly known as 'Shadow Wolves') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5†year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SEC. 103. INFRASTRUCTURE.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking 'Attorney General, in consultation with the Commissioner of Immigration and Naturalization,' and inserting 'Secretary of Homeland Security'; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) FENCING NEAR SAN DIEGO, CALIFORNIA.—In carrying out subsection (a), the Secretary shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.".

(C) in paragraph (2), as redesignated—

(i) in the header, by striking 'SECURITY FEATURES' and inserting—'ADDITIONAL FENCING ALONG SOUTHWEST BORDER'; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) Reinforced Fencing.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) Priority areas.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) Consultation.—

"(i) In general.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) Savings provision.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) Limitation on requirements.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.'; and

(D) in paragraph (5), as redesignated, by striking 'to carry out this subsection not to exceed $12,000,000' and inserting 'such sums as may be necessary to carry out this subsection'.

SEC. 104. PORTS OF ENTRY.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104–208, is amended by the addition, at the end of that section, of the following new subsection:

"(e) Construction and Improvements.—The Secretary is authorized to—

"(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

"(2) make necessary improvements to the ports of entry.".

Subtitle B—Other Border Security Initiatives

SEC. 111. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Entering and Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.".

(b) Inspection of Applicants for Admission.—Section 235(d) (8 U.S.C. 1225 (d)) is amended by adding at the end the following:

'(5) Authority to collect biometric data.—In conducting inspections under subsections (a) and (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) Withholders of biometric data.—Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary may waive the application of subsection (a)(7)(C) for an individual alien or class of aliens.".

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) Implementation.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.'; and

(2) in subsection (l)—

(A) by striking 'There are authorized' and inserting the following:

"(1) In general.—There are authorized"; and

(B) by adding at the end the following:

"(2) Implementation at all land border ports of entry.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 and 2009 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 112. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

(a) In General.—Section 758 of Title 18, United States Code, is amended to read as follows:

"SEC. 758. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

"(a) Evading a Checkpoint.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than five years, or both.

"(b) Failure To Stop.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than two years, or both.

"(c) Alternative Penalties.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

"(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

"(A) in excess of the applicable or posted speed limit,

"(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel, or

"(C) in an otherwise dangerous or reckless manner;

"(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

"(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

"(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

"(d) Attempt and Conspiracy.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

"(e) Forfeiture.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

"(f) Forfeiture Procedures.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

"(g) Definitions.—For purposes of this section—

"(1) The term 'checkpoint' includes, but is not limited to, any customs or immigration inspection at a port of entry.

"(2) The term 'lawful command' includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication.

"(3) The term 'law enforcement agent' means any Federal, State, local or tribal official authorized to enforce criminal law, and, when conveying a command covered under subsection (b) of this section, an air traffic controller.

"(4) The term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation.

"(5) The term 'serious bodily injury' has the meaning given in section 2119(2) of this title.".

SEC. 113. RELEASE OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a)(2) (8 U.S.C. 1226(a)(2)) is amended—

(1) by striking 'on';

(2) in subparagraph (A)—

(A) by inserting 'except as provided under subparagraph (B), upon the giving of a 'before 'bond'; and

(B) by striking 'or' at the end;

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

"(B) upon the giving of a bond of not less than $5,000 with security approved by, and containing conditions prescribed by, the Secretary or the Attorney General, if the alien—

"(i) is a national of a noncontiguous country;

"(ii) has not been admitted or paroled into the United States; and

"(iii) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security; or'.

SEC. 114. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.

(a) In General.—Section 1703 of title 19, United States Code is amended:

(1) by amending the title of such section to read as follows:

"SEC. 1703. SEIZURE AND FORFEITURE OF VESSELS, VEHICLES, OTHER CONVEYANCES AND INSTRUMENTS OF INTERNATIONAL TRAFFIC";

(2) by amending the title of subsection (a) to read as follows:

"(a) Vessels, vehicles, other conveyances and instruments of international traffic subject to seizure and forfeiture";

(3) by amending the title of subsection (b) to read as follows:

"(b) Vessels, vehicles, other conveyances and instruments of international traffic defined";

(4) by inserting ', vehicle, other conveyance or instrument of international traffic' after the word 'vessel' everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

"(c) Acts constituting prima facie evidence of vessel, vehicle, or other conveyance or instrument of international traffic engaged in smuggling 'For the purposes of this section, prima facie evidence that a conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display light as required by law.

"(2) in the case of a vehicle, other conveyance or instrument of international traffic, the fact that a vehicle, other conveyance or instrument of international traffic has any compartment or equipment that is built or fitted out for smuggling.".

(b) Clerical Amendment.—The table of sections for Chapter 5 in title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

"1703. Seizure and forfeiture of vessels, vehicles, other conveyances or instruments of international traffic.

"(a) Vessels, vehicles, other conveyances or instruments of international traffic subject to seizure and forfeiture.

"(b) Vessels, vehicles, other conveyances or instruments of international traffic defined.

"(c) Acts constituting prima facie evidence of vessel, vehicle, other conveyance or instrument of international traffic engaged in smuggling.".

Subtitle C—Other Measures

SEC. 121. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) Collection of Statistics.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 122. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) Definitions.—In this section:

(1) Protected land.—The term 'protected land' means land under the jurisdiction of the Secretary concerned.

(2) Secretary concerned.—The term 'Secretary concerned' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) Support for Border Security Needs.—

(1) In general.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased U.S. Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for U.S. Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States.

(2) Coordination.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) Analysis of Damage to Protected Lands.—The Secretary and Secretaries concerned shall develop an analysis of damage to protected lands relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) Recommendations.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than one year from the date of enactment, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) Border Protection Strategy.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects the homeland, including—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 123. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 124. UNMANNED AIRCRAFT SYSTEMS

(a) Unmanned Aircraft and Associated Infrastructure.—The Secretary shall acquire and maintain unmanned aircraft systems for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) Availability of Funds.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 125. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) Aerial Surveillance Program.—

(1) In general.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize

aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 126. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 127. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 136.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information

pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 128. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 129. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2008, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 130. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) Equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 131. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all U.S. Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the U.S. Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all U.S. Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 132. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.— Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency"

means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 133. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services, in consultation with U.S. Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by U.S. Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 134. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 135. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the U.S. Customs and Border Protection.

SEC. 136. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 137. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) Construction of or Acquisition of Detention Facilities.—

(1) Requirement to construct or acquire.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) Use of alternate detention facilities.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) Use of installations under base closure laws.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) Determination of location.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) Annual Report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) Technical and Conforming Amendment.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking 'may expend' and inserting 'shall expend'.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 138. UNITED STATES-MEXICO BORDER ENFORCEMENT REVIEW COMMISSION.

(a) Establishment of Commission.—

(1) In general.—There is established an independent commission to be known as the United States-Mexico Border Enforcement Review Commission (referred to in this section as the 'Commission').

(2) Purposes.—The purposes of the Commission are—

(A) to study the overall enforcement strategies, programs and policies of Federal agencies along the United States-Mexico border; and

(B) to make recommendations to the President and Congress with respect to such strategies, programs and policies.

(3) Membership.—The Commission shall be composed of 17 voting members, who shall be appointed as follows:

(A) The Governors of the States of California, New Mexico, Arizona, and Texas shall each appoint 4 voting members of whom—

(i) 1 shall be a local elected official from the State's border region;

(ii) 1 shall be a local law enforcement official from the State's border region; and

(iii) 2 shall be from the State's communities of academia, religious leaders, civic leaders or community leaders.

(B) 2 nonvoting members, of whom—

(i) 1 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the Attorney General; and

(iii) 1 shall be appointed by the Secretary of State.

(4) Qualifications.—

(A) In general.—Members of the Commission shall be—

(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, crossborder trade and commerce or other pertinent qualifications or experience; and

(ii) representative of a broad cross section of perspectives from the region along the international border between the United States and Mexico;

(B) Political affiliation.—Not more than 2 members of the Commission appointed by each Governor under paragraph (3)(A) may be members of the same political party.

(C) Nongovernmental appointees.—An individual appointed as a voting member to the Commission may not be an officer or employee of the Federal Government.

(5) Deadline for appointment.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by such date, the Commission shall carry out its duties under this section without the participation of such member.

(6) Term of service.—The term of office for members shall be for life of the Commission.

(7) Vacancies.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(8) Meetings.—

(A) Initial meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(B) Subsequent meetings.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) Quorum.—Nine members of the Commission shall constitute a quorum.

(10) Chair and Vice Chair.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) Duties.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—

(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;

(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;

(3) the adequacy of the complaint process within the agencies and programs of the Department that are employed when an individual files a grievance;

(4) the effect of the operations, technology, and enforcement infrastructure along such border on the—

(A) environment;

(B) cross border traffic and commerce; and

(C) the quality of life of border communities;

(5) local law enforcement involvement in the enforcement of Federal immigration law; and

(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) Information and Assistance From Federal Agencies.—

(1) Information from federal agencies.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) Assistance from federal agencies.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions. The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) Compensation.—

(1) In general.—Members of the Commission shall serve without pay.

(2) Reimbursement of expenses.—All members of the Commission shall be reimbursed for reasonable travel expenses and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

(e) Report.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—

(1) findings with respect to the duties of the Commission;

(2) recommendations regarding border enforcement policies, strategies, and programs;

(3) suggestions for the implementation of the Commission's recommendations; and

(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) Sunset.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date the Commission submits the report described in subsection (e).

SEC. 139. NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) Short Title.—This section may be cited as the 'Northern Border Prosecution Initiative Reimbursement Act'.

(b) NORTHERN BORDER PROSECUTION INITIATIVE.—

(1) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined†referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(2) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(A) Prosecution and related costs.

(B) Court costs.

(C) Costs of courtroom technology.

(D) Costs of constructing holding spaces.

(E) Costs of administrative staff.

(F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

(4) DEFINITIONS.—In this section:

(A) The term 'eligible northern border entity' means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in clause (i).

(B) The term 'federally initiated' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term 'federally declined-referred' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term 'case disposition', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

Subtitle D—Asylum and Detention Safeguards

SEC. 140. SHORT TITLE.

This subtitle may be cited as the 'Secure and Safe Detention and Asylum Act'.

SEC. 141. DEFINITIONS.

In this subtitle:

(1) CREDIBLE FEAR OF PERSECUTION.—The term 'credible fear of persecution' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term 'detainee' means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term 'detention facility' means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term 'reasonable fear of persecution or torture' has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term 'standard' means any policy, procedure, or other requirement.

SEC. 142. RECORDING EXPEDITED REMOVAL INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary in his discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 143. OPTIONS REGARDING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking 'Attorney General' and inserting 'Secretary of Homeland Security'; and

(ii) in the second sentence by striking 'Attorney General' and inserting 'Secretary';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking 'Attorney General' and inserting 'Secretary'; and

(II) by striking 'or' at the end;

(ii) in subparagraph (B), by striking 'but' at the end; and

(iii) by inserting after subparagraph (B) the following:

"(C) the alien's own recognizance; or

"(D) a secure alternatives program as provided for in this section; but";

(2) in subsection (b), by striking 'Attorney General' and inserting 'Secretary';

(3) in subsection (c)—

(A) by striking 'Attorney General' and inserting 'Secretary' each place it appears; and

(B) in paragraph (2), by inserting 'or for humanitarian reasons,' after 'such an investigation,'; and

(4) in subsection (d)—

(A) in paragraph (1), by striking 'Attorney General' and inserting 'Secretary';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking 'Service' each place it appears and inserting 'Department of Homeland Security'; and

(C) in paragraph (3), by striking 'Service' and inserting 'Secretary of Homeland Security'.

SEC. 144. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the

Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological wellbeing.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

SEC. 145. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

SEC. 146. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 147. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the "Office").

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this subtitle; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

SEC. 148. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) CONTINUED EVALUATION.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) CONTRACTS AND OTHER CONSIDERATIONS.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

SEC. 149. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) CRITERIA.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 150. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(2) USCIS ADJUDICATORS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for adjudicators in the United States Citizenship and Immigration Service by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out paragraphs (1) and (2).

(b) DEPARTMENT OF JUSTICE.—

(1) JUDICIAL CLERKS.—The Attorney General shall, subject to the availability of appropriations for such purpose, appoint necessary law clerks for immigration judges and Board of Immigration Appeals members of no less than one per judge and member. A law clerk appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5 [5 USCS Sec. 6301 et seq.].

(2) LITIGATION ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall increase the number of positions for attorneys in the Office of Immigration Litigation by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(3) UNITED STATES ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall increase the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations for such purpose, shall—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(5) BOARD OF IMMIGRATION APPEALS MEMBERS.—The Attorney General shall, subject to the availability of appropriations, increase by 10 the number members of the Board of Immigration Appeals over the number of members serving on the date of enactment of this Act.

(6) STAFF ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase the number of positions for full-time staff attorneys in the Board of Immigration Appeals by not less than 20 compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase the number of positions for personnel to support the staff attorneys described in subparagraph (A) by not less than 10 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts, subject to the availability of appropriations, shall increase the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts by not less than 50 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(d) LEGAL ORIENTATION PROGRAM.—

(1) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide such information on a nationwide basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears, except for the first reference in clause (a)(4)(B)(i), and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.";

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ATTORNEY GENERAL REVIEW.—If the Secretary authorizes an extension of detention under subparagraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

"(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(H) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(I) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(J) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if——

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(K) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien——

"(i) has effected an entry into the United States; and

"(ii)(I) the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not——

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (H).

"(M) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and (B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless (a) that order was issued and the alien was subsequently released or paroled before the enactment of this Act and (b) the alien has complied with and remains in compliance with the terms and conditions of that release or parole; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, and to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of"; and

(4) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

"(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

"(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

"(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

"(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

"(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

"(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

"(iv) a felony crime of violence as defined in section 16 of title 18, United States Code, which is punishable by a sentence of imprisonment of 5 years or more, including first degree murder, arson, possession, brandishment, or discharge of firearm in connection with crime of violence or drug trafficking offense, use of a short-barreled or semi-automatic weapons, use of a machine gun, murder of individuals involved in aiding a Federal investigation, kidnapping, bank robbery if death results or a hostage is kidnapped, sexual exploitation and other abuse of children, selling or buying of children, activities relating to material involving the sexual exploitation of a minor, activities relating to material constituting or containing child pornography, or illegal transportation of a minor;

"(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

"(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

"(vii) a conspiracy to commit an offense described in clause (i) through (vi).".

(b) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

"(2) by inserting after subparagraph (E) the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.".

(c) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable. The Secretary of Homeland Security or the Attorney General may waive the application of this subparagraph.".

"(d) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

"(1) by striking ', Attorney General' each place it appears and inserting 'Secretary of Homeland Security';

"(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking 'or' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting 'or'; and

(C) by adding at the end the following:

(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, the activities of a criminal gang.'; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking 'Subject to paragraph (3), such' and inserting 'Such'; and

(ii) by striking '(under paragraph (3))';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: 'The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.'.

(e) INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.—

(1) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 209(a)(3), is further amended—

(A) in subclause (II), by striking 'or' at the end;

(B) in subclause (III), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subclause (III) the following:

"(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or".

(2) DEPORTABILITY.—Section 237(a)(2)(A)(i) (8 U.S.C. 1227(a)(2)(A)(i)) is amended—

(A) in subclause (I), by striking ', and' and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting '; or'; and

(C) by adding at the end the following:

"(III) "a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender).".

(f) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—

(1) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(A) in subsection (a)(2), by adding at the end the following:

"(J) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

"(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

"(I) the alien was acting in self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.'; and

"(B) in subsection (h)—

(i) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)"; and

(ii) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING, ILLEGAL ENTRY, PERJURY, AND FIREARMS OFFENSES.

(a) DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (J), as added by section 204(f) the following:

"(K) DRUNK DRIVERS.—Any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is deportable.".

(3) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(A) in the subsection heading, by striking "Subsection (a)(2)(A)(i)(I), (II), (B), (D), and (E)" and inserting "Certain Provisions in Subsection (a)(2)"; and

(B) in the matter preceding paragraph (1), by striking "and (E)" and inserting "(E), and (F)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to convictions entered on or after such date.

(b) ILLEGAL ENTRY.—

(1) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross, the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(1) not less than $50 and not more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.".

"(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following: "Sec.275.Illegal entry.".

(3) EFFECTIVE DATE.—Section 275(a)(4) of the Immigration and Nationality Act, as added by this Act, shall apply only to violations of section 275(a)(1) committed on or after the date of the enactment of this Act.

(c) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or any person) relating to an application for any benefit under the immigration laws (including for Z non-immigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

(d) INCREASED PENALTIES RELATING TO FIREARMS OFFENSES.—

(1) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting "212(a)" or after "section"; and

(ii) in the matter following subparagraph (D)—

(I) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not more than 5 years"; and

(II) by striking ", or both";

(B) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(2) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(ii) in subparagraph (A), by inserting ", alien smuggling crime," after 'such crime of violence'; and

(iii) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(B) by adding at the end the following:

"(6) For purposes of this subsection, the term "alien smuggling crime;' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

(3) INADMISSIBILITY FOR FIREARMS OFFENSES.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)), as amended by sections 204(e) and 209(a)(3), is amended—

(A) in clause (i), by inserting after subclause (IV) the following:

"(V) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), provided the alien was sentenced to at least 1 year for the offense,"; and

(B) in clause (ii), by striking "Clause (i)(I)" and inserting "Subclauses (I), (IV), and (V) of clause (i)".

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(1) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following: "Sec.275.Illegal Entry.".

(c) EFFECTIVE DATE.—Subsection (a)(4) of section 275 of the Immigration and Nationality Act, as created by this Act, shall apply only to violations of subsection (a)(1) of section 275 committed on or after the date of enactment of this Act.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, and insert the following:

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years, or both.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years, or both.".

"(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States;

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States; or

"(3) at the time of the prior exclusion, deportation, removal, or denial of admission alleged in the violation, the alien—

"(A) was under the age of eighteen, and

"(B) had not been convicted of a crime or adjudicated a delinquent minor by a court of the United States, or a court of a state or territory, for conduct that would constitute a felony if committed by an adult.

"(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) DEFINITIONS.—In this section:

"(1) FELONY.—Term "felony" means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(2) MISDEMEANOR.—The term "misdemeanor" means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(3) REMOVAL.—The term "removal" includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(4) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Definitions.
"1553. Authorized law enforcement activities.".

"SEC. 1541. TRAFFICKING IN PASSPORTS.

"(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"SEC. 1542. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

"(a) IN GENERAL.—Any person who knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) VENUE.—

"(1) An offense under subsection (a) may be prosecuted in any district,

"(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed, or

"(B) in which or to which the application was mailed or presented.

"(2) An offense under subsection (a) involving an application prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

"(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.

"SEC. 1543. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person, knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

"(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

"SEC. 1544. MISUSE OF A PASSPORT.

"Any person who knowingly—

"(1) uses any passport issued or designed for the use of another;

"(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States, shall be fined under this title, imprisoned not more than 15 years, or both.

"SEC. 1545. SCHEMES TO DEFRAUD ALIENS.

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

"(1) defraud any person, or

"(2) obtain or receive money or anything else of value from any person, by means of false or fraudulent pretenses, representations, or promises, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"SEC. 1546. IMMIGRATION AND VISA FRAUD.

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, or possesses any official material (or counterfeit of any official material) used to make an immigration document, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

"(2) an identification document knowing (or having reason to know) that the document is false; or

"(3) a false attestation, for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.".

"SEC. 1547. MARRIAGE FRAUD.

"(a) EVASION OR MISREPRESENTATION.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals), shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) MULTIPLE MARRIAGES.—Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law, shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

"(d) DURATION OF OFFENSE.—

"(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"SEC. 1548. ATTEMPTS AND CONSPIRACIES.

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"SEC. 1549. ALTERNATIVE PENALTIES FOR CERTAIN OFFENSES.

Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter—

(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 20 years; and

(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 25 years.

"SEC. 1550. SEIZURE AND FORFEITURE.

"(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"SEC. 1551. ADDITIONAL JURISDICTION.

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence in the United States (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"SEC. 1552. DEFINITIONS.

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

"(3) The term 'false statement or representation' includes a personation or an omission.

"(4) The term 'immigration document'—

"(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (A) and (B).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means—

"(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

"(B) any instrument purporting to be a document described in subparagraph (A).

(9) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

"(10) The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(11) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(12) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"(13) The 'use' of a passport or an immigration document referred to in section 1541(a), section 1543(b), section 1544, section 1546(a), and section 1546(b) of this chapter includes any officially authorized use; use to travel; use to demonstrate identity, residence, nationality, citizenship, or immigration status; use to seek or maintain employment; or use in any matter within the jurisdiction of the Federal government or of a State government.

"SEC. 1553. AUTHORIZED LAW ENFORCEMENT ACTIVITIES.

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933)."

"(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—

"(1) PROSECUTION GUIDELINES.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the obligations of the United States under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

"(2) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subparagraph (1), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, the guidelines required by subsection (a), and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

"SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

"(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

"(1) in subclause (I), by striking ', or' at the end and inserting a semicolon;

"(2) in subclause (II), by striking the comma at the end and inserting '; or'; and

"(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, subsection (b) of section 1546, or subsection (b) of section 1547 of title 18, United States Code,'.

"(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, 1546, or subsection (b) of section 1547 of title 18, United States Code,'.

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

"SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

"(a) INSTITUTIONAL REMOVAL PROGRAM.—

"(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the 'Program') or shall develop and implement another program to—

"(A) identify removable criminal aliens in Federal and State correctional facilities;

"(B) ensure that such aliens are not released into the community; and

"(C) remove such aliens from the United States after the completion of their sentences.

"(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

"(b) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

"(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2008 through 2012 to carry out the Program.

"SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

"(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

"(1) in subsection (a)—

"(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.';

"(B) by striking paragraph (3);

"(C) by redesignating paragraph (2) as paragraph (3);

"(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.';

"(E) in paragraph (3), as redesignated—

"(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.';

"(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

"(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.';

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and (D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) Conditions on Voluntary Departure.—

"(1) Voluntary departure agreement.—Voluntary departure may only be granted as part of an affirmative agreement by the alien.

"(2) Concessions by the secretary.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) Advisals.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) Failure to comply with agreement.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(A) ineligible for the benefits of the agreement;

"(B) subject to the penalties described in subsection (d); and

"(C) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b)";

(4) by amending subsection (d) to read as follows:

"(d) Penalties for Failure To Depart.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) Civil penalty.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) Ineligibility for relief.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) Reopening.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Rulemaking.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) Rulemaking.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) Exception.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) Inadmissible Aliens.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) Bar on Discretionary Relief.—Section 274D (8 U.S.C. 1324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) Ineligibility for Relief.—

"(1) In general.—Unless a timely motion to reconsider under section 240(c)(6) or a timely motion to reopen under section 240(c)(7) is granted, an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) Savings provision.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in the United States not as an alien lawfully admitted for permanent residence";

(2) in subsection (g)(5)—in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in the United States not as an alien lawfully admitted for permanent residence"; and

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "not Lawfully Admitted for Permanent Residence";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).";

(C) in paragraph (2), by striking "under a nonimmigrant visa" and inserting "but not lawfully admitted for permanent residence"; and

(D) in paragraph (3)(A), by striking "admitted to the United States under a nonimmigrant visa" and inserting "lawfully admitted to the United States but not as an alien lawfully admitted for permanent residence".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"SEC. 3291. IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, passport, and naturalization offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

(a) Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;".

(b) CONSTRUCTION.—Nothing in this section shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 216. STREAMLINED PROCESSING OF BACKGROUND CHECKS CONDUCTED FOR IMMIGRATION BENEFITS.

(a) INFORMATION SHARING; INTERAGENCY TASK FORCE.—Section 105 (8 U.S.C. 1105) is amended by adding at the end the following:

"(e) INTERAGENCY TASK FORCE.—

"(1) IN GENERAL.—The Secretary of Homeland Security and the Attorney General shall establish an interagency task force to resolve cases in which an application or petition for an immigration benefit conferred under this Act has been delayed due to an outstanding background check investigation for more than 2 years after the date on which such application or petition was initially filed.

"(2) MEMBERSHIP.—The interagency task force established under paragraph (1) shall include representatives from Federal agencies with immigration, law enforcement, or national security responsibilities under this Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation such sums as are necessary for each fiscal year, 2008 through 2012 for enhancements to existing systems for conducting background and security checks necessary to support immigration security and orderly processing of applications.

(c) REPORT ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigation on behalf of United States Citizenship and Immigration Services.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 180 days.

SEC. 217. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary may reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2008 through 2013 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry out this subsection—

"(A) such sums as may be necessary for fiscal year 2008;

"(B) $750,000,000 for fiscal year 2009;

"(C) $850,000,000 for fiscal year 2010; and

"(D) $950,000,000 for each of the fiscal years 2011 through 2013.".

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 218. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary may provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 219. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 220. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 221. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: 'If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.'; and

(2) in paragraph (4), by adding at the end the following: 'The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.'.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 222. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows: '(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.'; and

(2) in subparagraph (B)(i), by amending subclause (II) to read as follows: '(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and

unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.'."

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting '(other than a citizen described in section 204(a)(1)(A)(viii))' after 'citizen of the United States' each place that phrase appears.

SEC. 223. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(b) REIMBURSEMENT—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(e) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 224. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),' after 'section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 225. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 226. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SEC. 227. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 208 of this Act, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 228. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary";

(B) by inserting "or otherwise violated any of the terms of the nonimmigrant classification in which the alien was admitted," before "such visa"; and

(C) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 229. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking 'There shall be no means of judicial review' and all that follows and inserting the following: 'Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation, provided that the revocation is executed by the Secretary.'.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all revocations made on or after such date.

TITLE III—WORKSITE ENFORCEMENT

Sec. 301. Purposes.
Sec. 302. Unlawful employment of aliens.
Sec. 303. Effective date.
Sec. 304. Disclosure of certain taxpayer information to assist in immigration enforcement.
Sec. 305. Increasing security and integrity of Social Security cards.
Sec. 306. Increasing security and integrity of identity documents.
Sec. 307. Voluntary advanced verification program to combat identity theft.
Sec. 308. Responsibilities of the Social Security Administration.
Sec. 309. Immigration enforcement support by the Internal Revenue Service and the Social Security Administration.
Sec. 310. Authorization of appropriations.

TITLE III—WORKSITE ENFORCEMENT

SEC. 301. PURPOSES.

(a) To continue to prohibit the hiring, recruitment, or referral of unauthorized aliens.

(b) To require that each employer take reasonable steps to verify the identity and work authorization status of all its employees, without regard to national origin and citizenship status.

(c) To authorize the Secretary of Homeland Security to access records of other federal agencies for the purposes of confirming identity, authenticating lawful presence and preventing identity theft and fraud related to unlawful employment.

(d) To ensure that the Commissioner of Social Security has the necessary authority to provide information to the Secretary of Homeland Security that would assist in the enforcement of the immigration laws.

(e) To authorize the Secretary of Homeland Security to confirm issuance of state identity documents, including driver's licenses, and to obtain and transmit individual photographic images held by states for identity authentication purposes.

(f) To collect information on employee hires.

(g) To electronically secure a social security number in the Employment Eligibility Verification System (EEVS) at the request of an individual who has been confirmed to be the holder of that number, and to prevent fraudulent use of the number by others.

(h) To provide for record retention of EEVS inquiries, to prevent identity fraud and employment authorization fraud.

(i) To employ fast track regulatory and procurement procedures to expedite implementation of this Title and pertinent sections of the INA for a period of two years from enactment.

(j) To establish the following:

(1) a document verification process requiring employers to inspect, copy, and retain identity and work authorization documents;

(2) an EEVS requiring employers to obtain confirmation of an individual's identity and work authorization;

(3) procedures for employers to register for the EEVS and to confirm work eligibility through the EEVS;

(4) a streamlined enforcement procedure to ensure efficient adjudication of violations of this Title;

(5) a system for the imposition of civil penalties and their enforcement, remission or mitigation;

(6) an enhancement of criminal and civil penalties;

(7) increased coordination of information and enforcement between the Internal Revenue Service and the Department of Homeland Security regarding employers who have violations related to the employment of unauthorized aliens;

(8) increased penalties under the Internal Revenue Code for employers who have violations relating to the employment of unauthorized aliens.

SEC. 302. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"(a) Making Employment of Unauthorized Aliens Unlawful—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing or with reckless disregard that the alien is an unauthorized alien (as defined in subsection (b)(1)) with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual without complying with the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing or with reckless disregard that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, an employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (b)(1)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(A) By regulation, the Secretary may require, for purposes of ensuring compliance with the immigration laws, that an employer include in a written contract, subcontract, or exchange an effective and enforceable requirement that the contractor or subcontractor adhere to the immigration laws of the United States, including use of EEVS.

"(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS to verify its employees.

"(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as the Secretary deems necessary to prevent knowing violations of this paragraph.

"(4) APPLICATION TO FEDERAL GOVERNMENT.—For purposes of this section, the term 'employer' includes entities in any branch of the Federal Government.

"(5) DEFENSE.—An employer that establishes that it has complied in good faith with the requirements of subsections (c)(1) through (c)(4), pertaining to document verification requirements, and subsection (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral, however:

"(A) until such time as the Secretary has required an employer to participate in the EEVS or such participation is permitted on a voluntary basis pursuant to subsection (d), a defense is established without a showing of compliance with subsection (d); and

"(B) to establish a defense, the employer must also be in compliance with any additional requirements that the Secretary may promulgate by regulation pursuant to subsections (c), (d), and (k).

"(6) An employer is presumed to have acted with knowledge or reckless disregard if the employer fails to comply with written standards, procedures or instructions issued by the Secretary. Such standards, procedures or instructions shall be objective and verifiable.

"(b) DEFINITIONS—

"(1) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.

"(2) DEFINITION OF EMPLOYER.—For purposes of this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for employment in the United States.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—Any employer hiring, recruiting, or referring an individual for employment in the United States shall take all reasonable steps to verify that the individual is authorized to work in the United States, including the requirements of subsection (d) and the following paragraphs:

"(1) Attestation after examination of documentation.

"(A) IN GENERAL.—The employer must attest, under penalty of perjury and on a form prescribed by the Secretary, that it has verified the identity and work authorization status of the individual by examining—

"(i) a document described in subparagraph (B); or

"(ii) a document described in subparagraph (C) and a document described in subparagraph (D). Such attestation may be manifested by a handwritten or electronic signature. An employer has complied with the requirement of this paragraph with respect to examination of documentation if the employer has followed applicable regulations and any written procedures or instructions provided by the Secretary and if a reasonable person would conclude that the documentation is genuine and establishes the employee's identity and authorization to work, taking into account any information provided to the employer by the Secretary, including photographs.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport, or passport card issued pursuant to the Secretary of State's authority under 22 U.S.C. 211a;

"(ii) permanent resident card or other document issued by the Secretary or Secretary of State to aliens authorized to work in the United States, if the document—

"(I) contains a photograph of the individual, biometric data, such as fingerprints, or such other personal identifying information relating to the individual as the Secretary finds, by regulation, sufficient for the purposes of this subsection;

"(II) is evidence of authorization for employment in the United States; and

"(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use; or

"(iii) a temporary interim benefits card valid under section 218C(c) of the Immigration and Nationality Act, as amended by section 602 of the Comprehensive Immigration Reform Act of 2007, bearing a photograph and an expiration date, and issued by the Secretary to aliens applying for temporary worker status under the Z-visa.

"(C) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph includes—

"(i) an individual's driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, provided that the issuing State or entity has certified to the Secretary of Homeland Security that it is in compliance with the minimum standards required under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13) (49 U.S.C. 30301 note) and implementing regulations issued by the Secretary of Homeland Security once those requirements become effective;

"(ii) an individual's driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States which is not compliant with section 202 of the REAL ID Act of 2005 if—

"(I) the driver's license or identity card contains the individual's photograph as well as the individual's name, date of birth, gender, height, eye color and address,

"(II) the card has been approved for this purpose in accordance with timetables and procedures established by the Secretary pursuant to subsection (c)(1)(F) of this section, and

"(III) the card is presented by the individual and examined by the employer in combination with a U.S. birth certificate, or a Certificate of Naturalization, or a Certificate of Citizenship, or such other documents as may be prescribed by the Secretary,

"(iii) for individuals under 16 years of age who are unable to present a document listed in clause (i) or (ii), documentation of personal identity of such other type as the Secretary finds provides a reliable means of identification, provided it contains security features to make it resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) other documentation evidencing identity as identified by the Secretary in his discretion, with notice to the public provided in the Federal Register, to be acceptable for purposes of this section, provided that the document, including any electronic security measures linked to the document, contains security features that make the document as resistant to tampering, counterfeiting, and fraudulent use as the documents listed in (B)(i), B(ii), or (C)(i).

"(D) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—The following documents may be accepted as evidence of employment authorization—

"(i) a social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the card is not valid for employment in the United States). The Secretary, in consultation with the Commissioner of Social Security, may require by publication of a notice in the Federal Register that only a social security account number card described in Section 305 of this Title be accepted for this purpose; or

"(ii) any other documentation evidencing authorization of employment in the United States which the Secretary declares, by publication in the Federal Register, to be acceptable for purposes of this section, provided that the document, including any electronic security measures linked to the document contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary finds that any document or class of documents described in subparagraph (B), (C), or (D) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary shall, with notice to the public provided in the Federal Register, prohibit or restrict the use of that document or class of documents for purposes of this subsection.

"(F) After June 1, 2013, no driver's license or state identity card may be accepted if it does not comply with the REAL ID Act of 2005. This paragraph (c)(1)(F) shall have no effect on paragraphs (c)(1)(B), (c)(1)(C)(iii), (c)(1)(C)(iv), or (c)(1)(D).

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the employer must retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security (or persons designated by the Secretary), the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, seven years after the date of the recruiting or referral; and

"(B) in the case of the hiring of an individual—

"(i) seven years after the date of such hiring; or

"(ii) two years after the date the individual's employment is terminated, whichever is earlier.

"(4) Copying of documentation and recordkeeping required.

"(A) Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain a paper, microfiche, microfilm, or electronic copy as prescribed in paragraph (3), but only (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection. Such copies shall reflect the signatures of the employer and the employee, as well as the date of receipt.

"(B) The employer shall also maintain records of Social Security Administration correspondence regarding name and number mismatches or no-matches and the steps taken to resolve such issues.

"(C) The employer shall maintain records of all actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the alien's identity or work authorization.

"(D) The employer shall maintain such records as prescribed in this subsection. The Secretary may prescribe the manner of recordkeeping and may require that additional records be kept or that additional documents be copied and maintained. The Secretary may require that these documents be transmitted electronically, and may develop automated capabilities to request such documents.

"(5) PENALTIES—An employer that fails to comply with any requirement of this subsection shall be penalized under subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(7) The employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to national origin or citizenship status.

"(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM—

"(1) IN GENERAL.—The Secretary, in cooperation and consultation with the Secretary of State, the Commissioner of Social Security, and the states, shall implement and specify the procedures for EEVS. The participating employers shall timely register with EEVS and shall use EEVS as described in subsection (d)(5).

"(2) IMPLEMENTATION SCHEDULE—

"(A) As of the date of enactment of this section, the Secretary in his discretion, with notice to the public provided in the Federal Register, is authorized to require any employer or industry which the Secretary determines to be part of the critical infrastructure, a federal contractor, or directly related to the national security or homeland security of the United States to participate in the EEVS. This requirement may be applied to both newly hired and current employees. The Secretary shall notify employers subject to this subparagraph 30 days prior to EEVS.

"(B) No later than 6 months after the date of enactment of this section, the Secretary shall require additional employers or industries to participate in the EEVS. This requirement shall be applied to new employees hired, and current employees subject to reverification because of expiring work authorization documentation or expiration of immigration status, on or after the date on which the requirement takes effect. The Secretary, by notice in the Federal Register, shall designate these employers or industries, in his discretion, based upon risks to critical infrastructure, national security, immigration enforcement, or homeland security needs.

"(C) No later than 18 months after the date of enactment of this section, the Secretary shall require all employers to participate in the EEVS with respect to newly hired employees and current employees subject to reverification because of expiring work authorization documentation or expiration of immigration status.

"(D) No later than three years after the date of enactment of this section, all employers shall participate in the EEVS with respect to new employees, all employees whose identity and employment authorization have not been previously verified through EEVS, and all employees in Z status who have not previously presented a secure document evidencing their Z status. The Secretary may specify earlier dates for participation in the EEVS in his discretion for some or all classes of employer or employee.

"(E) The Secretary shall create the necessary systems and processes to monitor the functioning of the EEVS, including the volume of the workflow, the speed of processing of queries, and the speed and accuracy of responses. These systems and processes shall be audited by the Government Accountability Office 9 months after the date of enactment of this section and 24 months after the date of enactment of this section. The Government Accountability Office shall report the results of the audits to Congress.

"(3) PARTICIPATION IN EEVS.—The Secretary has the following discretionary authority to require or to permit participation in the EEVS—

"(A) To permit any employer that is not required to participate in theEEVS to do so on a voluntary basis;

"(B) To require any employer that is required to participate in the EEVS with respect to its newly hired employees also to do so with respect to its current workforce if the Secretary has reasonable cause to believe that the employer has engaged in any violation of the immigration laws.

"(4) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required under this subsection to participate in the EEVS and fails to comply with the requirements of such program with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to that individual, and

'(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) or (a)(2) of this section.

"Subparagraph (B) shall not apply in any prosecution under subsection 274A(f)(1).

"(5) PROCEDURES FOR PARTICIPANTS IN THE EEVS—

"(A) IN GENERAL.—An employer participating in the EEVS must register in the EEVS and conform to the following procedures in the event of hiring, recruiting, or referring any individual for employment in the United States:

"(i) REGISTRATION OF EMPLOYERS.—The Secretary, through notice in the Federal Register, shall prescribe procedures that employers must follow to register in the EEVS. In prescribing these procedures, the Secretary shall have authority to require employers to provide:

"(I) employer's name;

"(II) employer's Employment Identification Number (EIN);

"(III) company address;

"(IV) name, position and social security number of the employer's employees accessing the EEVS; and

"(V) such other information as the Secretary deems necessary to ensure proper use and security of the EEVS.

The Secretary shall require employers to undergo such training as the Secretary deems necessary to ensure proper use and security of the EEVS. To the extent practicable, such training shall be made available electronically.

"(ii) PROVISION OF ADDITIONAL INFORMATION.—The employer shall obtain from the individual (and the individual shall provide) and shall record in such manner as the Secretary may specify—

"(I) an individual's social security account number,

"(II) if the individual does not attest to United States nationality under subsection (c)(2) of this section, such identification or authorization number established by the Department of Homeland Security as the Secretary of Homeland Security shall specify, and

"(III) such other information as the Secretary may require to determine the identity and work authorization of an employee.

"(iii) PRESENTATION OF DOCUMENTATION.—The employer, and the individual whose identity and employment eligibility are being confirmed, shall fulfill the requirements of subsection (c) of this section.

"(iv) PRESENTATION OF BIOMETRICS.—Employers who are enrolled in the Voluntary Advanced Verification Program to Combat Identity Theft under section 307 of this Title shall, in addition to documentary evidence of identity and work eligibility, electronically provide the fingerprints of the individual to the Department of Homeland Security.

"(B) SEEKING CONFIRMATION.—

"(i) The employer shall use the EEVS to provide to the Secretary all required information in order to obtain confirmation of the identity and employment eligibility of any individual no earlier than the date of hire and no later than on the first day of employment (or recruitment or referral, as the case may be). An employer may not, however, make the starting date of an individual's employment contingent on the receipt of a confirmation of the identity and employment eligibility.

"(ii) For reverification of an employee with a limited period of work authorization (including Z card holder), all required verification procedures must be complete on the date the employee's work authorization expires.

"(iii) For initial verification of an employee hired before the employer is subject to the employment eligibility verification system, all required procedures must be complete on such date as the Secretary shall specify in accordance with subparagraph (d)(2)(D).

"(iv) The Secretary shall provide, and the employer shall utilize, as part of EEVS, a method of communicating notices and requests for information or action on the part of the employer with respect to expiring work authorization or status and other matters. Additionally, the Secretary shall provide a method of notifying employers of a confirmation, nonconfirmation or a notice that further action is required ('further action notice'). The employer shall communicate to the individual that is the subject of the verification all information provided to the employer by the EEVS for communication to the individual.

"(C) CONFIRMATION OR NONCONFIRMATION.—

"(i) INITIAL RESPONSE.—The verification system shall provide a confirmation, a nonconfirmation, or a further action notice of an individual's identity and employment eligibility at the time of the inquiry, unless for technological reasons or due to unforeseen circumstances, the EEVS is unable to provide such confirmation or further action notice. In such situations, the system shall provide confirmation or further action notice within 3 business days of the initial inquiry. If providing confirmation or further action notice, the EEVS shall provide an appropriate code indicating such confirmation or such further action notice.

"(ii) CONFIRMATION UPON INITIAL INQUIRY.—When the employer receives an appropriate confirmation of an individual's identity and work eligibility under the EEVS, the employer shall record the confirmation in such manner as the Secretary may specify.

"(iii) Further action notice upon initial inquiry and secondary verification—

"(I) FURTHER ACTION NOTICE.—If the employer receives a further action notice of an individual's identity or work eligibility under the EEVS, the employer shall inform the individual without delay for whom the confirmation is sought of the further action notice and any procedures specified by the Secretary for addressing the further action notice. The employee must acknowledge in writing the receipt of the further action notice from the employer.

"(II) CONTEST.—Within ten business days from the date of notification to the employee, the employee must contact the appropriate agency to contest the further action notice and, if the Secretary so requires, appear in person at the appropriate Federal or state agency for purposes of verifying the individual's identity and employment authorization. The Secretary, in consultation with the Commissioner of Social Security and other appropriate Federal and State agencies, shall specify an available secondary verification procedure to confirm the validity of information provided and to provide a final confirmation or nonconfirmation. An individual contesting a further action notice must attest under penalty of perjury to his identity and employment authorization.

"(III) NO CONTEST.—If the individual does not contest the further action notice within the period specified in subparagraph (5)(C)(iii)(II), a final nonconfirmation shall issue. The employer shall then record the nonconfirmation in such manner as the Secretary may specify.

"(IV) FINALITY.—The EEVS shall provide a final confirmation or nonconfirmation within 10 business days from the date of the employee's contesting of the further action notice. As long as the employee is taking the steps required by the Secretary and the agency that the employee has contacted to resolve a further action notice, the Secretary shall extend the period of investigation until the secondary verification procedure allows the Secretary to provide a final confirmation or nonconfirmation. If the employee fails to take the steps required by the Secretary and the appropriate agency, a final nonconfirmation may be issued to that employee.

"(V) RE-EXAMINATION.—Nothing in this section shall prevent the Secretary from reexamining a case where a final confirmation has been provided if subsequently received information indicates that the individual may not be work authorized.

"In no case shall an employer terminate employment of an individual solely because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final and the period to timely file an administrative appeal has passed, and in the case where an administrative appeal has been denied, the period to timely file a petition for judicial review has passed. When final confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation. An individual's failure to contest a further action notice shall not be considered an admission of guilt with respect to any violation of this section or any provision of law.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate employment (or recruitment or referral) of the individual, unless the individual files an administrative appeal of a final nonconfirmation notice under paragraph (7) within the time period prescribed in that paragraph and the Secretary or the Commissioner stays the final nonconfirmation notice pending the resolution of the administrative appeal.

"(ii) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the employer continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation (unless the individual filed an administrative appeal of a final nonconfirmation notice under paragraph (7) within the time period prescribed in that paragraph and the Secretary of the Commissioner stayed the final nonconfirmation notice pending the resolution of the administrative appeal), a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2) of this section. The previous sentence shall not apply in any prosecution under subsection (f)(1) of this section.

"(E) OBLIGATION TO RESPOND TO QUERIES AND ADDITIONAL INFORMATION.—

"(i) Employers are required to comply with requests from the Secretary through EEVS for information, including queries concerning current and former employees that relate to the functioning of the EEVS, the accuracy of the responses provided by the EEVS, and any suspected fraud or identity theft in the use of the EEVS. Failure to comply with such a request is a violation of section (a)(1)(B).

"(ii) Individuals being verified through EEVS may be required to take further action to address irregularities identified in the documents relied upon for purposes of employment verification. The employer shall communicate to the individual any such requirement for further actions and shall record the date and manner of such communication. The individual must acknowledge in writing the receipt of this communication from the employer. Failure to communicate such a requirement is a violation of section (a)(1)(B).

"(iii) The Secretary is authorized, with notice to the public provided in the Federal Register, to implement, clarify, and supplement the requirements of this paragraph in order to facilitate the functioning of the EEVS or to prevent fraud or identity theft in the use of the EEVS.

"(F) IMPERMISSIBLE USE OF THE EEVS.—

"(i) An employer may not use the EEVS to verify an individual prior to extending to the individual an offer of employment.

"(ii) An employer may not require an individual to verify the individual's own employment eligibility through the EEVS as a condition of extending to that individual an offer of employment. Nothing in this paragraph shall be construed to prevent an employer from encouraging an employee or a prospective employee from verifying the employee's or a prospective employee's own employment eligibility prior to obtaining employment pursuant to paragraph (5)(H).

"(iii) An employer may not terminate an individual's employment solely because that individual has been issued a further action notice.

"(iv) An employer may not take the following actions solely because an individual has been issued a further action notice:

"(I) reduce salary, bonuses or other compensation due to the employee;

"(II) suspend the employee without pay;

"(III) reduce the hours that the employee is required to work if such reduction is accompanied by a reduction in salary, bonuses or other compensation due to the employee, except that, with the agreement of the employee, an employer may provide an employee with reasonable time off without pay in order to contest and resolve the further action notice received by the employee;

"(IV) deny the employee the training necessary to perform the employment duties for which the employee has been hired.

"(v) An employer may not, in the course of utilizing the procedures for document verification set forth in subsection (c), require that a prospective employee present additional documents or different documents than those prescribed under that subsection.

"(vi) The Secretary of Homeland Security shall develop the necessary policies and procedures to monitor employers' use of the EEVS and their compliance with the requirements set forth in this section. Employers are required to comply with requests from the Secretary for information related to any monitoring, audit or investigation undertaken pursuant to this subparagraph.

"(vii) The Secretary of Homeland Security, in consultation with the Secretary of Labor, shall establish and maintain a process by which any employee (or any prospective employee who would otherwise have been hired) who has reason to believe that an employer has violated subparagraphs (i)-(v) may file a complaint against the employer.

"(viii) Any employer found to have violated subparagraphs (i)-(v) shall pay a civil penalty of up to $10,000 for each violation.

"(ix) This paragraph is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in a judicial proceeding.

"(x) No later than 3 months after the date of enactment of this section, the Secretary of Homeland Security, in cooperation with the Secretary of Labor and the Administrator of the Small Business Administration, shall conduct a campaign to disseminate information respecting the rights and remedies prescribed under this section. Such campaign shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities and remedies under this section.

"(I) In order to carry out the campaign under this paragraph, the Secretary of Homeland Security may, to the extent deemed appropriate and subject to the availability of appropriations, contract with public and private organizations for outreach activities under the campaign.

"(II) There are authorized to be appropriated to carry out this paragraph $40,000,000 for each fiscal year 2007 through 2009.

"(G) Based on a regular review of the EEVS and the document verification procedures to identify fraudulent use and to assess the security of the documents being used to establish identity or employment authorization, the Secretary in consultation with the Commissioner of Social Security may modify by Notice published in the Federal Register the documents that must be presented to the employer, the information that must be provided to EEVS by the employer, and the procedures that must be followed by employers with respect to any aspect of the EEVS if the Secretary in his discretion concludes that the modification is necessary to ensure that EEVS accurately and reliably determines the work authorization of employees while providing protection against fraud and identity theft.

"(H) Subject to appropriate safeguards to prevent misuse of the system, the Secretary in consultation with the Commissioner of Social Security, shall establish secure procedures to permit an individual who seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the EEVS.

"(6) Protection from liability for actions taken on the basis of information provided by the confirmation system.—No employer participating in the EEVS shall be liable under any law for any employment-related action taken with respect to the employee in good faith reliance on information provided through the confirmation system.

"(7) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who receives a final nonconfirmation notice may, not later than 15 days after the date that such notice is received, file an administrative appeal of such final notice. An individual who did not timely contest a further action notice may not avail himself of this paragraph. Unless the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, specifies otherwise, all administrative appeals shall be filed as follows:

"(i) NATIONALS OF THE UNITED STATES.—An individual claiming to be a national of the United States shall file the administrative appeal with the Commissioner.

"(ii) ALIENS.—An individual claiming to be an alien authorized to work in the United States shall file the administrative appeal with the Secretary.

"(B) REVIEW FOR ERROR.—The Secretary and the Commissioner shall each develop procedures for resolving administrative appeals regarding final nonconfirmations based upon the information that the individual has provided, including any additional evidence that was not previously considered. Appeals shall be resolved within 30 days after the individual has submitted all evidence relevant to the appeal. The Secretary and the Commissioner may, on a case by case basis for good cause, extend this period in order to ensure accurate resolution of an appeal before him. Administrative review under this paragraph (7) shall be limited to whether the final nonconfirmation notice is supported by the weight of the evidence.

"(C) ADMINISTRATIVE RELIEF.—The relief available under this paragraph (7) is limited to an administrative order upholding, reversing, modifying, amending, or setting aside the final nonconfirmation notice. The Secretary or the Commissioner shall stay the final nonconfirmation notice pending the resolution of the administrative appeal unless the Secretary or the Commissioner determines that the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay and terminates the stay.

"(D) DAMAGES, FEES AND COSTS.—No money damages, fees or costs may be awarded in the administrative review process, and no court shall have jurisdiction to award any damages, fees or costs relating to such administrative review under the Equal Access to Justice Act or any other law.

"(8) JUDICIAL REVIEW.—

"(A) EXCLUSIVE PROCEDURE.—Notwithstanding any other provision of law (statutory or nonstatutory) including sections 1361 and 1651 of title 28, no court shall have jurisdiction to consider any claim against the United States, or any of its agencies, officers, or employees, challenging or otherwise relating to a final nonconfirmation notice or to the EEVS, except as specifically provided by this paragraph. Judicial review of a final nonconfirmation notice is governed only by chapter 158 of title 28, except as provided below.

"(B) REQUIREMENTS FOR REVIEW OF A FINAL NONCONFIRMATION NOTICE.—With respect to review of a final nonconfirmation notice under subsection (a), the following requirements apply:

"(i) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the completion of the administrative appeal.

"(ii) VENUE AND FORMS.—The petition for review shall be filed with the United States Court of Appeals for the judicial circuit wherein the petitioner resided when the final nonconfirmation notice was issued. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(iii) SERVICE.—The respondent is either the Secretary of Homeland Security or the Commissioner of Social Security, but not both, depending upon who issued (or affirmed) the final nonconfirmation notice. In addition to serving the respondent, the petitioner must also serve the Attorney General.

"(iv) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result. The court of appeals may set an expedited briefing schedule.

"(v) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall decide the petition only on the administrative record on which the final nonconfirmation order is based. The burden shall be on the petitioner to show that the final nonconfirmation decision was arbitrary, capricious, not supported by substantial evidence, or otherwise not in accordance with law. Administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.

"(vi) STAY.—The court of appeals shall stay the final nonconfirmation notice pending its decision on the petition for review unless the court determines that the petition for review is frivolous, unlikely to succeed on the merits, or filed for purposes of delay.

"(C) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final nonconfirmation order only if—

"(1) the petitioner has exhausted all administrative remedies available to the alien as of right, and

"(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(D) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions in this section, other than with respect to the application of such provisions to an individual petitioner.

"(9) MANAGEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary is authorized, to establish, manage and modify an EEVS that shall—

"(i) respond to inquiries made by participating employers at any time through the internet concerning an individual's identity and whether the individual is authorized to be employed;

"(ii) maintain records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to employers as evidence of their compliance with their obligations under the EEVS; and

"(iii) provide information to, and request action by, employers and individuals using the system, including notifying employers of the expiration or other relevant change in an employee's employment authorization, and directing an employer to convey to the employee a request to contact the appropriate Federal or State agency.

"(B) DESIGN AND OPERATION OF SYSTEM.—The EEVS shall be designed and operated—

"(i) to maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any times when the system is unable to receive inquiries;

"(iii) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(iv) to allow for auditing use of the system to detect fraud and identify theft, and to preserve the security of the information in all of the system, including but not limited to the following:

"(I) to develop and use algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

"(II) to develop and use algorithms to detect misuse of the system by employers and employees;

"(III) to develop capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system;

"(IV) to audit documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees;

"(v) to confirm identity and work authorization through verification of records maintained by the Secretary, other Federal departments, states, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including:

"(I) records maintained by the Social Security Administration as specified in (D);

"(II) Birth and death records maintained by vital statistics agencies of any state or other United States jurisdiction;

"(III) Passport and visa records (including photographs) maintained by the United States Department of State;

"(IV) State driver's license or identity card information (including photographs) maintained by State department of motor vehicles.

"(vi) to confirm electronically the issuance of the employment authorization or identity document and to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee. If in exceptional cases a photograph is not available from the issuer, the Secretary shall specify a temporary alternative procedure for confirming the authenticity of the document.

"(C) The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the EEVS and the efficiency, accuracy, and security of the EEVS.

"(D) ACCESS TO INFORMATION.—

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security shall have access to relevant records described at paragraph (9)(B)(v), for the purposes of preventing identity theft and fraud in the use of the EEVS and enforcing the provisions of this section governing employment verification. A State or other non-Federal jurisdiction that does not provide such access shall not be eligible for any grant or other program of financial assistance administered by the Secretary.

"(ii) The Secretary, in consultation with the Commissioner of Social Security and other appropriate Federal and State agencies, shall develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed pursuant to this paragraph and subparagraph (d)(5)(E)(i). The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop and deploy appropriate privacy and security training for the Federal and State employees accessing the records pursuant to this paragraph and subparagraph (d)(5)(E)(i).

"(iii) The Chief Privacy Officer of the Department of Homeland Security shall conduct regular privacy audits of the policies and procedures established under subparagraph (9)(D)(ii), including any collection, use, dissemination, and maintenance of personally identifiable information and any associated information technology systems, as well as scope of requests for this information. The Chief Privacy Officer shall review the results of the audits and recommend to the Secretary and the Privacy and Civil Liberties Oversight Board any changes necessary to improve the privacy protections of the program.

"(E) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

"(i) As part of the EEVS, the Secretary shall establish a reliable, secure method, which, operating through the EEVS and within the time periods specified, compares the name, alien identification or authorization number, or other relevant information provided in an inquiry against such information maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States (or, to the extent that the Secretary determines to be feasible and appropriate, whether the Secretary's records verify United States citizenship), and such other information as the Secretary may prescribe.

"(ii) As part of the EEVS, the Secretary shall establish a reliable, secure method, which, operating through the EEVS, displays the digital photograph described in paragraph (d)(9)(B)(vi).

"(iii) The Secretary shall have authority to prescribe when a confirmation, nonconfirmation or further action notice shall be issued.

"(iv) The Secretary shall perform regular audits under the EEVS, as described in paragraph (d)(9)(B)(iv) of this section and shall utilize the information obtained from such audits, as well as any information obtained from the Commissioner of Social Security pursuant to section 304 of the Comprehensive Immigration Act of 2007, for the purposes of this Title and of immigration enforcement in general.

"(v) The Secretary shall make appropriate arrangements to allow employers who are otherwise unable to access the EEVS to use Federal Government facilities or public facilities in order to utilize the EEVS.

"(F) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the EEVS, the Secretary of State shall provide to the Secretary access to passport and visa information as needed to confirm that a passport or passport card presented under section (c)(1)(B) belongs to the subject of the EEVS check, or that a passport or visa photograph matches an individual;

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretaries of Homeland Security and State shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

"(10) LIMITATION ON USE OF THE EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than for the enforcement and administration of the immigration laws, anti-terrorism laws, or for enforcement of Federal criminal law related to the functions of the EEVS, including prohibitions on forgery, fraud and identity theft.

"(11) UNAUTHORIZED USE OR DISCLOSURE OF INFORMATION.—Any employee of the Department of Homeland Security or another Federal or State agency who knowingly uses or discloses the information assembled under this subsection for a purpose other than one authorized under this section shall pay a civil penalty of $5,000–$50,000 for each violation.

"(12) CONFORMING AMENDMENT.—Public Law 104–208, div. C, title IV, subtitle A, sections 401–05 are repealed, provided that nothing in this subsection shall be construed to limit the authority of the Secretary to allow or continue to allow the participation of Basic Pilot employers in the EEVS established by this subsection.

"(13) FUNDS.—In addition to any appropriated funds, the Secretary is authorized to use funds provided in sections 286(m) and (n), for the maintenance and operation of the EEVS. EEVS shall be considered an immigration adjudication service for purposes of sections 286(m) and (n).

"(14) The employer shall use the procedures for EEVS specified in this section for all employees without regard to national origin or citizenship status.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary of Homeland Security shall establish procedures—

"(A) for individuals and entities to file complaints respecting potential violations of subsection (a) or (g)(1);

"(B) for the investigation of those complaints which the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a) or (g)(1) as the Secretary determines to be appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

"(A) immigration officers shall have reasonable access to examine evidence of any employer being investigated; and

"(B) immigration officers designated by the Secretary may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph, the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as a contempt thereof. Failure to cooperate with such subpoena shall be subject to further penalties, including but not limited to further fines and the voiding of any mitigation of penalties or termination of proceedings under subsection (e)(3)(B).

"(3) COMPLIANCE PROCEDURES.—

"(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a civil violation of this section or the requirements of this section, including but not limited to subsections (b), (c), (d) and (k), and determines that further proceedings are warranted, the Secretary shall issue to the employer concerned a written notice of the Department's intention to issue a claim for a monetary or other penalty. Such pre-penalty notice shall:

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that he or she shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—Whenever any employer receives written pre-penalty notice of a fine or other penalty in accordance with subparagraph (A), the employer may file, within 15 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary. If the Secretary finds that such fine, penalty, or forfeiture was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate the same upon such terms and conditions as the Secretary deems reasonable and just, or order termination of any proceedings relating thereto. Such mitigating circumstances may include, but need not be limited to, good faith compliance and participation in, or agreement to participate in, the EEVS, if not otherwise required.

"This subparagraph shall not apply to an employer that has or is engaged in a pattern or practice of violations of subsection (a)(1)(A), (a)(1)(B), or (a)(2) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations, if any, offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based. If the Secretary determines that there was a violation, the Secretary shall issue the final determination with a written penalty claim. The penalty claim shall specify all charges in the information provided under clauses (i) through (iii) of subparagraph (A) and any mitigation or remission of the penalty that the Secretary deems appropriate.

"(4) CIVIL PENALTIES.—

"(A) Hiring or continuing to employ unauthorized aliens. Any employer that violates any provision of subsection (a)(1)(A) or (a)(2) shall:

"(1) pay a civil penalty of $5,000 for each unauthorized alien with respect to which each violation of either subsection (a)(1)(A) or (a)(2) occurred;

"(2) if an employer has previously been fined under subsection (e)(4)(A), pay a civil penalty of $10,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred; and

"(3) if an employer has previously been fined more than once under subsection (e)(4), pay a civil penalty of $25,000 for each unauthorized alien with respect to which a violation of either subsection has occurred. This penalty shall apply, in addition to any penalties previously assessed, to employers who fail to comply with a previously issued and final order under this section.

"(4) if an employer has previously been fined more than twice under subsection (e)(4)(A), pay a civil penalty of $75,000 for each alien with respect to which a violation of either subsection (a)(1) or (a)(2) occurred;

"(5) In addition to any penalties previously assessed, an employer who fails to comply with a previously issued and final order under this section shall be fined $75,000 for each violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with any requirement of subsection (b), (c), and (d), shall pay a civil penalty as follows:

"(1) pay a civil penalty of $1,000 for each violation;

"(2) if an employer has previously been fined under subsection (e)(4)(B), pay a civil penalty of $2,000 for each violation; and

"(3) if an employer has previously been fined more than once under subsection (e)(4), pay a civil penalty of $5,000 for each violation. This penalty shall apply, in addition to any penalties previously assessed, to employers who fail to comply with a previously issued and final order under this section;

"(4) if an employer has previously been fined more than twice under subsection (e)(4)(B), pay a civil penalty of $15,000 for each violation.

"(5) In addition to any penalties previously assessed, an employer who fails to comply with a previously issued and final order under this section shall be fined $15,000 for each violation.

"(C) OTHER PENALTIES.—The Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the remedy provided by paragraph (g)(2). All penalties in this section may be adjusted every four years to account for inflation as provided by law.

"(D) The Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including, but not limited to, the employer's hiring volume, compliance history, good-faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that it is in compliance with this section, or has instituted a program to come into compliance. Within 60 days of receiving a notice from the Secretary requiring such a certification, the employer's chief executive officer or similar official with responsibility for, and authority to bind the company on, all hiring and immigration compliance notices shall certify under penalty of perjury that the employer is in conformance with the requirements of subsections (c)(1) through (c)(4), pertaining to document verification requirements, and with subsection (d), pertaining to the EEVS (once that system is implemented according to the requirements of (d)(1)), and with any additional requirements that the Secretary may promulgate by regulation pursuant to subsections (c), (d), and (k), or that the employer has instituted a program to come into compliance with these requirements. At the request of the employer, the Secretary may extend the 60-day deadline for good cause. The Secretary is authorized to publish in the Federal Register standards or methods for such certification, require specific recordkeeping practices with respect to such certifications, and audit the records thereof at any time. This authority shall not be construed to diminish or qualify any other penalty provided by this section.

“(6) JUDICIAL REVIEW.—

“(A) Notwithstanding any other provision of law (statutory or nonstatutory) including sections 1361 and 1651 of title 28, no court shall have jurisdiction to consider a final determination or penalty claim issued under subparagraph (3)(C), except as specifically provided by this paragraph. Judicial review of a final determination under paragraph (e)(4) is governed only by chapter 158 of title 28, except as specifically provided below. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The Secretary is authorized to require that petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

(B) REQUIREMENTS FOR REVIEW OF A FINAL DETERMINATION.—With respect to judicial review of a final determination or penalty claim issued under subparagraph (3)(C), the following requirements apply:

(i) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the final determination or penalty claim issued under subparagraph (3)(C).

(ii) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit wherein the employer resided when the final determination or penalty claim was issued. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

(iii) SERVICE.—The respondent is either the Secretary of Homeland Security or the Commissioner of Social Security, but not both, depending upon who issued (or affirmed) the final nonconfirmation notice. In addition to serving the respondent, the petitioner must also serve the Attorney General.

(iv) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

(v) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall decide the petition only on the administrative record on which the final determination is based. The burden shall be on the petitioner to show that the final determination was arbitrary, capricious, not supported by substantial evidence, or otherwise not in accordance with law. Administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.

“(C) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final determination under subparagraph (3)(C) only if—

(1) the petitioner has exhausted all administrative remedies available to the petitioner as of right, and

(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

“(D) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions in this section, other than with respect to the application of such provisions to an individual petitioner.

“(7) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (6), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(8) LIENS.—

“(A) CREATION OF LIEN.—If any employer liable for a fee or penalty under this section neglects or refuses to pay such liability and fails to file a petition for review (if applicable) as provided in paragraph 6 of this subsection, such liability is a lien in favor of the United States on all property and rights to property of such person as if the liability of such person were a liability for a tax assessed under the Internal Revenue Code of 1986. If a petition for review is filed as provided in paragraph 6 of this subsection, the lien (if any) shall arise upon the entry of a final judgment by the court. The lien continues for 20 years or until the liability is satisfied, remitted, set aside, or is terminated.

“(B) EFFECT OF FILING NOTICE OF LIEN.—Upon filing of a notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f)(1) and (2) of the Internal Revenue Code of 1986, the lien shall be valid against any purchaser, holder of a security interest, mechanic's lien or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid. The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section. The provisions of section 3201(e) of chapter 176 of title 28 shall apply to liens filed as prescribed by this section.

“(C) ENFORCEMENT OF A LIEN.—A lien obtained through this process shall be considered a debt as defined by 28 U.S.C. Sec. 3002 and enforceable pursuant to the Federal Debt Collection Procedures Act.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—Any employer which engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

“(h) GOVERNMENT CONTRACTS.—

“(1) EMPLOYERS.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of up to two years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment. The Administrator of General Services, in consultation with the Secretary and Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) CONTRACTORS AND RECIPIENTS.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of up to two years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years. After consideration of the views of agencies holding contracts, grants or cooperative agreements with the employer, the Secretary may, in lieu of proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years, waive operation of this subsection, limit the duration or scope of the proposed debarment, or may refer to an appropriate lead agency the decision of whether to seek debarment of the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

"(3) Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(4) Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law that requires the use of the EEVS in a fashion that conflicts with Federal policies, procedures or timetables, or that imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

"(k) NO-MATCH NOTICE.—

"(1) For the purpose of this subsection, a no-match notice is written notice from the Social Security Administration (SSA) to an employer reporting earnings on a Form W–2 that employees' names or corresponding social security account numbers fail to match SSA records. The Secretary, in consultation with the Commissioner of the Social Security Administration, is authorized to establish by regulation requirements for verifying the identity and work authorization of employees who are the subject of no-match notices. The Secretary shall establish by regulation a reasonable period during which an employer must allow an employee who is subject to a no-match notice to resolve the no-match notice with no adverse employment consequences to the employee. The Secretary may also establish penalties for noncompliance by regulation.

"(l) CHALLENGES TO VALIDITY.—

"(1) IN GENERAL.—Any right, benefit, or claim not otherwise waived or limited pursuant to this section is available in an action instituted in the United States· District Court for the District of Columbia, but shall be limited to determinations of——

"(A) whether this section, or any regulation issued to implement this section, violates the Constitution of the United States; or

"(B) whether such a regulation issued by or under the authority of the Secretary to implement this section, is contrary to applicable provisions of this section or was issued in violation of title 5, chapter 5, United States Code.

"(2) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph must be filed no later than 90 days after the date the challenged section or regulation described in clause (i) or (ii) of subparagraph (A) is first implemented.

"(3) CLASS ACTIONS.—The court may not certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action under this section.

"(4) RULE OF CONSTRUCTION.—In determining whether the Secretary's interpretation regarding any provision of this section is contrary to law, a court shall accord to such interpretation the maximum deference permissible under the Constitution.

"(5) NO ATTORNEYS' FEES—Notwithstanding any other provision of law, the court shall not award fees or other expenses to any person or entity based upon any action relating to this Title brought pursuant to this section (l)."

SEC. 303. EFFECTIVE DATE.

This title shall become effective on the date of enactment.

SEC. 304. DISCLOSURE OF CERTAIN TAXPAYER INFORMATION TO ASSIST IN IMMIGRATION ENFORCEMENT.

(a) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY—

"(A) IN GENERAL.—From taxpayer identity information or other information which has been disclosed or otherwise made available to the Social Security Administration and upon written request by the Secretary of Homeland Security (in this paragraph referred to as the 'Secretary'), the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security—

"(i) the taxpayer identity information of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains—

"(I) 1 (or any greater number the Secretary shall request) taxpayer identifying number, name, and address of any employee (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names, and addresses of employees (within the meaning of such section), with the same taxpayer identifying number,

"and the taxpayer identity of each such employee, and

"(ii) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051)—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

"(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

"(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security, 'and the taxpayer identity and date of birth of each such employee.

"(B) REIMBURSEMENT.—The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations requested by the Secretary."

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

"(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

"The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)"; and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after 'subparagraph (A)'.

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(c) REPEAL OF REPORTING REQUIREMENTS

(1) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—subsection (c) of section 290 of the immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(2) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104†208; 8 U.S.C. 1360 note) is repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures made after the date of the enactment of this Act.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a)(2), shall be made with respect to calendar year 2007.

(3) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.

(a) FRAUD-RESISTANT, TAMPER-RESISTANT AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—

(A) PRELIMINARY WORK.—Not later than 180 days after the date of enactment of this title, the Commissioner of Social Security shall begin work to administer and issue fraud-resistant, tamper-resistant Social Security cards.

(B) COMPLETION.—Not later than two years after the date of enactment of this title, the Commissioner of Social Security shall only issue fraud-resistant, tamper-resistant and wear-resistant Social Security cards.

(2) AMENDMENT.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended to read—

"(i) The Commissioner of Social Security shall issue a social security card to each individual at the time of the issuance of a social security account number to such individual. The social security card shall be fraud-resistant, tamper-resistant and wear-resistant.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(4) REPORT ON FEASIBILITY OF INCLUDING BIOMETRICS.—Within 180 days of enactment, the Commissioner of Social Security shall provide to Congress a report on the utility, costs and feasibility of including a photograph and other biometric information on the Social Security card.

(b) MULTIPLE CARDS.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is further amended by adding at the end the following:

"(ii) The Commissioner of Social Security shall not issue a replacement Social Security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.".

SEC. 306. INCREASING SECURITY AND INTEGRITY OF IDENTITY DOCUMENTS.

(a) PURPOSE.—The Secretary of Homeland Security, shall establish the State Records Improvement Grant Program (referred to in this section as the "Program"), under which the Secretary may award grants to States for the purpose of advancing the purposes of this Act and of issuing or implementing plans to issue driver's license and identity cards that can be used for purposes of verifying identity under this Title and that comply with the state license requirements in section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(b) States that do not certify their intent to comply with the REAL ID Act and implementing regulations or that do not submit a compliance plan acceptable to the Secretary are not eligible for grants under the Program. Driver's license or identification cards issued by States that do not comply with REAL ID may not be used to verify identity under this Title except under conditions approved by the Secretary.

(c) GRANTS AND CONTRACTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to a State to provide assistance to such State agency to meet the deadlines for the issuance of a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall give priority to States whose REAL ID implementation plan is compatible with the employment verification systems, processes, and implementation schedules set forth in Section 302, as determined by the Secretary. Minimum standards for compatibility will include the ability of the State to promptly verify the document and provide access to the digital photograph displayed on the document.

(4) Where the Secretary of Homeland Security determines that compliance with REAL ID and with the requirements of the employment verification system can best be met by awarding grants or contracts to a State, a group of States, a government agency, or a private entity, the Secretary may utilize Program funds to award such a grant, grants, contract or contracts.

(5) On an expedited basis, the Secretary shall award grants or contracts for the purpose of improving the accuracy and electronic availability of states' records of births, deaths, driver's licenses, and of other records necessary for implementation of EEVS and as otherwise necessary to advance the purposes of this Act.

(d) USE OF FUNDS.—Grants or contracts awarded pursuant to the Program may be used to assist State compliance with the REAL ID requirements, including, but not limited to—

(1) upgrade and maintain technology;

(2) obtain equipment;

(3) hire additional personnel;

(4) cover operational costs, including overtime; and

(5) such other resources as are available to assist that agency.

(e) APPLICATION.—

(1) IN GENERAL.—Each eligible state seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(f) CONDITIONS.—All grants under the Program shall be conditioned on the recipient providing REAL ID compliance certification and implementation plans acceptable to the Secretary which include—

(1) adopting appropriate security measures to protect against improper issuance of driver's licenses and identity cards, tampering with electronic issuance systems, and identity theft as the Secretary may prescribe;

(2) ensuring introduction and maintenance of such security features and other measures necessary to make the documents issued by recipient resistant to tampering, counterfeiting, and fraudulent use as the Secretary may prescribe; and

(3) ensuring implementation and maintenance of such safeguards for the security of the information contained on these documents as the Secretary may prescribe.

All grants shall also be conditioned on the recipient agreeing to adhere to the timetables and procedures for issuing REAL ID driver's licenses and identification cards as specified in section 274A(c)(1)(F). All grants shall further be conditioned on the recipient agreeing to implement the requirements of this Act and any implementing regulations to the satisfaction of the Secretary of Homeland Security.

(g) AUTHORIZATION OF APPROPRIATIONS.—IN GENERAL.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(h) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

(i) ADDITIONAL USES.—Amounts authorized under this section may also be used to assist in sharing of law enforcement information between States and the Department of Homeland Security for purposes of implementing Section 602(c), at the discretion of the Secretary.

SEC. 307. VOLUNTARY ADVANCED VERIFICATION PROGRAM TO COMBAT IDENTITY THEFT.

(a) VOLUNTARY ADVANCED VERIFICATION PROGRAM.—The Secretary shall establish and make available a voluntary program allowing employers to submit and verify an employee's fingerprints for purposes of determining the identity and work authorization of the employee.

(1) IMPLEMENTATION DATE.—No later than 18 months after the date of enactment of this Act, the Secretary shall implement the voluntary advanced verification program and make it available to employers willing to volunteer in the program.

(2) VOLUNTARY PARTICIPATION.—The fingerprint verification program is voluntary; employers are not required to participate in it.

(b) LIMITED RETENTION PERIOD FOR FINGERPRINTS.—

(1) The Secretary shall only maintain fingerprint records of a U.S. Citizen that were submitted by an employer through the EEVS for 10 business days, upon which such records shall be purged from any EEVS-related system unless the fingerprints have been ordered to be retained for purposes of a fraud or similar investigation by a government agency with criminal or other investigative authority.

(2) Exception: For purposes of preventing identity theft or other harm, a U.S. Citizen employee may request in writing that his fingerprint records be retained for employee verification purposes by the Secretary. In such instances of written consent, the Secretary may retain such fingerprint records until notified in writing by the U.S. Citizen of his withdrawal of consent, at which time the Secretary must purge such fingerprint records within 10 business days unless the fingerprints have been ordered to be retained for purposes of a fraud or similar investigation by a government agency with an independent criminal or other investigative authority.

(d) LIMITED USE OF FINGERPRINTS SUBMITTED FOR PROGRAM.—The Secretary and the employer may use any fingerprints taken from the employee and transmitted for querying the EEVS solely for the purposes of verifying identity and employment eligibility during the employee verification process. Such transmitted fingerprints may not be used for any other purpose. This provision does not alter any other provisions regarding the use of non-fingerprint information in the EEVS.

(e) SAFEGUARDING OF FINGERPRINT INFORMATION.—The Secretary, subject to specifications and limitations set forth under this section and other relevant provisions of this Act, shall be responsible for safely and securely maintaining and storing all fingerprints submitted under this program.

SEC. 308. RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.

Section 205(c)(12) of the Social Security Act, 42 U.S.C. 405(c)(2), is amended by adding at the end the following new subparagraphs:

“(I) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

“(i) As part of the verification system, the Commissioner of Social Security shall, subject to the provisions of section 274A(d) of the Immigration and Nationality Act, establish a reliable, secure method that, operating through the EEVS and within the time periods specified in section 274A(d) of the Immigration and Nationality Act:

“(I) compares the name, social security account number and available citizenship information provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and employment eligibility must be confirmed;

“(II) the correspondence of the name, number, and any other identifying information;

“(III) whether the name and number belong to an individual who is deceased;

“(IV) whether an individual is a national of the United States (when available); and

“(V) whether the individual has presented a social security account number that is not valid for employment.

The EEVS shall not disclose or release social security information to employers through the confirmation system (other than such confirmation or nonconfirmation).

“(ii) SOCIAL SECURITY ADMINISTRATION DATABASE IMPROVEMENTS.—For purposes of preventing identity theft, protecting employees, and reducing burden on employers, and notwithstanding section 6103 of title 26, United States Code, the Commissioner of Social Security, in consultation with the Secretary, shall review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders likely to contribute to fraudulent use of documents, or identity theft, or to affect the proper functioning of the EEVS and shall correct any identified errors. The Commissioner shall ensure that a system for identifying and correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

“(iii) NOTIFICATION TO ‘FREEZE’ USE OF SOCIAL SECURITY NUMBER.—The Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall establish a secure process whereby an individual can request that the Commissioner preclude any confirmation under the EEVS based on that individual's Social Security number until it is reactivated by that individual.”.

SEC. 309. IMMIGRATION ENFORCEMENT SUPPORT BY THE INTERNAL REVENUE SERVICE AND THE SOCIAL SECURITY ADMINISTRATION.

(a) Tightening Requirements for the Provision of Social Security Numbers on Form W-2 Wage and Tax Statements—Section 6724 of the Internal Revenue Code of 1986 (relating to waiver; definitions and special rules) is amended by adding at the end the following new subsection:

“(f) Special rules with respect to social security numbers on withholding exemption certificates.

“(1) Reasonable cause waiver not to apply. Subsection (a) shall not apply with respect to the social security account number of an employee furnished under section 6051(a)(2).

“(2) EXCEPTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), [paragraph (1)] shall not apply in any case in which the employer—

“(i) receives confirmation that the discrepancy described in section 205(c)(2)(I) of the Social Security Act has been resolved, or

“(ii) corrects a clerical error made by the employer with respect to the social security account number of an employee within 60 days after notification under section 205(c)(2)(1) of the Social Security Act that the social security account number contained in wage records provided to the Social Security Administration by the employer with respect to the employee does not match the social security account number of the employee contained in relevant records otherwise maintained by the Social Security Administration.

“(B) Exception not applicable to frequent offenders. Subparagraph (A) shall not apply—

“(i) in any case in which not less than 50 of the statements required to be made by an employer pursuant to section 6051 either fail to include an employee's social security account number or include an incorrect social security account number, or

“(ii) with respect to any employer who has received written notification under section 205(c)(2)(1) of the Social Security Act during each of the 3 preceding taxable years that the social security account numbers in the wage records provided to the Social Security Administration by such employer with respect to 10 more employees do not match relevant records otherwise maintained by the Social Security Administration.”.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall establish a unit within the Criminal Investigation office of the Internal Revenue Service to investigate violations of the Internal Revenue Code of 1986 related to the employment of individuals who are not authorized to work in the United States.

(2) SPECIAL AGENTS; SUPPORT STAFF.—The Secretary of the Treasury shall assign to the unit a minimum of 10 full-time special agents and necessary support staff and is authorized to employ up to 200 full time special agents for this unit based on investigative requirements and work load.

(3) REPORTS.—During each of the first 5 calendar years beginning after the establishment of such unit and biennially thereafter, the unit shall transmit to Congress a report that describes its activities and includes the number of investigations and cases referred for prosecution.

(c) INCREASE IN PENALTY ON EMPLOYER FAILING TO FILE CORRECT INFORMATION RETURNS.—Section 6721 of such Code (relating to failure to file correct information returns) is amended as follows—

(1) in subsection (a)(1)—

(A) by striking “$50” and inserting “$200”, and

(B) by striking “$250,000” and inserting “$1,000,000”,

(2) in subsection (b)(1)(A), by striking “$15 in lieu of $50” and inserting “$60 in lieu of $200”,

(3) in subsection (b)(1)(B), by striking “$75,000” and inserting “$300,000”,

(4) in subsection (b)(2)(A), by striking “$30 in lieu of $50” and inserting “$120 in lieu of $200”,

(5) in subsection (b)(2)(B), by striking “$150,000” and inserting “$600,000”,

(6) in subsection (d)(A) in paragraph (1)—

(A) by striking “$100,000” for “$250,000” and inserting “$400,000” for “$1,000,000” in subparagraph (A),

(B) by striking “$25,000” for “$75,000” and inserting “$100,000” for “$300,000” in subparagraph (B), and

(C) by striking “$50,000” for “$150,000” and inserting “$200,000” for “$600,000” in subparagraph (C),

(D) in paragraph (2)(A), by striking “$5,000,000” and inserting “$2,000,000”, and

(E) in the heading, by striking “$5,000,000” and inserting “$2,000,000”,

(7) in subsection (e)(2)—

(A) by striking “$100” and inserting “$400”,

(B) by striking “$25,000” and inserting “$100,000” in subparagraph (C)(i), and

(C) by striking “$100,000” and inserting “$400,000” in subparagraph (C)(ii), and

(8) in subsection (e)(3)(A), by striking “$250,000” and inserting “$1,000,000”.

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to failures occurring after December 31, 2006.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out the provisions of this Act, and the amendments made by this Act, including the following appropriations:

(1) In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500 the number of personnel of the Department of Homeland Security assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the following compliance and monitoring activities:

(A) Verify Employment Identification Numbers of employers participating in the EEVS.

(B) Verify compliance of employers participating in the EEVS with the requirements for participation that are prescribed by the Secretary.

(C) Monitor the EEVS for multiple uses of Social Security Numbers and any immigration identification numbers for evidence that could indicate identity theft or fraud.

(D) Monitor the EEVS to identify discriminatory practices.

(E) Monitor the EEVS to identify employers who are not using the system properly, including employers who fail to make appropriate records with respect to their queries and any notices of confirmation, nonconfirmation, or further action.

(F) Identify instances where employees allege that an employer violated their privacy rights.

(G) Analyze and audit the use of the EEVS and the data obtained through the EEVS to identify fraud trends, including fraud trends across industries, geographical areas, or employer size.

(H) Analyze and audit the use of the EEVS and the data obtained through the EEVS to develop compliance tools as necessary to respond to changing patterns of fraud.

(I) Provide employers with additional training and other information on the proper use of the EEVS.

(J) Perform threshold evaluation of cases for referral to the U.S. Immigration and Customs Enforcement and to liaise with the U.S. Immigration and Customs Enforcement with respect to these referrals.

(K) Any other compliance and monitoring activities that, in the Secretary's judgment, are necessary to ensure the functioning of the EEVS.

(L) Investigate identity theft and fraud detected through the EEVS and undertake the necessary enforcement actions.

(M) Investigate use of fraudulent documents or access to fraudulent documents through local facilitation and undertake the necessary enforcement actions.

(N) Provide support to the U.S. Citizenship and Immigration Services with respect to the evaluation of cases for referral to the U.S. Immigration and Customs Enforcement.

(O) Perform any other investigations that, in the Secretary's judgment, are necessary to ensure the functioning of the EEVS, and undertake any enforcement actions necessary as a result of these investigations.

(2) The appropriations necessary to acquire, install and maintain technological equipment necessary to support the functioning of the EEVS and the connectivity between U.S. Citizenship and Immigration Services and the U.S. Immigration and Customs Enforcement with respect to the sharing of information to support the EEVS and related immigration enforcement actions.

(b) There are authorized to be appropriated to Commissioner of Social Security such sums as may be necessary to carry out the provisions of this Act, including Section 308 of this Act.

TITLE IV—NEW TEMPORARY WORKER PROGRAM

Subtitle A—Seasonal Non-Agricultural and Year-Round Nonimmigrant Temporary Workers

SEC. 401. NONIMMIGRANT TEMPORARY WORKER.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (H)—

(A) by striking subclause (ii)(b);

(B) by striking "or (iii)" and inserting "(iii)"; and

(C) by striking "; and the alien spouse" and inserting "; or (iv) the alien spouse";

(2) by striking "or" at the end of subparagraph (U);

(3) by striking the period at the end of subparagraph (V) and inserting a semi-colon; and

(4) by inserting at the end the following new subparagraphs—

"(W) [Reserved];

"(X) [Reserved]; or

"(Y) subject to section 218A, an alien having a residence in a foreign country which the alien has no intention of abandoning and who is coming temporarily to the United States—

"(i) to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(b)(1), (i)(c), or (iii) of subparagraph (H), subparagraph (D), (E), (I), (L), (O), (P), or (R), or section 214(e) (if United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States);

"(ii) to perform seasonal non-agricultural labor or services; or

"(iii) as the spouse or child of an alien described in clause (i) or (ii) of this subparagraph.".

(b) REFERENCES.—All references in the immigration laws as amended by this Title to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act shall be considered a reference to both that section of the Act and to section 101(a)(15)(Y)(ii) of the Act.

(c) EFFECTIVE DATE.—The effective date of the amendment made by subparagraph (1)(A) of subsection (a) shall be the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(d) SUNSET OF Y-1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y-1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) on the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y-2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, under the H-2A visa program, or any visa program other than the Y-1 visa program.

SEC. 402. ADMISSION OF NONIMMIGRANT WORKERS.

(a) NEW WORKERS.—Chapter 2 of title II of the Act (8 U.S.C. 1181 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218A. ADMISSION OF Y NONIMMIGRANTS.

"(a) APPLICATION PROCEDURES.—

"(1) LABOR CERTIFICATION.—The Secretary of Labor shall prescribe by regulation the procedures for a United States employer to obtain a labor certification of a job opportunity under the terms set forth in section 218B.

"(2) PETITION.—The Secretary of Homeland Security shall prescribe by regulation the procedures for a United States employer to petition to the Secretary of Homeland Security for authorization to employ an alien as a Y nonimmigrant worker and the evidence required to demonstrate eligibility for such authorization under the terms set forth in subsection (c).

"(3) Y NONIMMIGRANT VISA.—The Secretary of State and the Secretary of Homeland Security, as appropriate, shall prescribe by regulation the procedures for an alien to apply for a Y nonimmigrant visa and the evidence required to demonstrate eligibility for such visa under the terms set forth in subsection (e).

"(4) REGULATIONS.—The regulations referenced in paragraphs (1), (2), and (3) shall describe, at a minimum—

"(A) the procedures for collection and verification of biometric data from an alien seeking a Y nonimmigrant visa or admission in Y nonimmigrant status; and

"(B) the procedure and standards for validating an employment arrangement between a United States employer and an alien seeking a visa or admission described in (A).

"(b) APPLICATION FOR CERTIFICATION OF A JOB OPPORTUNITY OFFERED TO Y NONIMMIGRANT WORKERS.—An employer desiring to employ a Y nonimmigrant worker shall, with respect to a specific opening that the employer seeks to fill with such a Y nonimmigrant, submit an application for labor certification of the job opportunity filed in accordance with the procedures established by section 218B.

"(c) PETITION TO EMPLOY Y NONIMMIGRANT WORKERS.—

"(1) IN GENERAL.—An employer that seeks authorization to employ a Y nonimmigrant worker must file a petition with the Secretary of Homeland Security. The petition must be accompanied by—

"(A) evidence that the employer has obtained a certification under section 218B from the Secretary of Labor for the position sought to be filled by a Y nonimmigrant worker and that such certification remains valid;

"(B) evidence that the job offer was and remains valid;

"(C) the name and other biographical information of the alien beneficiary and any accompanying spouse or child; and

"(D) any biometrics from the beneficiary that the Secretary of Homeland Security may require by regulation.

"(2) TIMING OF FILING.—

"(A) IN GENERAL.—A petition under this subsection must be filed with the Secretary of Homeland Security within 180 days of the date of certification under section 218B by the Secretary of Labor of the job opportunity.

"(B) EXPIRATION OF CERTIFICATION.—If a labor certification is not filed in support of a petition under this subsection with the Secretary of Homeland Security within 180 days of the date of certification by the Secretary of Labor, then the certification expires and may not support a Y nonimmigrant petition or be the basis for Y nonimmigrant visa issuance.

"(3) ABILITY TO REQUEST DOCUMENTATION.—The Secretary of Homeland Security may request information to verify the attestations the employer made during the labor certification process, and any other fact relevant to the adjudication of the petition.

"(4) ADJUDICATION OF PETITION.—

"(A) POST-ADJUDICATION ACTION.—After review of the petition, if the Secretary—

"(i) is satisfied that the petition meets all of the requirements of paragraph (1), and any other requirements the Secretary has prescribed in regulations, he may approve the petition and by fax, cable, electronic, or any other means assuring expedited delivery—

"(I) transmit a copy of the notice of action on the petition to the petitioner; and

"(II) in the case of approved petitions, transmit notice of the approval to the Secretary of State;

"(ii) finds that the employer is not eligible or that the petition is otherwise not approvable, the Secretary may—

"(I) deny the petition without seeking additional evidence and inform the petitioner—

"(aa) that the petition was denied and the reason for the denial;

"(bb) of any available process for administrative appeal of the decision; and

"(cc) that the denial is without prejudice to the filing of any subsequent petitions, except as provided in section 218B(e)(4);

"(II) issue a request for documentation of the attestations or any other information or evidence that is material to the petition; or

"(III) audit, investigate or otherwise review the petition in such manner as he may determine and refer evidence of fraud to appropriate law enforcement agencies based on the audit information.

"(B) VALIDITY OF APPROVED PETITION.—An approved petition shall have the same period of validity as the certification described in subsection (c)(1)(A) and expire on the same date that the certification expires, except that the Secretary of Homeland Security may terminate in his discretion an approved petition—

"(i) when he determines that any material fact, including, but not limited to the proffered wage rate, the geographic location of employment, or the duties of the position, has changed in a way that would invalidate the recruitment actions; or

"(ii) when he or the Secretary of Labor makes a finding of fraud or misrepresentation concerning the facts on the petition or any other representation made by the employer before the Secretary of Labor or Secretary of Homeland Security.

"(C) ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall authorize a single level of administrative review with the United States Citizenship and Immigration Services Administrative Appeals Office of a petition denial or termination.

"(d) AUTHORIZATION TO GRANT Y NONIMMIGRANT VISA.—

"(1) IN GENERAL.—A consular officer may grant a single-entry temporary visa to a Y nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b), (i)(b)(1), (i)(c), or (iii) of section 101(a)(15)(H), subparagraph (D), (E), (I), (L), (O), (P), or (R) of section 101(a)(15), or section 214(e) (if United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States).

"(2) APPLICANTS FROM CANADA.—Notwithstanding any waivers of the visa requirement under section 212(a)(7)(B)(i)(II), a national of Canada seeking admission as a Y nonimmigrant will be inadmissible if not in possession of—

"(I) a valid Y nonimmigrant visa; or

"(II) documentation of Y nonimmigrant status, as described in subsection (m).

"(e) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for Y nonimmigrant status if the alien meets the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation described in section 101(a)(15)(Y)(i) or (Y)(ii).

"(2) EVIDENCE OF EMPLOYMENT OFFER.—The alien's evidence of employment shall be provided in accordance with the requirements issued by the Secretary of State, in consultation with the Secretary of Labor. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

"(3) FEES—

"(A) PROCESSING FEES.—An alien making an application for a Y nonimmigrant visa shall be required to pay, in addition to any fees charged by the Department of State for processing and adjudicating such visa application, a processing fee in an amount sufficient to recover the full cost to the Secretary of Homeland Security of administrative and other expenses associated with processing the alien's participation in the Y nonimmigrant program, including the costs of production of documentation of evidence under subsection (m).

"(B) STATE IMPACT FEE.—Aliens making an application for a Y-1 nonimmigrant visa shall pay a state impact fee of $500 and an additional $250 for each dependent accompanying or following to join the alien, not to exceed $1,500 per family.

"(C) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286 (m) and (n).

"(D) DEPOSIT AND DISPOSITION OF STATE IMPACT ASSISTANCE FUNDS.—The funds described in subparagraph (B) shall be deposited and remain available as provided by section 286(x).

"(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for collection of machine-readable visa fees or reciprocal fees for the issuance of the visa.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The alien shall submit to the Secretary of State a completed application, which contains evidence that the requirements under paragraphs (1) and (2) have been met.

"(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Y nonimmigrant status, the Secretary of State shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history, including all arrests and dispositions, and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(6) MUST NOT BE INELIGIBLE.—The alien must not fall within a class of aliens ineligible for Y nonimmigrant status listed under subsection (h).

"(7) MUST NOT BE INADMISSIBLE.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (f).

"(8) SPOUSE OR CHILD OF Y NONIMMIGRANT.—An alien seeking admission as a derivative Y-3 nonimmigrant must demonstrate, in addition to satisfaction of the requirements of paragraphs (2) through (6)—

"(A) that the annual wage of the principal Y nonimmigrant paid by the principal nonimmigrant's U.S. employer, combined with the annual wage of the principal Y nonimmigrant's spouse where the Y-3 nonimmigrant is a child and the Y nonimmigrant's spouse is a member of the principal Y nonimmigrant's household, is equal to or greater than 150 percent of the U.S. poverty level for a household size equal in size to that of the principal alien (including all dependents, family members supported by the principal alien, and the spouse or child seeking to accompany or join the principal alien), as determined by the Secretary of Health and Human Services for the fiscal year in which the spouse or child's application for a nonimmigrant visa is filed; and

"(B) that the alien's cost of medical care is covered by medical insurance, valid in the United States, carried by the principal Y nonimmigrant alien, the principal Y nonimmigrant's spouse (where the Y-3 nonimmigrant is a child), or the principal Y nonimmigrant alien's employer.

"(f) GROUNDS OF INADMISSIBILITY.—

"(1) WAIVED GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility as a Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2).

"(2) WAIVER.—The Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in paragraph (2) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a).

"(g) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking Y nonimmigrant visa or status unless all appropriate background checks have been completed to the satisfaction of the Secretaries of State and Homeland Security.

"(h) GROUNDS OF INELIGIBILITY.—

"(1) IN GENERAL.—An alien is ineligible for a Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the Comprehensive Immigration Reform Act of 2007.

"(2) INELIGIBILITY OF DERIVATIVE Y-3 NONIMMIGRANTS.—An alien is ineligible for Y-3 nonimmigrant status if the principal Y nonimmigrant is ineligible under paragraph (1).

"(3) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

"(i) PERIOD OF AUTHORIZED ADMISSION.—

"(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

"(A) Y-1 NONIMMIGRANTS.—Except as provided in (2), aliens granted admission as Y-1 nonimmigrants shall be granted an authorized period of admission of two years. Subject to paragraph (4), such two-year period of admission may be extended for two additional two-year periods.

"(B) Y-2B NONIMMIGRANTS.—Aliens granted admission as Y-2B nonimmigrants shall be granted an authorized period of admission of 10 months.

"(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two two-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in Y nonimmigrant status. The period of authorized admission of a Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

"(3) SUPPLEMENTARY PERIODS.—Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

"(4) EXTENSIONS OF THE PERIOD OF ADMISSION.—

"(A) IN GENERAL.—The periods of authorized admission described in paragraph (1) may not, except as provided in subparagraph (C)(2) of paragraph (1), be extended beyond the maximum period of admission set forth in that paragraph.

"(B) EXTENSION OF Y-1 NONIMMIGRANT STATUS.—A Y-1 nonimmigrant described in paragraph (1)(A) who has spent 24 months in the United States in Y-1 nonimmigrant status may not seek extension or be readmitted to the United States as a Y-1 nonimmigrant unless the alien has resided and been physically present outside the United States for the immediate prior 12 months.

"(5) LIMITATION ON ADMISSION.—

"(A) Y-1 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-1 nonimmigrant status for a period of two years under paragraph (1)(B), or as the Y-3 nonimmigrant spouse or child of such a Y-1 nonimmigrant, may not be readmitted to the United States as a Y-1 or Y-3 nonimmigrant after expiration of such period of authorized admission, regardless of whether the alien was employed or present in the United States for all or a part of such period.

"(B) Y-2B NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2B nonimmigrant status may not, after expiration of the alien's period of authorized admission, be readmitted to the United States as a Y nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only a part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding two months.

"(C) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent a Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the Y nonimmigrant's most recent employer, from reentering the United States as a Y nonimmigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

"(6) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and place of abode outside the United States and commutes, on days the alien is working, into the United States to work as a Y-1 nonimmigrant, shall be granted an authorized period of admission of three years. The limitations described in paragraphs (3) and (4) shall not apply to commuters described in this paragraph.

"(j) TERMINATION.—

"(1) IN GENERAL.—The period of authorized admission of a Y nonimmigrant shall terminate immediately if:

"(A) the Secretary of Homeland Security determines that the alien was not eligible for such Y nonimmigrant status at the time of visa application or admission;

"(B)(i) the alien commits an act that makes the alien removable from the United States under section 237;

"(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (f)); or

"(iii) the alien becomes ineligible under subsection (h);

"(C) the alien uses the documentation of his or her Y nonimmigrant status issued under subsection (m) for unlawful or fraudulent purposes;

"(D) subject to paragraph (2), the alien is unemployed within the United States for—

"(i) 60 or more consecutive days;

"(ii) in the case of a Y-1 nonimmigrant, an aggregate period of 120 days, provided that the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination; or

"(iii) in the case of a Y-2B nonimmigrant, an aggregate period of 30 days, provided that the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination; or;

"(E) the alien is a Y-3 nonimmigrant whose spouse or parent in Y-1 nonimmigrant status is an alien described in subparagraphs (A), (B), (C), or (D).

"(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under subparagraph (1)(D) if the alien submits documentation to the Secretary of Homeland Security that establishes that such unemployment was caused by—

"(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

"(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

"(C) any other period of temporary unemployment that is the direct result of a force majeure event.

"(3) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under paragraph (1) shall be required to leave the United States immediately and register such departure at a designated port of departure in a manner to be prescribed by the Secretary.

"(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (m) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

"(k) VISITS OUTSIDE THE UNITED STATES.—

"(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a Y nonimmigrant—

"(i) may travel outside of the United States; and

"(ii) may be readmitted for a period not more than the remaining time left until the alien accrues the maximum period of admission set forth in subsection (i), and without having to obtain a new visa if:

"(A) the period of authorized admission has not expired or been terminated;

"(B) the alien is the bearer of valid documentary evidence of Y nonimmigrant status that satisfies the conditions set forth in subsection (m); and

"(C) the alien is not subject to the bars on extension or admission described in subsection (l).

"(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the most recent period of authorized admission in the United States.

"(l) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted Y nonimmigrant status if—

"(1) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

"(2) the alien is inadmissible as a nonimmigrant, except for those grounds previously waived under subsection (f); or

"(3) the granting of such status would allow the alien to exceed limitations on stay in the United States in Y status described in subsection (i).

"(m) EVIDENCE OF NONIMMIGRANT STATUS.—Each Y nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

"(2) shall, during the alien's authorized period of admission under subsection (i), serve as a valid entry document for the purpose of applying for admission to the United States—

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; and

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(3) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(4) shall be issued to the Y nonimmigrant by the Secretary of Homeland Security promptly after such alien's admission to the United States as a Y nonimmigrant and reporting to the employer's worksite under subsection (q) or, at the discretion of the Secretary of Homeland Security, may be issued by the Secretary of State at a consulate instead of a visa.

"(n) Permanent Bars for Overstays.—

"(1) In general.—Any Y nonimmigrant who remains beyond his or her initial authorized period of admission is permanently barred from any future benefits under the immigration laws, except—

"(A) asylum under section 208(a);

"(B) withholding of removal under section 241(b)(3); or

"(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(2) Exception.—Overstay of the authorized period of admission may be excused in the discretion of the Secretary where it is demonstrated that:

"(A) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

"(B) the alien has not otherwise violated his Y nonimmigrant status.

"(o) Penalty for Illegal Entry or Overstay—

"(1) Illegal entry.—Any alien who after the date of the enactment of this section, unlawfully enters, attempts to enter, or crosses the border, and is physically present in the United States after such date in violation of the immigration laws, is barred permanently from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

"(2) Overstay.—Any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is barred for a period of ten years from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

"(3) Relief.—Notwithstanding the bar in paragraph (1) or (2), an alien may apply for—

"(A) asylum under section 208(a);

"(B) withholding of removal under section 241(b)(3); or

"(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(4) Exception.—Overstay of the authorized period of admission may be excused in the discretion of the Secretary where it is demonstrated that:

"(A) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

"(B) the alien has not otherwise violated his nonimmigrant status.

"(p) Portability.—A Y nonimmigrant worker, who was previously issued a visa or otherwise provided Y nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

"(1) the position being offered the Y nonimmigrant has been certified by the Secretary of Labor under section 218B and the employer complies with all requirements of this section and section 218B;

"(2) the alien, after lawful admission to the United States, did not work without authorization; and

"(3) the subsequent employer has notified the Secretary of Homeland Security under subsection (q) of the Y nonimmigrant's change of employment.

"(q) Reporting of Start and Termination of Employment.—

"(1) Start of Y worker employment.—A Y nonimmigrant shall report in the manner prescribed by the Secretary of Homeland Security to the employer whose job offer was the basis for issuance of the alien's Y nonimmigrant visa within 7 days of admission into the United States.

"(2) Employer notification requirement.—An employer shall within three days make notification in the manner prescribed by the Secretary of Homeland Security, of the following events:

"(A) a Y nonimmigrant worker has reported for work pursuant to paragraph (1) after admission in Y nonimmigrant status;

"(B) a Y nonimmigrant worker has changed jobs under subsection (r) and started employment with the employer;

"(C) the employment of a Y nonimmigrant worker has terminated; or

"(D) a Y nonimmigrant worker on whose behalf the employer has filed a petition under this subsection that has been approved by the Secretary of Homeland Security has failed to report for work within three days of the employment start date agreed upon between the employer and the Y nonimmigrant.

"(3) Verification.—An employer shall provide upon request of the Secretary of Homeland Security verification that an alien who has been granted admission as a Y nonimmigrant worker was or continues to be employed by the employer.

"(4) Fine.—Any employer that fails to comply with the notification requirements of this subsection shall pay to the Secretary of Homeland Security a fine, in an amount and under procedures established by the Secretary in regulation.

"(r) No Threatening of Employees.—It shall be a violation of this section for an employer who has filed a petition under this section to threaten the alien beneficiary of such petition with the withdrawal of such a petition in retaliation for the beneficiary's exercise of a right protected by section 218B.

"(s) Change of Status—

"(1) In general—

"(A) A Y nonimmigrant may apply to change status to another nonimmigrant status, subject to section 248 and if otherwise eligible.

"(B) No alien admitted to the United States under the immigration laws in a classification other than Y nonimmigrant status may change status to Y nonimmigrant status.

"(C) An alien in Y nonimmigrant status may not change status to any other Y nonimmigrant status.

"(2) Construction.—Nothing in this subsection shall be construed to prevent an alien who is precluded from changing status to a particular Y nonimmigrant classification under subparagraphs (1)(B), (C), or (D) from leaving the United States and applying at a U.S. consulate for the desired nonimmigrant visa, subject to all applicable eligibility requirements, in the appropriate Y classification.

"(t) Visitation of Y Nonimmigrant by Spouse or Child Without a Y-3 Nonimmigrant Visa.—Nothing in this section shall be construed to prohibit the spouse or child of a Y nonimmigrant worker to be admitted to the United States under any other existing legal basis for which the spouse or child may qualify.

"(u) Change of Address.—A Y nonimmigrant shall comply with the change of address reporting requirements under section 265 through electronic or paper notification.".

(b) Conforming Amendment Regarding Creation of Treasury Accounts.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by inserting at the end the following new subsections—

"(w) Temporary Worker Program Account.—

"(1) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Temporary Worker Program Account'. Notwithstanding any other section of this Act, there shall be deposited into the account all fines and civil penalties collected under sections 218A, 218B, or 218F and Title VI of [name of Act], except as specifically provided otherwise in such sections.

"(2) Use of funds.—Amounts deposited into the Temporary Worker Program Account shall remain available until expended as follows:

"(A) for the administration of the Standing Commission on Immigration and Labor Markets, established under section 409 of the Comprehensive Immigration Reform Act of 2007; and

"(B) after amounts needed by the Standing Commission on Immigration and Labor Markets have been expended, for the Secretaries of Labor and Homeland Security, as follows:

"(i) one-third to the Secretary of Labor to carry out the Secretary of Labor's functions and responsibilities, including enforcement of labor standards under sections 218A, 218B, and 218F, and under applicable labor laws including the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). Such activities shall include random audits of employers that participate in the Y visa program; and

"(ii) two-thirds to the Secretary of Homeland Security to improve immigration services and enforcement.

"(x) State Impact Assistance Account.—

"(1) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistant Account'.

"(2) Source of funds.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State Impact Assistance fees collected under sections 218A(e)(3)(B) and section 601(e)(6)(C) of the Comprehensive Immigration Reform Act of 2007.

"(3) Use of funds.—Amounts deposited into the State Impact Assistance Account may only be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

"(4) State Impact Assistance Grant Program.—

"(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this subsection as the 'Program'), under which the Secretary may award grants to States to provide health and education services to noncitizens in accordance with this paragraph.

"(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

"(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

"(I) $5,000,000; or

"(II) after adjusting for allocations under subclause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

"(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to—

"(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

"(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

"(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

"(C) FUNDING FOR LOCAL GOVERNMENT.—

"(i) DISTRIBUTION CRITERIA.—Grant funds received by States under this paragraph shall be distributed to units of local government based on need and function.

"(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

"(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

"(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

"(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

"(i) health care providers;

"(ii) local educational agencies; and

"(iii) charitable and religious organizations.

"(E) STATE DEFINED.—In this paragraph, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State's proposed uses of the fund are consistent with (D).

"(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.".

"(c) CLERICAL AMENDMENT.—The table of contents Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

'Sec. 218A. Admission of Y nonimmigrants."

SEC. 403. GENERALLY NONIMMIGRANT EMPLOYER OBLIGATIONS.

"(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A of the Immigration and Nationality Act, as added by section 402, the following:

"SEC. 218B. GENERAL Y NONIMMIGRANT EMPLOYER OBLIGATIONS.

"(a) GENERAL REQUIREMENTS.—Each employer who seeks to employ a Y nonimmigrant shall—

"(1) file in accordance with subsection (b) an application for labor certification of the position that the employer seeks to fill with a Y nonimmigrant that contains—

"(A) the attestation described in subsection (c);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers;

"(2) include with the application filed under paragraph (1) a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question; and

"(3) be required to pay, with respect to an application to employ a Y-1 worker—

"(A) an application processing fee for each alien, in an amount sufficient to recover the full cost to the Secretary of Labor of administrative and other expenses associated with adjudicating the application; and

"(B) a secondary fee, to be deposited in the Treasury in accordance with section 286(x), of—

"(i) $500, in the case of an employer employing 25 employees or less;

"(ii) $750, in the case of an employer employing between 26 and 150 employees;

"(iii) $1,000, in the case of an employer employing between 151 and 500 employees; or

"(iv) $1,250, in the case of an employer employing more than 500 employees;

"provided that an employer who provides a Y nonimmigrant health insurance coverage shall not be required to pay the impact fee.

"(b) REQUIRED PROCEDURE.—Each employer of Y nonimmigrants shall comply with the following requirements:

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—The employer involved shall recruit United States workers for the position for which labor certification is sought under this section, by—

"(A) Not later than 90 days before the date on which an application is filed under subsection (a)(1) submitting a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the designated state agency and—

"(i) authorizing the designated state agency to post the job opportunity on the Internet website established under section 414 of [Title of bill], with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved; and

"(ii) authorizing the designated state agency to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity;

"(B) posting the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see for a period of time beginning not later than 90 days before the date on which an application is filed under subsection (a)(1) and ending no earlier than 14 days before such filing date;

"(C) advertising the availability of the job opportunity for which the employer is seeking a worker in one of the three highest circulation publications in the labor market that is likely to be patronized by a potential worker for not fewer than 10 consecutive days during the period of time beginning not later than 90 days before the date on which an application is filed under subsection (a)(1) and ending no earlier than 14 days before such filing date; and

"(D) advertising the availability of the job opportunity in professional, trade, or ethnic publications that are likely to be patronized by a potential worker, as recommended by the designated state agency. The employer shall not be required to advertise in more than three such recommended publications.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ a Y nonimmigrant shall first offer the job with, at a minimum, the same wages, benefits, and working conditions, to any eligible United States worker who applies, is qualified for the job and is available at the time of need.

"(3) DEFINITION.—For purposes of this subsection, 'designated state agency' shall mean the state agency designated to perform the functions in this subsection in the area of employment in the State in which the employer is located.

"(c) APPLICATION.—An application under this section for labor certification of a position that an employer seeks to fill with a Y nonimmigrant shall be filed with the Secretary of Labor and shall include an attestation by the employer of the following:

"(1) with respect to an application for labor certification of a position that an employer seeks to fill with a Y-1 or Y-2B nonimmigrant—

"(A) PROTECTION OF UNITED STATES WORKERS.—The employment of a Y nonimmigrant—

"(i) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

"(ii) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180 day period beginning 90 days before the date on which the petition is filed.

"(B) WAGES.—

"(i) IN GENERAL.—The Y nonimmigrant worker will be paid not less than the greater of—

"(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(II) the prevailing competitive wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(ii) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(iii) PREVAILING COMPETITIVE WAGE LEVEL.—For purposes of subclause (i)(II), the prevailing competitive wage level shall be determined as follows:

"(I) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing competitive wage shall be the wage rate set forth in the collective bargaining agreement.

"(II) If the job opportunity is not covered by such an agreement and it is on a project that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing competitive wage level shall be the appropriate statutory wage.

"(III)(aa) If the job opportunity is not covered by such an agreement and it is not on a project covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing competitive wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing competitive wage level on data from another wage survey approved by the state workforce agency under regulations promulgated by the Secretary of Labor.

"(bb) Such regulations shall require, among other things, that such surveys are statistically valid and recently conducted.

"(D) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the Y nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the application, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(E) PROVISION OF INSURANCE.—If the position for which the Y nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the Y nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(F) NOTICE TO EMPLOYEES.—

"(i) IN GENERAL.—The employer has provided notice of the filing of the application to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the Y nonimmigrant is sought.

"(ii) NO BARGAINING REPRESENTATIVE.—IF THERE IS NO SUCH BARGAINING REPRESENTATIVE, THE EMPLOYER HAS—

"(I) posted a notice of the filing of the application in a conspicuous location at the place or places of employment for which the Y nonimmigrant is sought; or

"(II) electronically disseminated such a notice to the employer's employees in the occupational classification for which the Y nonimmigrant is sought.

"(G) RECRUITMENT.—That—

"(i) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services described in the application; and

"(ii) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

"(I) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the application was filed with the Department of Labor and ending on the date that is 14 days before such filing date; and

"(II) the wages that the employer would be required by law to provide for the Y nonimmigrant were used in conducting recruitment.

"(H) INELIGIBILITY.—The employer is not currently ineligible from using the Y nonimmigrant program described in this section.

"(I) BONA FIDE OFFER OF EMPLOYMENT.—The job for which the Y nonimmigrant is sought is a bona fide job—

"(i) for which the employer needs labor or services;

"(ii) which has been and is clearly open to any United States worker; and

"(iii) for which the employer will be able to place the Y nonimmigrant on the payroll.

"(J) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each application filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

"(i) be provided to every Y nonimmigrant employed under the petition;

"(ii) be made available for public examination at the employer's place of business or work site;

"(iii) be made available to the Secretary of Labor during any audit; and

"(iv) remain available for examination for 5 years after the date on which the application is filed.

"(K) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of a Y nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with section 218A(q)(2).

"(L) Actual need for Labor or Services.—The application was filed not more than 60 days before the date on which the employer needed labor or services for which the Y nonimmigrant is sought.

"(d) AUDIT OF ATTESTATIONS.—

"(1) REFERRALS BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall refer all petitions approved under section 218A to the Secretary of Labor for potential audit.

"(2) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

"(e) INELIGIBLE EMPLOYERS.—

"(1) IN GENERAL.—In addition to any other applicable penalties under law, the Secretary of Labor and the Secretary of Homeland Security shall not, for the period described in paragraph (2), approve an employer's petition or application for a labor certification under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

"(A) has, with respect to the application required under subsection (a), including attestations required under subsection (b)—

"(i) misrepresented a material fact;

"(ii) made a fraudulent statement; or

"(iii) failed to comply with the terms of such attestations; or

"(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor;

"(C) has been convicted of any of the offenses codified in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law;

"(D) has, within three years prior to the date of application:

"(i) committed any hazardous occupation orders violation resulting in injury or death under the child labor provisions contained in section 12 of the Fair Labor Standards Act and any regulation thereunder;

"(ii) been assessed a civil money penalty for any repeated or willful violation of the minimum wage provisions of section 6 of the Fair Labor Standards Act; or

"(iii) been assessed a civil money penalty for any repeated or willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act or any regulations thereunder, other than a repeated violation that is self-reported; or

"(E) has, within three years prior to the date of application, received a citation for:

"(i) a willful violation; or

"(ii) repeated serious violations involving injury or death of section 5 of the Occupational Safety and Health Act, or any standard, rule, or order promulgated pursuant to section 6 of the Occupational Safety and Health Act, or any regulations prescribed pursuant to that. This subsection shall also apply to equivalent violations of a plan approved under section 18 of the Occupational Safety and Health Act.

"(2) LENGTH OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years. However, an employer who has been convicted of any of the offenses codified in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law shall be permanently ineligible to participate in the labor certification programs.

"(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS.—The Secretary of Labor may not approve any employer's application under subsection (b) if the work to be performed by the Y nonimmigrant is not agriculture based and is located in a county where the unemployment rate during the most recently completed year is more than .7 percent. An employer in a high unemployment area may petition the Secretary for a waiver of this provision. The Secretary shall promulgate regulations for the expeditious review of such waivers, which shall specify that the employer must satisfy the requirements of section (b) above and in addition must provide documentation of its recruitment efforts, including proof that it has advertised the position in one of the three publications that have the highest circulation in the labor market that is likely to be patronized by a potential worker for not fewer than 20 consecutive days under the rules and conditions set forth in section (b). An employer who has provided proof of advertising in accordance with this section shall be deemed to be in compliance with the requirements of subsection (b)(1)(D) of this section. The Secretary shall provide for a process to promptly respond to all waiver requests, and shall maintain on the Department of Labor's website an annual list of counties to which this subsection applies.

"(4) INELIGIBILITY FOR PETITIONS.—The Secretary of Labor shall inform the Secretary of Homeland Security of a determination under paragraph (1) with respect to a specific employer. The Secretary of Homeland Security shall not, for the period described in paragraph (2), approve the petitions or applications of any such employer for any immigrant or nonimmigrant program, regardless of whether such application or petition requires a labor certification.

"(f) PROHIBITION OF INDEPENDENT CONTRACTORS.—

"(1) COVERAGE.—Notwithstanding any other provision of law—

"(A) a Y nonimmigrant is prohibited from being treated as an independent contractor under any federal or state law;

"(B) no person, including an employer or labor contractor and any persons who are affiliated with or contract with an employer or labor contractor, may treat a Y nonimmigrant as an independent contractor; and

"(C) this provision shall not be construed to prevent employers who operate as independent contractors from employing Y nonimmigrants as employees.

"(2) APPLICABILITY OF LAWS.—A Y nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(3) TAX RESPONSIBILITIES—With respect to each employed Y nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(g) WHISTLEBLOWER PROTECTION.—

"(1) PROHIBITED ACTIVITIES.—It shall be unlawful for an employer or a labor contractor of a Y nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act or [title of bill]; or

"(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act or [title of bill].

"(2) RULEMAKING.—The Secretary of Labor shall promulgate regulations that establish a process by which a nonimmigrant alien described in section 101(a)(15)(Y) or 101(a)(15)(H) who files a nonfrivolous complaint (as defined by the Federal Rules of Civil Procedure) regarding a violation of this Act, [title of bill] or any other Federal labor or employment law, or any other rule or regulation pertaining to such laws and is otherwise eligible to remain and work in the United States prior to the expiration of the maximum period of stay authorized for that nonimmigrant classification for a period of 120 consecutive days or such additional time period as the Secretary shall determine through rulemaking is necessary to collect information or take evidence from the nonimmigrant alien regarding a complaint or agency investigation. This period shall be allowed to exceed the maximum period of stay authorized for that nonimmigrant classification if the Secretary of Labor has designated the nonimmigrant alien as a necessary witness.

"(h) LABOR RECRUITERS.—With respect to the employment of Y nonimmigrant workers—

"(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

"(A) the place of employment;

"(B) the compensation for the employment;

"(C) a description of employment activities;

"(D) the period of employment;

"(E) any other employee benefit to be provided and any costs to be charged for each benefit;

"(F) any travel or transportation expenses to be assessed;

"(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

"(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

"(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

"(i) work related injuries and death during the period of employment;

"(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

"(iii) the name and the telephone number of each person who must be notified of an injury or death; and

"(iv) the time period within which such notice must be given;

"(J) any education or training to be provided or required, including—

"(i) the nature and cost of such training;

"(ii) the entity that will pay such costs; and

"(iii) whether the training is a condition of employment, continued employment, or future employment; and

"(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act and of the Trafficking Victims Protection Act of 2000, P.L. 106-486, for workers recruited abroad.

"(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

"(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary and reasonable, which may be used in providing workers with information required under this section.

"(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

"(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement related to the requirements of this section made by that contractor or employer regarding employment under this program.

"(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation, such transportation costs shall be reasonable.

"(7) OTHER WORKER PROTECTIONS.—

"(A) NOTIFICATION.—Not less frequently than once every year, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

"(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

"(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

"(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

"(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

"(II) an expeditious means to update registrations and renew certificates; and

"(III) any other requirements that the Secretary may prescribe.

"(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

"(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

"(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

"(aa) is a person who has been refused issuance or renewal of a certificate;

"(bb) has had a certificate suspended or revoked; or

"(cc) does not qualify for a certificate under this paragraph; or

"(III) the applicant for or holder of the certification has failed to comply with this Act.

"(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor who is an agent of an employer violates any provision of this subsection when acting within the scope of its agency, the employer shall be subject to remedies under subsections (j) and (k). An employer shall not be subject to remedies for violations committed by a foreign labor contractor when such contractor is acting in direct contravention of an express, written contractual provision contained in the agreement between the employer and the foreign labor contractor. An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (j) and (k).

"(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

"(E) WRITTEN AGREEMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

"(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

"(i) WAIVER OF RIGHTS PROHIBITED.—A Y nonimmigrant may not be required to waive any rights or protections under this Act. Nothing under this subsection shall be construed to affect the interpretation of other laws.

"(j) ENFORCEMENT.—With respect to violations of the provisions of this section relating to the employment of Y nonimmigrant workers—

"(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

"(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

"(3) REASONABLE BASIS.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable basis to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

"(4) NOTICE AND HEARING.—

"(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable basis under paragraph (3), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

"(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved person or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved person or organization of such determination and the aggrieved person or organization may seek a hearing on the complaint under procedures established by the Secretary which comply with the requirements of section 556.

"(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

"(5) ATTORNEY'S FEES.—A complainant who prevails in an action under this section with respect to a claim related to wages or compensation for employment, or a claim for a violation of subsection (j), shall be entitled to an award of reasonable attorney's fees and costs.

"(6) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

"(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (k); or

"(C) to ensure compliance with terms and conditions described in subsection (g).

"(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(k) PENALTIES.—With respect to violations of the provisions of this section relating to the employment of Y-1 or Y-2B nonimmigrants—

"(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of this section, the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) benefits; and

"(C) civil monetary penalties.

"(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

"(A) for a violation of subsections (b) through (g)—

"(i) a fine in an amount not more than $2,000 per violation per affected worker and $4,000 per violation per affected worker for each subsequent violation;

"(ii) if the violation was willful, a fine in an amount not more than $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not more than $25,000 per violation per affected worker; and

"(B) for a violation of subsection (h)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(C) for knowingly or recklessly failing to comply with the terms of representations made in petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program, or with representations made in materials required by section (h) (concerning labor recruiters)—

"(1) a fine in an amount not more than $4,000 per affected worker; and

"(2) upon the occasion of a third offense of failure to comply with representations, a fine in an amount not to exceed $5,000 per affected worker and designation as an ineligible employer, recruiter, or broker for purposes of any immigrant or nonimmigrant program.

"(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.

"(l) DEFINITIONS.—Unless otherwise provided, in this section and section 218A:

"(1) AGGRIEVED PERSON.—The term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative authorized by a worker whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(2) AREA OF EMPLOYMENT.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the Y worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' shall refer to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277, 112 Stat. 2681, 2681–821).

"(4) DERIVATIVE Y NONIMMIGRANT.—The term 'derivative' Y nonimmigrant means an alien described at paragraph (Y)(iii) of subsection 101(a)(15).

"(5) ELIGIBLE; ELIGIBLE INDIVIDUAL.—The term 'eligible', when used with respect to an individual, or 'eligible individual', means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

"(6) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(7) FELONY.—The term 'felony', with regard to a conviction in a foreign jurisdiction, means a crime for which a sentence of one year or longer in prison may be imposed.

"(8) FORCE MAJEURE EVENT.—The term 'force majeure event' shall mean an event that is beyond the control of either party, including, without limitation, hurricanes, earthquakes, act of terrorism, war, fire, civil disorder or other events of a similar or different kind.

"(9) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(10) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

"(11) FULL TIME.—The term 'full time', with respect to a job in agricultural labor or services, means any job in which the individual is employed 5.75 or more hours per day; and for any job, means in any period of authorized admission or portion of such period, employment or study for at least 90 percent of the total number of work-hours in such period, calculated at a rate of 1,575 work-hours per year (1,438 work-hours per year for agricultural employment). Each credit-hour of study shall be counted as the equivalent of 50 work-hours.

"(12) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(14) MISDEMEANOR.—The term 'misdemeanor', with regard to a conviction in a foreign jurisdiction, means a crime for which a sentence of no more than 364 days in prison may be imposed.

"(15) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218B by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(16) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(17) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(18) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

"(19) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.'.

"(20) Y NONIMMIGRANT; Y NONIMMIGRANT WORKER.—

"(A) The term 'Y nonimmigrant' means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15), or the spouse or child of such nonimmigrant in derivative status under (Y)(iii); and

"(B) The term 'Y nonimmigrant worker' means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15).

"(21) Y-1 NONIMMIGRANT; Y-1 WORKER.—The term 'Y-1 nonimmigrant' or 'Y-1 worker' means an alien admitted to the United States under paragraph (i) of subsection 101(a)(15)(Y).

"(23) Y-2B NONIMMIGRANT; Y-2B WORKER.—The term 'Y-2B nonimmigrant' or 'Y-2B worker' means an alien admitted to the United States under paragraph (ii) of subsection 101(a)(15)(Y).

"(24) Y-3 NONIMMIGRANT.—The term 'Y-3 nonimmigrant' means an alien admitted to the United States under paragraph (iii) of subsection 101(a)(15)(Y).".

"(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 402, the following:

"Sec. 218B. Employer obligations.".

Subtitle B—Seasonal Agricultural Nonimmigrant Temporary Workers

SEC. 404. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended inserting the following after section 218B:

"SEC. 218C. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State workforce agency which serves the area of intended employment and authorize the posting of the job opportunity on its electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(v) UNITED STATES WORKER.—For purpose of this subparagraph, the term 'United States worker' means an alien described in section 218G(14) except an alien admitted or otherwise provided status under section 101(a)(15)(Z).

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E, 218F, and 218G.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"SEC. 218D. H–2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218C(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218C(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218C(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the 3/4 guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

"(v) INTERIM REPORT.—The Commission shall issue an interim report, published in the Federal Register, with opportunity and comment, for a period of at least 90 days.

"(vi) FINAL REPORT.—After considering recommendations from interested persons (including an opportunity for comment from the public and affected States), the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii) not later than December 31, 2009.

"(vii) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '3/4 guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any globally H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) Compliance With Labor Laws.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) Copy of Job Offer.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218C(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) Range Production of Livestock.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“(f) Evidence of Nonimmigrant Status.—Each H-2A nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

“(1) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

“(2) shall, during the alien's authorized period of admission as an H-2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

“(A) instead of a passport and visa if the alien—

“(i) is a national of a foreign territory contiguous to the United States; and

“(ii) is applying for admission at a land border port of entry; or

“(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

“(3) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

“(4) shall be issued to the H-2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H-2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.

“SEC. 218E. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

“(a) Petitioning for Admission.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218C(e)(2)(B) covering the petitioner.

“(b) Expedited Adjudication by the Secretary.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) Criteria for Admissibility—

“(1) In general.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218C, and section 218D, and the alien is not ineligible under paragraph (2).

“(2) Disqualification.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) Waiver of ineligibility for unlawful presence—

“(A) In general.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

“(B) Maintenance of waiver.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) Period of Admission.—

“(1) In general.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218C(e)(2)(B), not to exceed 10 months except as specified in paragraph (2), supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) Construction.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) Abandonment of Employment.—

“(1) In general.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) Report by employer.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

“(3) Removal by the secretary.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) Voluntary termination.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) Replacement of Alien.—

“(1) In general.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H-2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218C(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) Construction.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) Identification Document.—

“(1) In general.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

“(2) Requirements.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H-2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay to a date that is more than 10 months after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions), other than a worker admitted pursuant to subsection (d)(2), is 10 months.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1/5 the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

"(1) may be admitted for a period of up to 3 years;

"(2) may not be extended beyond 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(4).

"SEC. 218F. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218C(b), or an employer's misrepresentation of material facts in an application under section 218C(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218C(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218C(b), or a material misrepresentation of fact in an application under section 218C(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218C(b), a willful misrepresentation of a material fact in an application under section 218C(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218C(b) or a willful misrepresentation of a material fact in an application under section 218C(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218C(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218C(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218D(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218D(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218C or 218D.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218D(b)(1).

"(2) The reimbursement of transportation as required under section 218D(b)(2).

"(3) The payment of wages required under section 218D(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218C(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218D(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218D(b)(4).

"(6) The motor vehicle safety requirements under section 218D(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(C) In determining the amount of damages to be awarded under subparagraph (A), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

"(7) WORKERS' COMPENSATION BENEFITS.—

"(A) EXCLUSIVE REMEDY.—Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(C) CONSIDERATIONS.—In determining the amount of damages to be awarded under subparagraph (A), a court may consider whether an attempt was made to resolve the issues in dispute prior to resorting to litigation.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218C(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218C or 218D or any rule or regulation pertaining to section 218C or 218D, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218C or 218D or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218C(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218C and 218D, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218G. DEFINITIONS.

"For purposes of this section and section 218C, 218D, 218E, and 218F:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218D(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218C(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218C by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—

"(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

"(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

"(B) EXCEPTION.—Labor performed on a dairy farm shall be considered to be seasonal labor.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218C. H–2A employer applications.
"Sec. 218D. H–2A employment requirements.
"Sec. 218E. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218F. Worker protections and labor standards enforcement.
"Sec. 218G. Definitions.".

(c) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting 'or work on a dairy farm,' after 'seasonal nature,'.

SEC. 405. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 404(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218C of the Immigration and Nationality Act, as amended by section 404 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 404(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 404(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218C and 218E of the Immigration and Nationality Act, as amended and added, respectively, by section 404 of this Act, and the provisions of this Act.

SEC. 406. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218C, 218D, 218E, 218F, and 218G of the Immigration and Nationality Act, as amended or added by section 404 of this Act, shall take effect on the effective date of section 404 and shall be issued not later than 1 year after the date of enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 407. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218E(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218E(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 623;

(5) the number of such aliens whose status was adjusted under section 623;

(6) the number of aliens who applied for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b); and

(7) the number of such aliens who were approved for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 408. EFFECTIVE DATE.

Except as otherwise provided, sections 404 and 405 shall take effect 1 year after the date of the enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 409. NUMERICAL LIMITATIONS.

Section 214(g) of the Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)";

(B) by striking subparagraph (B) and inserting the following:

"(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

"(C) under section 101(a)(15)(Y)(iii), may not exceed twenty percent of the annual limit on admissions of aliens under section 101(a)(15)(Y)(i) for that fiscal year; or

"(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

"(i) 100,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 200,000 for any fiscal year."; and

(2) by renumbering paragraph (2) as paragraph (3), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (2):

"(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) or (D)(ii) of paragraph (1)—

"(A) if the total number of visas allocated for that fiscal year are allotted within the first half of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(B) if the total number of visas allocated for that fiscal year are allotted within the second half of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.".

(3) in paragraph (9)(A) by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker."

SEC. 410. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, may, as a condition of authorizing the grant of nonimmigrant visas for Y nonimmigrants who are citizens or nationals of any foreign country, negotiate with each such country to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—It is the sense of Congress that each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and (B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers; and

(6) agree to such other terms as the Secretary of State considers appropriate and necessary.

SEC. 411. COMPLIANCE INVESTIGATORS.

(a) The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 200 per year for each of the five fiscal years after the date of enactment of [name of bill], the number of positions for compliance investigators and attorneys dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y nonimmigrants.

SEC. 412. STANDING COMMISSION ON IMMIGRATION AND LABOR MARKETS.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established an independent Federal agency within the Executive Branch to be known as the Standing Commission on Immigration and Labor Markets (referred to in this section as the "Commission").

(2) PURPOSES.—The purposes of the Commission are—

(A) to study nonimmigrant programs and the numerical limits imposed by law on admission of nonimmigrants;

(B) to study the numerical limits imposed by law on immigrant visas;

(C) to study the allocation of immigrant visas through the merit-based system;

(D) to make recommendations to the President and Congress with respect to such programs.

(3) MEMBERSHIP.—The Commission shall be composed of—

(A) 6 voting members—

(i) who shall be appointed by the President, with the advice and consent of the Senate, not later than 6 months after the establishment of the Y Nonimmigrant Worker Program;

(ii) who shall serve for 3-year staggered terms, which can be extended for 1 additional 3-year term;

(iii) who shall select a Chair from among the voting members to serve a 2-year term, which can be extended for 1 additional 2-year term;

(iv) who shall have expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience;

(v) who may not be an employee of the Federal Government or of any State or local government; and (vi) not more than 3 of whom may be members of the same political party.

(B) 7 ex-officio members, including—

(i) the Secretary;

(ii) the Secretary of State;

(iii) the Attorney General;

(iv) the Secretary of Labor;

(v) the Secretary of Commerce;

(vi) the Secretary of Health and Human Services; and (vii) the Secretary of Agriculture.

(4) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall meet and begin carrying out the duties described in subsection (b) as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet at least once per quarter upon the call of the Chair or a majority of its members.

(C) QUORUM.—Four voting members of the Commission shall constitute a quorum.

(b) DUTIES OF THE COMMISSION.—The Commission shall—

(1) examine and analyze—

(A) the development and implementation of the programs;

(B) the criteria for the admission of nonimmigrant workers;

(C) the formula for determining the annual numerical limitations of nonimmigrant workers;

(D) the impact of nonimmigrant workers on immigration;

(E) the impact of nonimmigrant workers on the economy, unemployment rate, wages, workforce, and businesses of the United States;

(F) the numerical limits imposed by law on immigrant visas and its effect on the economy, unemployment rate, wages, workforce, and businesses of the United States;

(G) the allocation of immigrant visas through the evaluation system established by title V of this Act; and (H) any other matters regarding the programs that the Commission considers appropriate;

(2) not later than 18 months after the date of enactment, and every year thereafter, submit a report to the President and Congress that—

(A) contains the findings of the analysis conducted under paragraph (1);

(B) makes recommendations regarding the necessary adjustments to the programs studied to meet the labor market needs of the United States; and

(C) makes other recommendations regarding the programs, including legislative or administrative action, that the Commission determines to be in the national interest.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.— head of any Federal department or agency that receives a request from the Commission for information, including suggestions, estimates, and statistics, as the Commission considers necessary

to carry out the provisions of this section, shall furnish such information to the Commission, to the extent allowed by law.

(2) ASSISTANCE.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions.

(B) OTHER FEDERAL AGENCIES.—The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as the heads of such departments and agencies determine advisable and authorized by law.

(d) PERSONNEL MATTERS.—

(1) STAFF.—

(A) APPOINTMENT AND COMPENSATION.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(B) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—Except as provided under clause (ii), the executive director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(ii) COMMISSION MEMBERS.-- Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission. Such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title 5.

(e) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each voting member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) FUNDING.—Fees and fines deposited into the Temporary Worker Program Account under section 286(w) of the Immigration and Nationality Act, as added by section 402 of [name of the Act], may be used by the Commission to carry out its duties under this section.

SEC. 412. AGENCY REPRESENTATION AND COORDINATION.

Section 274A(e) (8 U.S.C. 1324a(e)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(B) in subparagraph (B), by striking ', and' and inserting a semicolon;

(C) in subparagraph (C), by striking 'paragraph (2).' and inserting 'paragraph (1); and'; and

(D) by inserting after subparagraph (C) the following:

"(D) United States Immigration and Customs Enforcement officials may not misrepresent to employees or employers that they are a member of any agency or organization that provides domestic violence services, enforces health and safety law, provides health care services, or any other services intended to protect life and safety.".

SEC. 413. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) FINDINGS.—CONGRESS MAKES THE FOLLOWING FINDINGS:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra†legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad†based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States-Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SEC. 414. WILLING WORKER-WILLING EMPLOYER ELECTRONIC DATABASE.

(a) ELECTRONIC JOB REGISTRY LINK.—

(1) The Secretary of Labor shall establish a publicly accessible Web page on the internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(2) The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records by the employer for the purpose of audit or investigations.

(3) The Secretary of Labor shall ensure that job opportunities advertised on a State workforce agency statewide electronic job registry established under this section are accessible—

(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and

(B) through the internet, for access by workers, employers, labor organizations and other interested parties.

(4) The Secretary of Labor may work with private companies and nonprofit organizations in the development and operation of the job registry link and system under paragraph (1).

(b) ELECTRONIC REGISTRY OF CERTIFIED APPLICATIONS.—

(1) The Secretary of Labor shall compile, on a current basis, a registry (by employer and by occupational classification) of the approved labor certification applications filed under this program. Such registry shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such registry publicly available through an Internet website.

(2) The Secretary of Labor may consult with the Secretary of Homeland Security, and others as appropriate, in the establishment of the registry described in paragraph (1) to ensure its compatibility with any system designed to track Y nonimmigrant employment that is operated and maintained by the Secretary of Homeland Security.

(3) The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this subsection are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

SEC. 415. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Y nonimmigrant status.

SEC. 416. CONTRACTING.

Nothing in this section shall be construed to limit the authority of the Secretary of Homeland Security or Secretary of Labor to contract with or license United States entities, as provided for in regulation, to implement any provision of this title, either entirely or in part, to the extent that each Secretary in his discretion determines that such implementation is feasible, cost-effective, secure, and in the interest of the United States. However, nothing in this provision shall be construed to alter or amend any of the requirements of OMB Circular A–76 or any other current law governing federal contracting. Any inherently governmental work already performed by employees of the Department of Homeland Security or the Department of Labor, or any inherently governmental work generated by the requirements of this legislation, shall continue to be performed by Federal employees, and any current commercial work, or new commercial work generated by the requirements of this legislation, that is subject to public-private competition under OMB Circular A–76 or any other relevant law shall continue to be subject to public-private competition.

SEC. 417. FEDERAL RULEMAKING REQUIREMENTS.

(a) The Secretaries of Labor and Homeland Security shall each issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. Each such interim final rule shall become effective immediately upon publication in the Federal Register. Each such interim final rule shall sunset two years after issuance unless the relevant Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under subsection (a) shall sunset no later than two years after the date of enactment of this title, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by either Secretary under such exemption.

Subtitle C—Nonimmigrant Visa Reform

SEC. 418. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "who is" and inserting, "who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training for an aggregate period of not more than 24 months and related to such alien's major area of study, where such alien has been lawfully enrolled on a full time basis as a nonimmigrant under clause (i) or (iv) at a college, university, conservatory, or seminary described in subclause (i)(I) for one full academic year and such employment occurs:

"(aa) during the student's annual vacation and at other times when school is not in session, if the student is currently enrolled, and is eligible for registration and intends to register for the next term or session;

"(bb) while school is in session, provided that practical training does not exceed 20 hours a week while school is in session; or

"(cc) within a 26-month period after completion of all course requirements for the degree (excluding thesis or equivalent);"; and

(D) by striking "Attorney General" the two times that phrase appears and inserting "Secretary of Homeland Security".

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and (B) by striking ", and" and inserting a semicolon; and (3) by adding at the end the following: "(iv) an alien described in clause (i), except that the alion is not required to have a residence in a foreign country that the alien has no intention of abandoning, who has been accepted at and plans to attend an accredited graduate program in mathematics, engineering, information technology, or the natural sciences in the United States for the purpose of obtaining an advanced degree; and "(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve a distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days;".

(b) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—An alien admitted as a nonimmigrant student described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off†campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full-time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States workers to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, may be disqualified for a period of no more than 5 years from employing an alien student under paragraph (1).

(3) SOCIAL SECURITY.—Any employment engaged in by a student pursuant to paragraph (1) of this subsection shall, for purposes of section 210 of the Social Security Act (42 U.S.C. 410) and section 3121 of the Internal Revenue Code (26 U.S.C. 3121), not be considered to be for a purpose related to section 101(a)(15)(F) of the Immigration and Nationality Act.

(c) CLARIFYING THE IMMIGRANT INTENT PROVISION.—Subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended—

(1) by striking the parenthetical phrase "(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section)" in the first sentence; and

(2) by striking "under section 101(a)(15)" and inserting in its place "under the immigration laws.".

(d) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by inserting "(F)(iv)," following "(H)(i)(b) or (c),"; and

(2) by striking "if the alien had obtained a change of status" and inserting in its place "if the alien had been admitted as, provided status as, or obtained a change of status".

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1) by deleting clauses (i) through (vii) of subparagraph (A) and inserting in their place—

"(i) 115,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year; or".

(2) in paragraph (9), as renumbered by Section 405—

(A) by striking "The annual numeric limitations described in clause (i) shall not exceed" from subclause (ii) of subparagraph (B) and inserting the following: "Without respect to the annual numeric limitation described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:";

(B) by striking subparagraph (B)(iv); and

(C) by striking subparagraph (D).

(b) REQUIRING A DEGREE.—Paragraph (2) of section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) by deleting the comma at the end of subparagraph (A) and inserting in its place "; and"; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) attainment of a bachelor's or higher degree in the specific specialty from an educational institution in the United States accredited by a nationally recognized accrediting agency or association (or an equivalent degree from a foreign educational institution that is equivalent to such an institution) as a minimum for entry into the occupation in the United States.".

(c) Provision of W–2 Forms.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)), as renumbered by Section 405, is amended to read as follows:

"(5) In the case of a nonimmigrant described in section 1101(a)(15)(H)(i)(b) of this title—

"(A) The period of authorized admission as such a nonimmigrant may not exceed six years; [Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence].

"(B) If the alien is granted an initial period of admission less than six years, any subsequent application for an extension of stay for such alien must include the Form W–2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security may in his discretion specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien.

"(C) Notwithstanding section 6103 of title 26, United States Code, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W–2 Wage and Tax Statement filed by the employer under clause (i) matches a Form W–2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be."

(d) Extension of H–1B Status for Merit-Based Adjustment Applicants.—

(1) Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended by inserting before the period: "; Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence."

(2) Sections 106(a) and 106(b) of the American Competitiveness in the Twenty-First Century Act of 2000—Immigration Services and Infrastructure Improvements Act of 2000, Public Law 106–313, are hereby repealed.

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) Application of Nondisplacement and Good Faith Recruitment Requirements to All H–1B Employers.—

(1) Amendments.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—"and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H–1B-dependent employer" and inserting "If an employer that employs H–1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer."; and

(C) by striking paragraph (3).

(2) Effective Date.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) Nondisplacement Requirement.—

(1) Extending Time Period for Nondisplacement.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) Effective Date.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) H–1B Nonimmigrants Not Admitted for Jobs Advertised or Offered Only to H–1B Nonimmigrants.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

"(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(d) Limit on Percentage of H–1B Employees.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.".

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) Safeguards Against Fraud and Misrepresentation in Application Review Process.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting "and through the Department of Labor's website, without charge." after "DC";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";.

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)."

(b) Investigations by Department of Labor.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.".

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting

“If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and (I) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).”; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.”.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: “The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.”

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking “$1,000” and inserting ‘$2,000’;

(2) in clause (ii)(I), by striking “$5,000” and inserting ‘$10,000’; and

(3) in clause (vi)(III), by striking “$1,000” and inserting “$2,000”.

(f) INFORMATION PROVIDED TO H-1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

“(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections; and

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers’ rights.”.

“(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections; and

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer’s obligations and workers’ rights.”.

SEC. 422. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (E), by striking “In the case of an alien spouse admitted under section 101(a)(15)(L), who” and inserting ‘Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)”; and

(3) by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

“(I) a business plan;

“(II) sufficient physical premises to carry out the proposed business activities; and

“(III) the financial ability to commence doing business immediately upon the approval of the petition.

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

“(I) evidence that the importing employer meets the requirements of this subsection;

“(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

“(III) a statement summarizing the original petition;

“(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

“(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

“(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new facility; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

“(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility’s existence in the United States and abroad.”.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer’s compliance with the requirements of this subsection.

“(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer’s practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer’s compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source’s identity shall not be subject to disclosure under section 552 of title 5.

“(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

“(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

“(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

“(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

“(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).'.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.".

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

SEC. 423. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—SECTION 212(N)(2)(C)(IV) OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. 1182(N)(2)(C)(IV)) IS AMENDED—

(1) by inserting 'take, fail to take, or threaten to take or fail to take, a personnel action, or' before 'to intimidate'; and

(2) by adding at the end the following: 'An employer that violates this clause shall be liable to the employees harmed by such violation for lost compensation, including back pay.'.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—SECTION 214(C)(2) OF SUCH ACT, AS AMENDED BY SECTION 4, IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 424. LIMITATIONS ON APPROVAL OF L–1 PETITIONS FOR START-UP COMPANIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(a) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(b) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(c) by adding at the end the following:

(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to be employed in a new office, the petition may be approved for a period not to exceed 12 months only if the alien has not been the beneficiary of two or more petitions under this subparagraph within the immediately preceding two years and only if the employer operating the new office has—

"(I) an adequate business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has substantially complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition if requested by the Secretary;

"(VI) evidence that the importing employer, from the date of petition approval under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods or services;

"(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new office; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) A new office employing the beneficiary of an L–1 petition approved under this subparagraph must do business through regular, systematic, and continuous provision of goods or services for the entire period of petition approval.

"(iv) Notwithstanding clause (iii) or subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may in his discretion approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subsection for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods or services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in his discretion.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 12-month period described in subparagraph (G)(i).

"(A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish procedures with the Department of State to verify a company or office's existence in the United States and abroad."

SEC. 425. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—

(1) IN GENERAL.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) (as amended by section 1(a) of Public Law 108–441 and section 2 of Public Law 109–477) is amended by striking 'and before June 1, 2008.'.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on June 1, 2007.

(b) PILOT PROGRAM REQUIREMENTS.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) by adding at the end the following:

"(4)(A) Notwithstanding paragraph (1)(B), the Secretary of Homeland Security may grant up to a total of 50 waivers for a State under section 212(e) in a fiscal year if, after the first 30 such waivers for the State are granted in that fiscal year—

“(i) an interested State agency requests a waiver; and

“(ii) the requirements under subparagraph (B) are met.

“(B) The requirements under this subparagraph are met if—

“(i) fewer than 20 percent of the physician vacancies in the health professional shortage areas of the State, as designated by the Secretary of Health and Human Services, were filled in the most recent fiscal year;

“(ii) all of the waivers allotted for the State under paragraph (1)(B) were used in the most recent fiscal year; and

“(iii) all underserved highly rural States—

“(I) used the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year; or

“(II) all agreed to waive the right to receive the minimum guaranteed number of such waivers.

“(C) In this paragraph:

“(i) The term ‘health professional shortage area’ has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1));

“(ii) The term ‘underserved highly rural State’ means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

“(iii) The term ‘minimum guaranteed number’ means—

“(I) for the first fiscal year of the pilot program, 15;

“(II) for each subsequent fiscal year, the sum of—

“(aa) the minimum guaranteed number for the second fiscal year; and

“(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(III) for the third fiscal year, the sum of—

“(aa) the minimum guaranteed number for the second fiscal year; and

“(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.’.

(c) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire on September 30, 2011.

(d) Section 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(j)) is amended by—

(1) revising the preamble of paragraph (2) to read “An alien who has graduated from a medical school and who is coming to the United States to practice primary care or specialty medicine as a member of the medical profession may not be admitted as a nonimmigrant under section 1101(a)(15)(H)(i)(b) of this title unless—”

(2) redesignating paragraph (2) as paragraph (3);

(3) adding new paragraph (2) to read—

“(2)(A) An alien who is coming to the United States to receive graduate medical education or training (or seeks to acquire status as a nonimmigrant under section 1101(a)(15)(J) to receive graduate medical education or training) may not change status under section 1258 to a nonimmigrant under section 1101(a)(15)(H)(i)(b) until the alien graduates from the medical education or training program and meets the requirements of paragraph (3)(B).

“(B) Any occupation that an alien described in paragraph (2)(A) may be employed in while receiving graduate medical education or training shall not be deemed a ‘specialty occupation’ within the meaning of section 1184(i) for purposes of section 1101(a)(15)(H)(i)(b).”

(e) Section 101(a)(15)(J) is amended by adding “(except an alien coming to the United States to receive graduate medical education or training)” after “abandoning”.

(f) Section 214(h) of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended by inserting “(E), (J) who is coming to the United States to receive graduate medical education or training,” after “subparagraph” where that term first appears.

(g) Medical Residents Ineligible for H–1B Nonimmigrant Status—Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended to read—

“(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term ‘specialty occupation’—

“(A) means an occupation that requires—

“(i) theoretical and practical application of a body of highly specialized knowledge, and

“(ii) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States; and

“(B) shall not include graduate medical education or training.”

(h) Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(C)(i) by striking “Attorney General” and inserting “Secretary of Homeland Security”';

(2) in paragraph (1)(C) by striking subclause (ii) and inserting the following:

“(ii) the alien has accepted employment with the health facility or health care organization and agrees to continue to work for a total of not less than 3 years; and

“(iii) the alien begins employment within 90 days of:

“(I) receiving such waiver; or

“(II) receiving nonimmigrant status or employment authorization pursuant to an application filed under paragraph (2)(A) (if such application is filed with 90 days of eligibility of completing graduate medical education or training under a program approved pursuant to section 212(j)(1));

“whichever is latest.”

(3) by striking at the end “.”, inserting “; or” and adding new paragraph (1)(E) to read—

“(E) in the case of a request by an interested State agency, the alien agrees to practice primary care or specialty medicine care, for a continuous period of 2 years, only at a federally qualified health facility, health care organization or center, or in a rural health clinic that is located in:

“(i) a geographic area which is designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

“(ii) a State that utilized less than 10 of the total allotted waivers for the State under paragraph (1)(B) (excluding the number of waivers available pursuant to paragraph (1)(D)(ii)) in the most recent fiscal year.”

(4) in paragraph (2), by amending subparagraph (A) to read as follows:

“(A) Notwithstanding section 248(a)(2), upon submission of a request to an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J), the Secretary of Homeland Security may accept as properly filed an application to change the status of such physician to [any applicable nonimmigrant status]. Upon favorable recommendation by the Secretary of State of such request, and approval by the Secretary of Homeland Security the waiver under this section, the Secretary of Homeland Security may change the status of such physician to that of [an appropriate nonimmigrant status.]”

(5) in paragraph (3)(A) amended by inserting “requirement of or” before “agreement entered into”.

(i) PERIOD OF AUTHORIZED ADMISSION FOR PHYSICIANS ON H-1B VISAS WHO WORK IN MEDICALLY UNDERSERVED COMMUNITIES.—Section 214(g)(5), as renumbered by Section 405 and amended by Section 719(c), is further amended by adding at the end the following new subparagraph:

“(D) The period of authorized admission under subparagraph (A) shall not apply to an alien physician who fulfills the requirements of section 214(l)(1)(E) and who has practiced primary or specialty care in a medically underserved community for a continuous period of 5 years.”

SEC. 426. B–1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with respect to the issuance of B–1 visas by consular officers and determine whether modifications are necessary to ensure that such officers make decisions with respect to the issuance of B–1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether travelers holding a B–1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to travelers admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) MODIFICATION.—If after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) CONSULTATIONS.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders, including consular officials and immigration inspectors.

(b) DATA TRACKING SYSTEMS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B–1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(A); and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B–1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(B).

(2) LIMITATION.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) PUBLIC EDUCATION.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B–1 visa for business travelers.

(d) REPORT.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit to Congress, reports concerning the status of the implementation of this section.

SEC. 427. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—IMMIGRATION BENEFITS

SEC. 501. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(H) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and (C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SEC. 502. ELIMINATION OF EXISTING BACKLOGS.

(a) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A) 290,000;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting

"15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States."; and

(8) by striking paragraph (6).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) SECTION 201 OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. 1151) IS AMENDED.—

(1) in subsection (a)—

(A) by inserting 'and' at the end of paragraph (1);

(B) by striking '; and' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) SECTION 203 OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. 1153) IS AMENDED.—

(1) by striking subsection (c);

(2) in subsection (d), by striking '(a), (b), or (c),' and inserting '(a) or (b),';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking '(a), (b), or (c)' and inserting '(a) or (b)'; and

(5) in subsection (g), by striking '(a), (b), and (c)' and inserting '(a) and (b)'.

(c) SECTION 204 OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. 1154) IS AMENDED.—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking '(a), (b), or (c)' and inserting '(a) or (b)'.

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105-100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based on the diversity visa program on or after the effective date of this section.

(g) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8

U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

TITLE VI—ALIENS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

SEC. 601. (a) IN GENERAL.—Notwithstanding any other provision of law, (including section 244(h) of the Immigration and Nationality Act (hereinafter 'the Act') (8 U.S.C. 1254a(h)), the Secretary may grant conditional nonimmigrant work authorization and status to aliens, or dependent of such alien described, to permit an alien, or dependent of such alien, to remain lawfully in the United States under the conditions set forth in this title.

(b) REQUIREMENTS FOR CONDITIONAL PERMANENT RESIDENT STATUS.—An alien may not be granted work authorization under this title unless the alien establishes that the alien—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services or education; or

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and—

"(I) is the spouse or parent (65 years of age or older) of an alien described in (i); or

"(II) was, within two years of the date on which Comprehensive Immigration Act of 2007 was introduced, the spouse of an alien who was subsequently classified as a conditional nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a conditional nonimmigrant.

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days or more than 180 days in the aggregate shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—An alien is ineligible for nonimmigrant status if the Secretary determines that the alien—

(A)(1) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

(2) Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(B) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(C) is described in or is subject to section 241(a)(5) of the Act;

(D) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(E) is an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(F) has been convicted of—

(i) a felony;

(ii) an aggravated felony as defined at section 101(a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section 101(h) of the Act;

(G) has entered or attempted to enter the United States illegally on or after January 1, 2007; and

(H) with respect to an applicant for derivative conditional nonimmigrant status, a derivative conditional nonimmigrant, or a derivative conditional nonimmigrant who is under 18 years of age, the alien is ineligible for conditional nonimmigrant status if the principal conditional nonimmigrant or conditional nonimmigrant status applicant is ineligible.

(I) The Secretary may in his discretion waive ineligibility under subparagraph (B) or (C) if the alien has not been physically removed from the United States and if the alien demonstrates that his departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent or child.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Act shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of the Act (relating to criminals);

(II) section 212(a)(3) of the Act (relating to security and related grounds);

(III) with respect to an application for conditional nonimmigrant status, section 212(a)(6)(C)(i) of the Act;

(IV) paragraph (6)(A)(i) of section 212(a) of the Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II);

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of the Act (relating to polygamists, child abductors, and unlawful voters);

(iii) the Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest; and

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of the Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for conditional permanent resident an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien must not fall within a class of aliens ineligible for conditional permanent resident listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien must not be inadmissible to the United States under section 212, except as provided in subsection (d)(2), regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for conditional permanent resident status, the alien must—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for conditional permanent resident; and

(C) be on January 1, 2007, and on the date of application for conditional permanent resident, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking conditional permanent resident status must be employed in the United States on the date of filing of the application for conditional nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for conditional permanent resident status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single conditional nonimmigrant.

(ii) An alien applying for extension of his conditional permanent resident status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,500 for a single conditional nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for conditional permanent resident status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) A conditional nonimmigrant making an initial application for conditional nonimmigrant status shall be required to pay a $500 penalty for each alien seeking conditional nonimmigrant status derivative to the primary conditional nonimmigrant applicant.

(iii) An alien who is a derivative conditional nonimmigrant and who has not previously been a conditional nonimmigrant, and who changes status to that of a conditional nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to conditional nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a conditional nonimmigrant making an initial application for conditional nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286 (m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(6) INTERVIEW.—An applicant for conditional nonimmigrant status must appear to be interviewed.

(7) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the Comprehensive Immigration Reform of 2007 Act the procedures for an alien in the United States to apply for conditional nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for conditional permanent resident status for a period of one year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the one-year initial period for the receipt of applications for conditional nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for conditional nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for conditional nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining conditional nonimmigrant status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord conditional nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for conditional nonimmigrant status shall, upon submission of any evidence required under paragraphs (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for conditional nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in paragraph (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than six months after the date on which the Secretary begins to approve applications for conditional nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for conditional nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for conditional permanent nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a conditional nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A conditional nonimmigrant or an applicant for conditional nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section, or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A conditional nonimmigrant or an applicant for conditional nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(4) BURDEN OF PROOF.—An alien who is applying for a conditional nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(i) An alien who fails to satisfy the eligibility requirements for a conditional nonimmigrant visa shall have his application denied and may not file additional applications.

(ii) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each conditional nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of conditional nonimmigrant status:

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry.

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the conditional permanent resident by the Secretary of Homeland Security promptly after final adjudication of such alien's application for conditional permanent resident status, except that an alien may not be granted conditional permanent resident status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a conditional permanent resident shall be four years.

(2) EXTENSIONS.—

(A) IN GENERAL.—A conditional permanent resident may seek an indefinite number of four-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for conditional permanent resident status;

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of conditional permanent resident status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of conditional permanent resident status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to three attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of conditional permanent resident status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of conditional permanent resident status††

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or (cc) is over 55 years of age and has been living in the United States for periods totaling at least fifteen years.

(iii) EMPLOYMENT.—With respect to an extension of conditional or derivative conditional permanent resident status, an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single conditional permanent resident.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of conditional nonimmigrant status may be required to submit to a renewed security and law enforcement background check that must be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of stay under this paragraph, or a change of status to another conditional permanent resident status under subsection (l), may not be approved for an applicant who failed to maintain conditional permanent resident status or where such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized status expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized stay expired, where it is demonstrated at the time of filing that:

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated his conditional permanent resident status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a conditional permanent resident who has been battered or has been the subject of extreme cruelty perpetrated by the conditional permanent resident, and who is changing to conditional permanent resident status, may be exempted by the Secretary, in his discretion, from—

(I) the requirements under subsection (m) for a period of up to 180 days; and

(II) the penalty provisions of section (e)(6)(B)(iii), except that the alien must pay the penalty under section (e)(6)(B) at the time of application for the alien's first subsequent extension of conditional permanent resident status.

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a conditional permanent resident shall not be eligible to extend such permanent resident status if:

(i) the alien has violated any term or condition of his or her conditional permanent resident status, including but not limited to failing to comply with the change of address reporting requirements under section 265;

(ii) the period of authorized admission of the conditional nonimmigrant has been terminated for any reason; or

(iii) with respect to a derivative conditional permanent resident, the principal alien's conditional permanent resident status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM CONDITIONAL NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A conditional nonimmigrant may not change status under section 248 to another nonimmigrant status, except another conditional nonimmigrant status or status under subparagraph (U) to section 101(a)(15).

(B) CHANGE FROM Z-A STATUS.—A Z-A nonimmigrant may change status to conditional nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigrant and Nationality Act.

(C) LIMIT ON CHANGES.—A conditional nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in his discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO CONDITIONAL NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 to conditional nonimmigrant status.

(m) EMPLOYMENT.—

(1) CONDITIONAL NONIMMIGRANTS.—

(A) IN GENERAL.—A conditional nonimmigrant shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this Title shall not apply to an alien who is under 16 years or over 65 years of age. A conditional nonimmigrant between 16 and 65 years of age must remain continuously employed full time in the United States as a condition of such nonimmigrant status, except where—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has ben temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) DERIVATIVE CONDITIONAL NONIMMIGRANT.—Derivative conditional nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a conditional nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—A conditional nonimmigrant.—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of conditional nonimmigrant status that satisfies the conditions set forth in section (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted conditional nonimmigrant status must establish that he or she is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a conditional nonimmigrant or an applicant for conditional nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of the Comprehensive Immigration Reform 2007 Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (d)(2), or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a conditional nonimmigrant visa or classified as a conditional nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a conditional nonimmigrant, the employment or study requirements under subsection (m) have been violated; or

(F) with respect to probationary benefits, the alien's application for conditional nonimmigrant status is denied.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose conditional nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's conditional a nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under section 601 of the Comprehensive Immigration Reform Act of 2007 but not yet adjusted such status to that of an alien lawfully admitted for permanent resident under section 602, the Secretary may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under section 601, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON CONDITIONAL NONIMMIGRANT PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting conditional nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top five principal languages, as determined by the Secretary in his discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) PROHIBITION ON IMMIGRANT VISA.—A conditional nonimmigrant may not be issued an immigrant visa pursuant to sections 245.

SEC. 602. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subparagraph (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under the Comprehensive Immigration Reform Act of 2007.

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection 242(h) as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (1)(F)(ii) of subsection 601(d) of Comprehensive Immigration Reform Act of 2007 because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the INA, may be placed forthwith in proceedings pursuant to section 238(b) of the INA.

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clauses (1)(F) (i), (iii), or (iv) of subsection 601(d) of Comprehensive Immigration Reform Act of 2007 may be placed forthwith in removal proceedings under section 240 of the INA.

(C) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in clauses (i) and (ii) of this subparagraph shall be final for purposes of subparagraph 242(h)(3)(C) of the INA and shall represent the exhaustion of all review procedures for purposes of subsections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding paragraph (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process

under this subsection the alien may file not more than one motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the Attorney General's discretion.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act is amended by adding at the end the following subsection (h):

"(h) Judicial Review of Eligibility Determinations Relating to Status Under Title VI of Comprehensive Immigration Reform Act of 2007—

"(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of Comprehensive Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

"(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title VI of Comprehensive Immigration Reform Act of 2007 beyond the period for receipt of such applications established by subsection 601(f) thereof. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

"(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS UNDER TITLE VI OF COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007.—A denial, termination, or rescission of status under subsection 601 of Comprehensive Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that:

"(A) the venue provision set forth in (b)(2) shall govern;

"(B) the deadline for filing the petition for review in (b)(1) shall control;

"(C) the alien has exhausted all administrative remedies available to the alien as of right, including but not limited to the timely filing of an administrative appeal pursuant to subsection 603(a) of Comprehensive Immigration Reform Act of 2007;

"(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

"(E) LIMITATION ON REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under Title VI of Comprehensive Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

"(F) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—

The alien may file not more than one motion to reopen or to reconsider in proceedings brought under this section.

"(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary's denial, termination, or rescission of status under title VI of Comprehensive Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when he enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

"(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

"(A) IN GENERAL.—Any claim that title VI of Comprehensive Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of Comprehensive Immigration Reform Act of 2007 from asserting that an action taken or decision made by the Secretary with respect to his status under that title was contrary to law in a proceeding under section 603 of Comprehensive Immigration Reform Act of 2007 and paragraph (b)(2) of this section.

"(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph,

(i) must, if it asserts a claim that title VI of Comprehensive Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement that title violates the Constitution or is otherwise unlawful, be filed no later than one year after the date of the publication or promulgation of the challenged regulation, policy or directive or, in cases challenging the validity of the Act, within one year of enactment; and

(ii) must, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed no later than one year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

"(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with Public Law 109-2 and the Federal Rules of Civil Procedure."

"(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (5)(A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under any other subsection this Act.

"(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under subsection 603 of Comprehensive Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of the INA.".

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under sections 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an application filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SEC. 605. EMPLOYER PROTECTIONS.

(a) Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for conditional nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 247A (8 U.S.C. 1324a) or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien conditional nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following new subsections:

"(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

"(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).'.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(6)(B) and Section 602(a)(1)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for conditional nonimmigrant status shall be used in the following order of priority:

(1) shall be credited as offsetting collections to appropriations provided pursuant to section 611 for the fiscal year in which this Act is enacted and the subsequent fiscal year; and

(2) shall be deposited and remain available as otherwise provided under this title.

SEC. 609. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud or misrepresentation on the application for conditional nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of such title or any amendments made by this Act, during the period beginning on the date of the enactment of such Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. 610. RULEMAKING.

(a) The Secretary shall issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under this section shall sunset no later than two years after the date of enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) The first $4,400,000,000 of such penalties shall be deposited into the general fund of the Treasury as repayment of funds transferred into the Immigration Security Account under section 286(z)(1) of the Immigration and Nationality Act.

(b) Penalties in excess of $4,400,000,000 shall be deposited and remain available as otherwise provided under this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 601 and 602.

Subtitle B—DREAM Act

SEC. 612. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007' or the "DREAM Act of 2007".

SEC. 613. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 614. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may beginning on the date that is three years after the date of enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been issued a conditional nonimmigrant visa if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of enactment, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) The alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary benefits under section 601(h) or Z nonimmigrant status and has satisfied the requirements of subparagraphs (a)(1)(A) through (F) shall beginning on the date that is eight years after the date of enactment be considered to have satisfied the requirements of Section 316(a)(1) of the Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 615. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. 616. HIGHER EDUCATION ASSISTANCE.

(a) Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who is a probationary Z or Z nonimmigrant.

(b) Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 617. DELAY OF FINES AND FEES.

(a) Payment of the penalties and fees specified in section 601(e)(6) shall not be required with respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F) until the date that is six years and six months after the date of enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section 614(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section 614(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section 601(e)(6) consistent with the procedures set forth in section 608 within 90 days.

(b) With respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A) and (F), but not the eligibility criteria in section 614(a)(1)(B), the individual who pays the penalties specified in section 601(e)(6) shall be entitled to a refund when the alien makes all the demonstrations specified in section 614(a)(1).

SEC. 618. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section 623(a);

(2) the number of aliens who applied for adjustment of status under section 623(a); and

(3) the number of aliens who were granted adjustment of status under section 623(a).

SEC. 619. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 620. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z-A) of the Immigration and Nationality Act,"; and (4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle C—Agricultural Workers

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

PART I—ADMISSION OF AGRICULTURAL WORKERS

SEC. 622. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z-A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 601(b), is further amended by adding at the end the following new subparagraph:

"(Z-A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A of this Act; or

"(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.".

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following new section:

"SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

"(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

"(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

"(B) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

"(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

"(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

"(8) Z-A DEPENDENT VISA.—The term 'Z-A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z-A)(ii).

"(9) Z-A VISA—The term 'Z-A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z-A)(i).

"(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

"(1) IN GENERAL.—An alien issued a Z-A visa or a Z-A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

"(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

"(3) AUTHORIZED TRAVEL.—An alien who is granted a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

"(c) QUALIFICATIONS.—

"(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant a Z–A visa to an alien if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

"(E) meets the requirements of paragraph (3).

"(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall grant a Z–A dependent visa to an alien who is—

(A) described in section 101(a)(15)(Z–A)(ii);

(B) meets the requirements of paragraph (3); and

(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

"(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

"(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of such section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

"(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) APPLICATION.—

"(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse or child of the alien.

"(2) SUBMISSION.—Applications for a Z–A visa under may be submitted—

"(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

"(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—

"(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

"(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

"(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

"(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

"(A) REQUIREMENTS.—Each qualified designated entity shall agree—

"(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

"(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

"(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

"(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

"(5) APPLICATION FEES.—

"(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

"(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

"(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

"(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

"(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to [X].

"(7) TREATMENT OF APPLICANTS.—

"(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

"(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

"(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

"(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

"(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which [the alien's application for a Z–A visa] is denied.

"(B) TIMING OF PROBATIONARY BENEFITS.—

"(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

"(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

"(II) the end of the next business day after the date that the Secretary receives the alien's application for Z–A visa.

"(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

"(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

"(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

"(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(A) BEFORE APPLICATION PERIOD.—Beginning on the date of enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z-A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z-A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(e) NUMERICAL LIMITATIONS.—

"(1) Z-A VISA.—The Secretary may not issue more than 1,500,000 Z-A visas.

"(2) Z-A DEPENDENT VISA.—.The Secretary may not count any Z-A dependent visa issued against the numerical limitation described in paragraph (1).

"(f) EVIDENCE OF NONIMMIGRANT STATUS.—

"(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z-A visa or a Z-A dependent visa.

"(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z-A visa or a Z-A dependent visa—

"(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

"(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

"(C) shall serve as a valid travel and entry document for an alien granted a Z-A visa or a Z-A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

"(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

"(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z-A visa or a Z-A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

"(g) FINE.—An alien granted a Z-A visa shall pay a fine of $100 to the Secretary.

"(h) TREATMENT OF ALIENS GRANTED A Z-A VISA.—

"(1)' IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z-A visa or a Z-A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z-A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

"(3) TERMS OF EMPLOYMENT.—

"(A) PROHIBITION.—No alien granted a Z-A visa may be terminated from employment by any employer during the period of a Z-A visa except for just cause.

"(B) TREATMENT OF COMPLAINTS.—

"(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z-A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

"(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

"(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance ot the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z-A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

"(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

"(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

"(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

"(4) RECORD OF EMPLOYMENT.—

"(A) IN GENERAL.—Each employer of an alien who is granted a Z-A visa shall annually.—

"(i) provide a written record of employment to the alien; and

"(ii) provide a copy of such record to the Secretary.

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z-A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clausé (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(i) TERMINATION OF A GRANT OF Z-A VISA.—

"(1) IN GENERAL.—The Secretary may terminate a Z-A visa or a Z-A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

"(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z-A visa or a Z-A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z-A visa or Z-A dependent visa if—

"(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z-A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

"(iv) in the case of an alien granted a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

"(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

"(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall adjust the status of an alien granted a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

"(A) QUALIFYING EMPLOYMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

"(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of enactment of the AgJobs Act of 2007; or

"(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

"(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on such date of enactment.

"(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

"(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

"(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

"(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

"(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

"(i) the record of employment described in subsection (h)(4); or

"(ii) such documentation as may be submitted under subsection (d)(3).

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) renew the alien's Z visa status as described in section 601(k)(2).

"(D) FINE.—The alien pays to the Secretary a fine of $400; or

"(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

"(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

"(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

"(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section 601(k)(2) prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

"(5) PAYMENT OF TAXES.—

"(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all such outstanding tax liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

"(6) ENGLISH LANGUAGE.—

"(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section 601(k)(2), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2).

"(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

(ii) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or

(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

"(7) PRIORITY OF APPLICATIONS.—

"(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

"(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

"(C) CONSULAR APPLICATION.—

(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

"(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 604.

"(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—Any person who—

"(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(B) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

"(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section 603.

"(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.".

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [XX], is further amended—

(A) in subparagraph (A), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (N)"; and

"(B) by adding at the end, the following new subparagraph:

"(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.".

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.".

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

"Sec. 214A. Admission of agricultural worker.".

SEC. 623. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

"(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

"(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.".

SEC. 624. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. 625. LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Any alien who is unlawfully present in the United States, receives adjustment of status under section 601 of this Act (relating to aliens who were illegally present in the United States prior to January 1, 2007), or enters the United States to work on a Y visa under section 402 of this Act, shall not be eligible for the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income) until such alien has his or her status adjusted to legal permanent resident status.

SEC. 626. EARNED INCOME TAX CREDIT.

Nothing in this Act, or the amendments made by this Act, may be construed to modify any provision of the Internal Revenue Code of 1986 which prohibits illegal aliens from qualifying for earned income tax credit under section 32 of such Code.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 627. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS

Subtitle A—Miscellaneous Immigration Reform

SEC. 701. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, for aliens currently serving in the U.S. Armed Forces overseas and applying for naturalization from overseas, the Secretary of Defense shall provide in a form designated by the Secretary of Homeland Security, and the Secretary of Homeland Security shall use the fingerprints provided by the Secretary of Defense for such individuals, if the individual—

(a) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(b) was fingerprinted in accordance with the requirements of the Secretary of Defense at the time the individual enlisted in the Armed Forces; and

(c) submits the application to become a naturalized citizen of the United States not later than 12 months after the date the applicant is fingerprinted.

SEC. 702. ENGLISH AS NATIONAL LANGUAGE.

(a) SHORT TITLE.—This section may be cited as the 'S.I. Hayakawa National Language Amendment Act of 2007'.

(b) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec.
"161. Declaration of national language.
"162. Preserving and enhancing the role of the national language.
"163. Use of language other than English.

"SEC. 161. DECLARATION OF NATIONAL LANGUAGE.

"English shall be the national language of the Government of the United States.

"SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE NATIONAL LANGUAGE.

"(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

"(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

"(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

"SEC. 163. USE OF LANGUAGE OTHER THAN ENGLISH.

"Nothing in this chapter shall prohibit the use of a language other than English.".

(c) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government
—161".

SEC. 703. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

(c) DEFINITION OF LAW.—For purposes of this section, the term "laws of the United States" includes the Constitution of the United States, any provision of Federal statute, or any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

SEC. 704. PILOT PROJECT REGARDING IMMIGRATION PRACTITIONER COMPLAINTS.

(a) Within 180 days of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall institute a three-year pilot project to—

(1) Encourage alien victims of immigration practitioner fraud, and related crimes, to come forward and file practitioner fraud complaints with the Department of Homeland Security by utilizing existing statutory and administrative authority;

(2) Cooperate with Federal, State, and local law enforcement officials who are responsible for investigating and prosecuting such crimes; and

(3) Increase public awareness regarding the problem of immigration practitioner fraud.

(b) REPORTING.—Not later than 1 year after the end of the three-year pilot period, the

Secretary of Homeland Security shall submit to Congress a report that includes information concerning—

(1) the number of individuals who file practitioner fraud complaints via the pilot program;

(2) the demographic characteristics, nationality, and immigration status of the complainants;

(3) the number of indictments that result from the pilot; and

(4) the number of successful fraud prosecutions that result from the pilot.

Subtitle B—Assimilation and Naturalization

SEC. 705. THE OFFICE OF CITIZENSHIP AND INTEGRATION.

Section 451(f) of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 271(f)), is amended by—

(1) inserting "and Integration" after "Office of Citizenship" the two times that phrase appears; and

(2) in paragraph (f)(2), striking "instruction and training on citizenship responsibilities" and inserting "civic integration, and instruction and training on citizenship responsibilities and requirements for citizenship".

SEC. 706. SPECIAL PROVISIONS FOR ELDERLY IMMIGRANTS.

Section 312(b) of the Immigration and Nationality Act (8 U.S.C. 1423(b)) is amended by adding at the end the following: "(4) The requirements of subsection (a) of this section shall not apply to a person who is over 75 years of age on the date of filing an application for naturalization; Provided that, the person expresses, in English or in the applicant's native language, at the time of examination for naturalization that the person understands and agrees to the elements of the oath required by section 337 of this Act.".

SEC. 707. FUNDING FOR THE OFFICE OF CITIZENSHIP AND INTEGRATION.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Homeland Security the sum of [$100] million to carry out the mission and operations of the Office of Citizenship and Integration in U.S. Citizenship and Immigration Services, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 708. CITIZENSHIP AND INTEGRATION COUNCILS.

(a) Grants Authorized.—The Office of Citizenship and Immigrant Integration shall provide grants to States and municipalities for effective integration of immigrants into American society through the creation of New Americans Integrations Councils.

(b) Use of Funds.—

(1) In general.—Grants awarded under this section shall be used—

(A) To report on the status of new immigrants, lawful permanent residents, and citizens within the State or municipality;

(B) To conduct a needs assessment, including the availability of and demand for English language services and instruction classes, for new immigrants, lawful permanent residents, Z non-immigrants, and citizens;

(C) To convene public hearings and meetings to assist in the development of a comprehensive plan to integrate new immigrants, lawful permanent residents, Z non-immigrants, and citizens; and

(D) To develop a comprehensive plan to integrate new immigrants, lawful permanent residents, Z non-immigrants, and citizens into States and municipalities.

(2) Membership of integration councils.—New Americans Integration Councils established under this section shall consist of no less than ten and no more than fifteen individuals from the following sectors:

(A) State and local government;

(B) Business;

(C) Faith-based organizations;

(D) Civic organizations;

(E) Philanthropic leaders; and

(F) Nonprofit organizations with experience working with immigrant communities.

(c) Reporting.—The Government Accountability Office, in coordination with the Office of Citizenship and Immigrant Integration, shall conduct an annual evaluation of the grant program conducted under this section. Such evaluation shall be used by the Office of Citizenship and Immigrant Integration—

(1) To determine and improve upon the program's effectiveness;

(2) To develop recommended best practices for states and municipalities who receive grant awards; and

(3) To further define the program's goals and objectives.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Citizenship and Immigrant Integration such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 709. PRESIDENTIAL AWARD FOR BUSINESS LEADERSHIP IN PROMOTING AMERICAN CITIZENSHIP.

(a) Establishment.—There is established the Presidential Award for Business Leadership in Promoting American Citizenship, which shall be awarded to companies and other organizations that make extraordinary efforts in assisting their employees and members to learn English and increase their understanding of American history and civics.

(b) Selection and Presentation of Award.—

(1) Selection.—The President, upon recommendations from the Secretary, the Secretary of Labor, and the Secretary of Education, shall periodically award the Citizenship Education Award to large and small companies and other organizations described in subsection (a).

(2) Presentation.—The presentation of the award shall be made by the President, or designee of the President, in conjunction with an appropriate ceremony.

SEC. 710. HISTORY AND GOVERNMENT TEST.

(a) History and Government Test.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship. Nothing in this Act, other than the amendment made by this subsection, shall be construed to influence the naturalization test redesign process currently underway under the direction of U.S. Citizenship and Immigration Services.

SEC. 711. ENGLISH LEARNING PROGRAM.

(a) The Secretary of Education shall develop an open source electronic program, useable on personal computers and through the Internet, that teaches the English language at various levels of proficiency, up to and including the ability to pass the Test of English as a Foreign Language, to individuals inside the United States whose primary language is a language other than English. The Secretary shall make the program available to the public for free, including by placing it on the Department of Education website, and shall ensure that it is readily accessible to public libraries throughout the United States. The program shall be fully accessible, at a minimum, to speakers of the top five foreign languages spoken inside the United States.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Education such sums as are necessary to carry out the purposes of this section.

SEC. 712. GAO STUDY ON THE APPELLATE PROCESS FOR IMMIGRATION APPEALS.

(a) In General.—The Comptroller General of the United States shall, not later than 180 days after enactment of this Act, conduct a study on the appellate process for immigration appeals.

(b) Requirements.—In conducting the study under subsection (a), the Comptroller General shall consider the possibility of consolidating all appeals from the Board of Immigration Appeals and habeas corpus petitions in immigration cases into 1 United States Court of Appeals, by—

(1) consolidating all such appeals into an existing circuit court, such as the United States Court of Appeals for the Federal Circuit;

(2) consolidating all such appeals into a centralized appellate court consisting of active circuit court judges temporarily assigned from the various circuits, in a manner similar to the Foreign Intelligence Surveillance Court or the Temporary Emergency Court of Appeals; or

(3) implementing a mechanism by which a panel of active circuit court judges shall have the authority to reassign such appeals from circuits with relatively high caseloads to circuits with relatively low caseloads.

(c) Factors To Consider.—In conducting the study under subsection (a), the Comptroller General, in consultation with the Attorney General, the Secretary, and the Judicial Conference of the United States, shall consider—

(1) the resources needed for each alternative, including judges, attorneys and other support staff, case management techniques including technological requirements, physical infrastructure, and other procedural and logistical issues as appropriate;

(2) the impact of each plan on various circuits, including their caseload in general and caseload per panel;

(3) the possibility of utilizing case management techniques to reduce the impact of any consolidation option, such as requiring certificates of reviewability, similar to procedures for habeas and existing summary dismissal procedures in local rules of the courts of appeals;

(4) the effect of reforms in this Act on the ability of the circuit courts to adjudicate such appeals;

(5) potential impact, if any, on litigants; and

(6) other reforms to improve adjudication of immigration matters, including appellate review of motions to reopen and reconsider, and attorney fee awards with respect to review of final orders of removal.

Subtitle C—American Competitiveness Scholarship Program

SEC. 713. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) Establishment.—The Director of the National Science Foundation (referred to in this section as the 'Director') shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(c) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 286(x) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(e) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

SEC. 714. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after subsection (w) the following:

"(x) SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H-1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.".

SEC. 715. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(x).".

TITLE VIII—MISCELLANEOUS

Subtitle A—Unaccompanied Alien Child Protection Act of 2007

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Unaccompanied Alien Child Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

Sec. 101. Procedures when encountering unaccompanied alien children.
Sec. 102. Family reunification for unaccompanied alien children with relatives in the United States.
Sec. 103. Appropriate conditions for detention of unaccompanied alien children.
Sec. 104. Repatriated unaccompanied alien children.
Sec. 105. Establishing the age of an unaccompanied alien child.
Sec. 106. Effective date.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO CHILD ADVOCATES AND COUNSEL

Sec. 201. Child advocates.
Sec. 202. Counsel.
Sec. 203. Effective date; applicability.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

Sec. 301. Special immigrant juvenile classification.
Sec. 302. Training for officials and certain private parties who come into contact with unaccompanied alien children.
Sec. 303. Report.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

Sec. 401. Guidelines for children's asylum claims.
Sec. 402. Unaccompanied refugee children.
Sec. 403. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.

TITLE V—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

Sec. 501. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children.
Sec. 502. Technical corrections.
Sec. 503. Effective date.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

Sec. 601. Authorization of appropriations.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this Act;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) DIRECTOR.—The term "Director" means the Director of the Office.

(4) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(5) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(6) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(7) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained 18 years of age; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained 18 years of age; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

(c) RULE OF CONSTRUCTION.—

"(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this Act, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

SEC. 101. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or (ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 105; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this Act.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 102(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 105, unless otherwise specified in subsection (b)(2)(B).

(d) ACESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 102. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERNECE.—Subject to the discretion of the Director under paragraph (4), section 103(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABLITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on.—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 103. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 102(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licenced family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 102(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 104. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 105. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this Act or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 106. EFFECTIVE DATE.

This title shall take effect on the date which is 90 days after the date of the enactment of this Act.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO CHILD ADVOCATES AND COUNSEL

SEC. 201. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 202. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 101(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 102(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this Act, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this Act may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 203. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This title shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this title shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this title.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

SEC. 301. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

"(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

"(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

"(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.'.

(2) RULE OF CONSTRUCTION.—Nothing in subparagraph (J) of section 101(a)(27) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

'(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and'.

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of enactment of this Act.

SEC. 302. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 101(a)(2)(A).

SEC. 303. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this Act;

(3) data regarding the provision of child advocate and counsel services under this Act; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

SEC. 401. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its "Guidelines for Children's Asylum Claims", issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children", issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children' and the 'Guidelines for Children's Asylum Claims" to immigration judges and members of the Board of Immigration Appeals; and (B) redistribute the "Guidelines for Children's Asylum Claims" to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 402. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking "and" after "countries,"; and

(2) by inserting ", and instruction on the needs of unaccompanied refugee children" before the period at the end.

SEC. 403. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section (101)(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child."; and

(2) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.".

TITLE V—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

SEC. 501. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) Additional Responsibilities of the Director.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention.".

(b) Additional Authority of the Director.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) Authority.—In carrying out the duties under paragraph (3), the Director may—

"(A) contract with service providers to perform the services described in sections 102, 103, 201, and 202 of the Unaccompanied Alien Child Protection Act of 2007; and

"(B) compel compliance with the terms and conditions set forth in section 103 of such Act, by—

"(i) declaring providers to be in breach and seek damages for noncompliance;

"(ii) terminating the contracts of providers that are not in compliance with such conditions; or

"(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.".

SEC. 502. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 501, is further amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and (2) by adding at the end the following: "(5) Rule of Construction.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.".

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and (2) the provisions of this Act.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

TITLE IX—STUDY OF WARTIME TREATMENT OF CERTAIN PEOPLE

SEC. 901. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 902. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 903. DEFINITIONS.

In this title:

(1) During World War II.—the term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) European Americans.—

(A) In general.—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) Italian Americans.—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(C) German Americans.—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(3) European Latin Americans.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) Latin American nation.—The term "Latin American nation" refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 911. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) In General.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the "European American Commission").

(b) Membership.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) Meetings.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chairman.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) Compensation.—

(1) In general.—Members of the European American Commission shall serve without pay.

(2) Reimbursement of expenses.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 912. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) In General.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) Scope of Review.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the

Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as 'World War II detention facilities');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children · of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section —011(e).

SEC. 913. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENEREAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 914. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 915. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 916. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

SUBTITLE B—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 921. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the 'Jewish Refugee Commission').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 922. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section X021(e).

SEC. 923. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 924. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 925. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 926. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, I want to take this opportunity to say a few words about health care in general and about the needs of our children in particular. Let me preface my remarks by saying that I think it is clear to most Americans that our health care system today is disintegrating, and that we unfortunately and tragically remain the only country in the industrialized world that does not guarantee health care to all of its people as a right of citizenship.

Now, I hear a whole lot of talk in the Senate—I heard it in the House—about health care. But, up front, we should be aware that there is something fundamentally wrong in terms of the way we do business that 46 million Americans have zero health insurance, that the cost of health care is soaring every single year, and that tens of millions of Americans who do have health insurance have very weak insurance programs and are underinsured.

On top of all of that, with 46 million uninsured, tens of millions underinsured, we continue to pay by far the highest prices in the world for our prescription drugs. In other words, we have a problem, and the time is long overdue for the Senate to stand up to the insurance companies and the drug companies and start representing the American people.

In my view, the solution is moving us toward a national health care program which provides health care to every man, woman, and child as a right of citizenship.

When people say, well, something like that will be very expensive. Well, not really. What we have now is clearly the most inefficient and wasteful nonsystem in the world by which we are spending twice as much per capita for health care as any other major country.

So people say: Well, gee, the Canadian system is not perfect; The British system is not perfect; The Danish system is not perfect. True enough. Neither is our system. And we spend twice as much per person on health care as does any other system.

Tonight, and in the coming few days, we are going to be focusing on the needs of our children. In the midst of a nation with 46 million uninsured, we have over 9 million children, one in nine, who are also uninsured. Every 46 seconds another baby is born uninsured in the United States.

I have heard a lot through my career in the U.S. Congress about family values. So let me be very clear and suggest that it is not a family value to live in a country in which 9 million children have no health insurance at all.

Uninsured children are almost 12 times as likely as insured children to have an untreated medical need, are four times as likely as insured children to have an unmet dental need.

The statistics go on. An estimated two-thirds of children and adolescents with mental health needs are not getting the care they need. Only one in five children with serious emotional disturbances receives specialized treatment. Given this sorry state of affairs, I find it ironic that we are having any debate about increasing health care coverage for children under the CHIP program. It seems to me that the very least this Nation should be doing is providing health insurance to every child in America—something, by the way, this bill does not do.

If this bill, in its current form, were to pass tomorrow, it would provide health insurance to approximately one-third of the children who are uninsured—one-third. In my opinion, as we move toward a national health care program guaranteeing health care to every man, woman, and child, the very least we should be doing is making sure all of our children are covered. That is why I have recently introduced S. 1564, the All Healthy Children Act of 2007.

This bill, in fact, would provide the opportunity for every child in America to have health care coverage. In addition, since insurance coverage alone does not guarantee access—in other words, you can have health insurance, but you cannot necessarily find a doctor or a dentist who will treat you—we must also make certain there is an adequate supply of health professionals and conveniently located sites of care.

Along with Senator MURKOWSKI, I have also introduced S. 941, the Community Health Centers Investment Act, to significantly expand the number of community-based, federally qualified centers, a proven cost-effective system of primary health care that is governed by the people who use it. These health care democracies serve all regardless of ability to pay and insurance status.

The issue we are dealing with in terms of health care is not only providing health insurance but making sure there are doctors and clinics and hospitals available to treat the people who need the help. One of the crises, of the many we are facing as a nation in terms of health care, is, believe it or not, we are not producing the doctors we need for today, especially in rural areas and primarily in primary health care. We are not producing the dentists we need. We are not producing the nurses we need. As our Nation becomes older, those problems will only become more severe.

In that regard, I have done what I could and will continue to move forward to significantly increase the funding for the National Health Service Corps, to provide scholarships and loan repayment to those choosing primary care specialties and agreeing to practice in underserved areas. I am happy we are on a path to increase funding for community health centers, but clearly we have a long way to go in order to fund the national health service.

While the debate on these initiatives awaits another day, we must pass a CHIP bill that matches the House bill in funding level. Accordingly, I will be cosponsoring the Kerry amendment to provide SCHIP with a $50 billion increased authorization over the next 5 years. At a minimum, though, I certainly hope the Senate passes the bill approved by the Senate Finance Committee.

I know some of the objections raised about expanding health care coverage for children come from people who think spending the amount of money proposed in this legislation is too much. I mention to those Members who, in many cases—certainly including the President of the United States—are supporting the repeal of the inheritance tax, the estate tax, to tell them that with the full repeal of the estate tax, one of the wealthiest families in America would receive in tax breaks almost as much money as we are attempting to spend right now to provide health care for over 3 million American children. So on the one hand, there are people—the President of the United States, among others—who say we have to repeal the inheritance tax, all of which benefits now will go to the wealthiest three-tenths of 1 percent. One family getting $32 billion, that is a good idea. But to provide $35 billion to provide health care for over 3 million American children, that is a bad idea. I think those priorities are a little bit backwards.

Let me conclude by saying all of us are very proud to be Americans. We want this country to be No. 1 in many respects. It should not give any of us pride to know that in every other major country on Earth virtually all of the people have health insurance as a right, have lower cost prescription drugs than we do. The idea that today and tomorrow we will be debating whether we can afford to provide another 3 million children with health insurance suggests to me we have a long way to go in this debate. We should not only provide health insurance to 3 million children, we should provide health insurance to the over 9 million children who are without health insurance. We should provide health insurance not just to 9 million uninsured children but to 46 million uninsured Americans.

In my view, health care is a right, not a privilege. The idea that there are people today who are scared to death about what happens when they or their children become ill because of the high cost of health insurance is something that should not take place in this country. This bill is a small but important step forward.

At the end of the day, we have to join the rest of the industrialized world and make sure all of our people, regardless of income, have high quality health care.

MORNING BUSINESS

Mr. SANDERS. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LESLIE SOUTHWICK

Mr. HATCH. Madam President, I rise in strong support of Judge Leslie Southwick's nomination to the United States Court of Appeals for the Fifth Circuit.

The evaluations, hearings, and investigations are complete.

The American Bar Association's highest rating is in.

It is time for this body, the United States Senate, to decide whether to consent to this judicial nomination by voting up or down. That is our role and we should assert it rather than avoid it.

Vote yes or vote no, but it is time for this body to do its duty and vote on the Southwick nomination.

This Senator will proudly vote to confirm this excellent nominee.

Before looking specifically at the Southwick nomination, I must respond to some recent remarks made by my Democratic colleagues concerning the confirmation process.

Three of their claims require a response.

First, Democrats have said that the three appeals court nominees confirmed so far this year are "three more than were confirmed in this similar year in the last Clinton term."

That is a factual claim and it is either true or false.

An evaluation of this claim is simple:

We are in the third year of President Bush's second term and the Senate is controlled by the other party.

The third year of President Clinton's second term was 1999, when the Senate also was controlled by the other party.

Democrats, therefore, are claiming that the Senate confirmed no appeals court nominees in 1999.

That allegation is patently false.

In fact, and this is obviously a matter of public record, the Senate confirmed seven appeals court nominees in 1999, more than twice as many as the Senate has confirmed so far this year.

Now, to give my Democratic colleagues the benefit of the doubt, perhaps they intended to refer to a different year during the last Clinton term.

If so, the evaluation is the same with the same conclusion that their claim is patently false.

The Senate confirmed seven appeals court nominees in 1997, 13 in 1998, seven in 1999, and eight in 2000, a presidential election year.

That is an average of nine per year and seventeen per Congress.

It was my Democratic colleagues who used appeals court confirmations in President Clinton's second term as a benchmark for appeals court confirmations in President Bush's second term.

By my Democratic colleagues' own standard, they will have to pick up the appeals court confirmation pace to match what Republicans did during President Clinton's second term.

The second thing Democrats have claimed is that the judicial vacancy rate is at an all-time low.

Once again, that claim is false.

The judicial vacancy rate has been increasing each year since before President Bush's re-election.

Average vacancies this year are 35 percent higher than in 2004, and average district court vacancies are 62 percent higher.

I do not know where my colleagues get their information, but the judicial vacancy rate is on the way up, not at an all-time low.

The third Democratic claim is that the Republican-controlled Judiciary Committee did not give hearings to 70 of President Clinton's judicial nominees. This, they say, was a sign of great disrespect.

This is the judicial confirmation equivalent of an urban legend but, like other urban legends, constant repetition does not make it any more true.

We may be entitled to our own opinions, but we are not entitled to our own set of facts.

Not only does this claim, right off the bat, overstate the total by more than 20 percent but, more importantly, it ignores the fact that some judicial nominees do not receive hearings for a variety of perfectly legitimate and obvious reasons.

My Democratic colleagues, of course, know this but also know that most Americans will not know the difference and many in the media will not bother to sort it out.

President Clinton, for example, withdrew a dozen of his own nominees for various reasons, some involving significant and even embarrassing controversy. Was it disrespectful not to hold a hearing on nominees the President had withdrawn?

President Clinton submitted other nominees too late in a Congressional session to permit proper evaluation. Was it a sign of great disrespect not to give a hearing to a nominee not yet ready for a hearing?

Other nominees did not receive hearings because they were opposed by their home-State Senators, a tradition of Senatorial courtesy dating well back into the last century. Are my Democratic colleagues arguing that respecting the wishes of home-State Senators, including some of them, was being disrespectful to the nominees?

There are even more reasons, but eliminating these three alone—Presidential withdrawals, late nominations, and home-State Senator opposition—raises the Democratic margin of error to more than 100 percent.

The Southwick nomination has none of the problems I just mentioned that prevented confirmation of some Clinton judicial nominees.

President Bush has obviously not withdrawn the nomination. He submitted this nomination on January 9, 2007, when the current 110th Congress convened, so there has been more than enough time for evaluation and confirmation.

In fact, last year the Judiciary Committee thoroughly vetted Judge Southwick when he was initially nominated to the U.S. District Court.

We looked at the same man with the same character, the same qualifications, and the same record. And we sent the nomination to the full Senate without any opposition, including from any of my Democratic colleagues who today are suddenly raising such a ruckus.

To be fair, in the name of full disclosure, I must candidly admit that two important things have changed since last fall, when the Judiciary Committee unanimously approved Judge Southwick's nomination.

First, Judge Southwick has been nominated to the appeals court rather than to the district court.

Second, the American Bar Association has rated Judge Southwick higher for his appointment to the appeals court than they did for his appointment to the district court.

It makes no sense to me, but I suppose someone somewhere might think that a higher rating justifies more opposition.

The higher rating means Judge Southwick gets even higher marks from the ABA for his compassion, open-mindedness, freedom from bias, and commitment to equal justice.

If someone can explain how that makes him less qualified for the Federal bench, I would like to hear it.

Unlike Clinton nominees who did not receive hearings, Judge Southwick has the strong support of both of his home-State Senators.

The Senators from Mississippi, Senators COCHRAN and LOTT, are senior and highly respected members of this body. Their support ought to mean something.

I have no doubt that if these two fine Senators objected to Judge Southwick receiving a hearing or an up or down vote, the Democrats who run this body would give them the respect they deserve and there would be no vote.

It seems, however, that today this traditional courtesy to esteemed home-State Senators is on its way to becoming a one-way street.

Both Mississippi Senators have been working with President Bush to fill this same seat for more than 5 years, and I think they deserve our respect and support just like we would seek theirs if the situation were reversed.

In the last few years of the Clinton administration, a Republican Senate confirmed a string of highly controversial appeals court nominees who nonetheless had the backing of their home-State Senators.

I supported them and today I urge my colleagues to do the same for our colleagues from Mississippi and for Judge Southwick.

When I came before this body a month ago, I explained why the tactics being used against Judge Southwick and other judicial nominees are illegitimate.

It is illegitimate to focus only on a few of the thousands of decisions in which Judge Southwick participated while on the Mississippi Court of Appeals.

It is illegitimate to ignore the facts and the law of those few cases.

It is illegitimate to ignore the standard of review that Judge Southwick had to follow as an appeals court judge.

It is illegitimate to look only at the political interests served by the results of those few cases.

It is illegitimate to create a distorted, twisted caricature of this nominee, a caricature that is simply unrecognizable by those who know him best and have worked with him most.

These are some of the illegitimate tactics being used against this fine nominee. I have a hard time believing that any of my colleagues would endorse these tactics or, worse yet, be persuaded by them.

As I said, the entire case against this highly qualified nominee rests on just two of the 7,000 cases in which he participated, each involving an opinion which he did not write.

If saying that is not enough to reject this empty case against Judge Southwick's confirmation, I fear for the confirmation process and this body's role in judicial appointments.

But let me take a minute and look at these two lone decisions that supposedly justify this tirade, this assault, this hatchet job against Judge Southwick.

The first is titled Richmond v. Mississippi Department of Human Resources.

Last week, one of my Democratic colleagues said that this one lone decision creates a perception that Judge Southwick will be not be fair in civil rights cases as well as in cases about what he called the rights of ordinary people.

I agree with the distinguished Judiciary Committee Ranking Minority Member, Senator SPECTER, who has said that this body should evaluate judicial nominees based on facts, not perceptions.

Perceptions, after all, can be created with one press release, sound bite, letter, interview, or floor speech. If all it takes to justify opposition is such a deliberately invented perception, a politically motivated innuendo is all it would takes to defeat a nominee and destroy a good man's reputation.

That is wrong, and is another sign that this judicial confirmation process is steadily degrading.

In the Richmond case, a State employee used a racial slur one time. The person to whom it was directed did not hear it and later accepted an offered apology. The State review board concluded that these circumstances did not require terminating the employee.

To hear the critics describe it, the issue on review before the Mississippi Court of Appeals was whether racial slurs are good or bad, whether racial slurs ought to be tolerated in the workplace.

To hear the critics describe it, the appeals court looked at this case from scratch, had all options open, and could have done anything it wanted.

The critics know that is not true, but they also know that most people will not know the difference.

Apparently, the political or partisan goal of attacking Judge Southwick justifies misleading people about what judges do in general, and about this case in particular.

The Mississippi Court of Appeals, on which Judge Southwick sat, was limited to reviewing this decision under a specific, narrow standard called the arbitrary and capricious standard.

The appeals court was required to affirm the review board's decision if there was any evidence to support it. That is a very deferential standard, and a judge's personal opinion is not enough to overcome it.

On appeal, the Mississippi Supreme Court agreed with Judge Southwick's court that the facts of this case did not require that the employee be terminated.

Let me make this very clear.

Judge Southwick's critics are not addressing what the court actually did in this case. They are attacking Judge Southwick because his court did not reach a decision it had no authority to reach. No matter what your personal feelings about the issue in the case, that is the wrong standard.

It is wrong to suggest that judges are not fair to parties simply because they rule against them.

It is wrong to suggest that judges should prefer politically correct results over legally correct results.

Judges do not exist to opine on social problems or address social trends, they exist to decide legal cases.

Judges do not exist to serve political interests or pursue policy agendas, they exist to settle legal disputes.

Judge Southwick apparently understands this much better than his critics. Properly understanding that judges must follow the law rather than their personal opinions is precisely why Judge Southwick should be confirmed.

Some have said that this decision shows Judge Southwick has hostile views on race.

It does not show his views on that issue one way or another.

But if any question remained about Judge Southwick's personal views, in his confirmation hearing before the Judiciary Committee—a more appropriate setting in which to do it—Judge Southwick made his views perfectly clear. He said that this particular slur is always offensive and inherently derogatory.

If some of my colleagues believe judges should ignore the law and decide cases based on personal views, they should say so.

If some of my colleagues believe judges should decide which side is going to win before a case even starts, they should say so.

If some of my colleagues really believe that litigants will get a fairer shake before judges who decide cases by personal opinions rather than the law, they should explain such a wrongheaded idea.

America's founders did not believe that, I do not believe that, and I think most Americans do not believe that.

The other case with which Judge Southwick's critics would indict him is titled S.B. v. L.W.

In this custody case, all of the relevant factors such as employment, income, home ownership, and community roots, weighted in favor of the father.

State statutes and State judicial precedents at the time also favored the heterosexual father over the bisexual mother.

The court's job was to review these factors, and the court upheld the decision to give custody to the father. That is what the law required, so that is what the court did.

So what is it about this decision that Judge Southwick's critics offer as the basis to oppose him? That an opinion he joined but did not write used the phrase "homosexual lifestyle."

I can accept that some people see this as a negative phrase.

But others might see it simply as a factual phrase.

The Mississippi Supreme Court used this phrase in the line of cases that Judge Southwick's court had to follow in its decision.

The phrase has been used in hundreds of court decisions, on both the State and federal level, all across this country. This includes the Supreme Court's decision in Lawrence v. Texas, which Judge Southwick's critics no doubt would applaud.

It is hardly a stretch to see that this phrase is relevant in a custody case where applicable law makes lifestyle patterns and home life decisions important.

This, I say to my colleagues, is the case against Judge Southwick: two decisions, two opinions he did not write, with results some people do not like but which followed applicable law and stuck to the job the appeals court had to do.

That so-called case against Judge Southwick is less than unpersuasive, it is no case at all.

Before I close, I want to repeat a point I made the last time I addressed this body about this excellent nominee.

In their letter opposing Judge Southwick, the Congressional Black Caucus said that we "should be impressed by the frequency with which Southwick's opinions and concurrences have been overruled."

That is the standard the Congressional Black Caucus recommends that we apply to this nomination.

Judge Southwick authored 927 opinions and concurrences while on the Mississippi Court of Appeals.

Only 21 of those 927 opinions and concurrences, or just 2.3 percent, have been either reversed or even criticized by the Mississippi Supreme Court in 12 years.

As the Congressional Black Caucus said I should be, I am indeed impressed by the frequency with which Judge Southwick's opinions and concurrences have been overruled. A reversal rate so low is a sign that he is a balanced jurist whose work is highly respected and holds up under scrutiny.

This is yet another reason why this excellent nominee should be confirmed.

Mr. President, the majority of Americans who disapprove of our job performance has been growing all year, from 56 percent in March and April to nearly 65 percent today.

A record low of 14 percent of Americans have confidence in Congress.

Perhaps, just perhaps, illegitimate tactics and unfair treatment of good people and outstanding nominees such as Judge Southwick contribute to this dismal picture.

I hope that changes, not only for the nominees but also for the vitality and integrity of this institution.

The Southwick nomination is ready for the Senate to decide whether to give its consent by voting up or down.

The background checks are done.

The ABA's highest rating is in.

The questionnaire is complete.

The hearings have been conducted.

The distinguished home-State Senators have given this nominee their strongest endorsement.

None of the factors that stopped, held up, or slowed down past nominees exist in this case.

There are no reasons or excuses for further delay.

The Judiciary Committee and the full Senate should promptly approve this excellent nominee.

I yield the floor.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Madam President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than $50 billion in outlays over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

I find that S. 1893, which was reported to the Senate on July 27, 2007, and will be offered as a complete substitute to H.R. 976, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

SECTION 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.084
FY 2009	2,121.502
FY 2010	2,176.951
FY 2011	2,357.680
FY 2012	2,494.753
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−28.712
FY 2009	14.576
FY 2010	13.230
FY 2011	−36.870
FY 2012	−102.343
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,503.290
FY 2009	2,524.710
FY 2010	2,577.981
FY 2011	2,695.425
FY 2012	2,732.230
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,470.369
FY 2009	2,570.622
FY 2010	2,607.048
FY 2011	2,701.083
FY 2012	2,713.960

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	7,237
FY 2008 Outlays	2,055
FY 2008–2012 Budget Authority	47,405
FY 2008–2012 Outlays	35,191
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008–2012 Budget Authority	6,064,784
FY 2008–2012 Outlays	6,056,901

HOMELAND SECURITY APPROPRIATIONS

Mr. BAUCUS. Madam President, last week when the Senate considered the Homeland Security Appropriations Bill, I offered an amendment, numbered 2406, with my good friend and partner from Montana, JON TESTER. Our amendment would bar funds appropriated in the Homeland Security appropriations bill from being used to establish a national ID card.

Benjamin Franklin once said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Generations of Americans have fought for both our liberty and safety.

America's Founders sought the freedom to lead their lives as they chose—freedom of religion, speech, and assembly. Freedom, above all other motives, led them to cross the ocean find a new home in America.

Whether defending our liberty from British colonial governors, Nazi aggression, or today's Islamic radicals, Americans have never tired in their effort to stand up in defense of our liberty.

But sometimes the threat to liberty is not as obvious as a red-coated army or a German panzer division. Sometimes, the threat is much harder to see but just as dangerous.

The threat I speak of today is a national ID card.

A national ID card may sound harmless to some. Indeed, a number of politicians have called for giving every citizen a national ID card. They argue that a national identification card would make it harder for terrorists to use fake identification to enter the country.

But a national ID card has the potential to be abused. Such a card could become a system of identity papers, databases, status and identity checks, and Federal surveillance used to track and control individuals' movements and activities. It could, in effect, create an internal U.S. passport.

Some have argued that a national ID is essential to protecting Americans from terrorism. I strongly disagree.

In response to the 9/11 Commission's recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. This act provided a number of improvements to our Nation's driver's licenses.

I support these reasonable efforts to secure our State driver's licenses from terrorists. However, a national ID card would just give Government bureaucrats another chance to meddle in the private lives of regular law-abiding Americans.

Just to get on a plane, go in a Federal building, or drive down the road, you would have to have the permission of some bureaucrat in Washington.

If a national ID card were established, we would be right back here on the Senate floor debating whether citizens would be required to carry them at all times or pondering what citizens are allowed to do without a national ID card.

A National ID card would be a terrible loss of freedom in this country.

Foreign countries with the worst civil liberties records in the world require their citizens to carry a national ID at all times. They have legal punishments for people caught without their IDs.

Take Zimbabwe, for example. They passed a law in November which required all citizens to carry a national ID. Citizens face a fine or imprisonment if they refuse to carry the ID.

History has taught us that national ID cards can lead to dangerous and destructive government policies. National ID cards played important roles in the genocides of both Nazi Germany and Rwanda.

The apartheid-era Government of South Africa used national identification documents as internal passports to oppress the country's native population.

Clearly, a national ID would be wrong for the United States. I am proud to say my home State of Montana would be the first to reject any effort to impose this sort of system.

Montana's leadership has spoken, and I have heard them loud and clear; get the Federal Government out of the business of telling the States how to produce driver's licenses and ID cards.

My friend, Montana's Governor Brian Schweitzer, signed a law in April that bans Montana's Department of Motor Vehicles from enforcing the requirements of the Real ID act. Republicans and Democrats alike in Montana's Legislature have voted unanimously to reject Real ID. I am proud of Montana's vigilant stand against the Federal Government's encroachment.

It is wrong for politicians in Washington to burden State authorities with excessive regulations. We must allow our States to take initiatives as well. We should never try to micromanage them. They know how to do their job.

Madam President this is not a partisan issue. Organizations from the left, the ACLU, join hands with groups from the right, the NRA, and raise serious concerns about the establishment of a national ID card.

I urge my colleagues to join the chorus of Americans and support this amendment.

Mr. FEINGOLD. Madam President, I was pleased to support the fiscal year 2008 Homeland Security appropriations bill. Our national security strategy needs to adapt in order to meet new and emerging threats while ensuring those in charge of protecting us have the resources they need. I am pleased to support the current Homeland Security appropriations bill which includes many important measures to keep our communities safe.

The Senate unanimously accepted my amendment to improve the Safe Skies program that I established a few years ago. The amendment will encourage the Transportation Security Administration and the airlines to better implement legislation I authored that allows first responders to volunteer to help flight crews in the event of an onboard emergency.

The bill would increase funding for State fire fighter and emergency management grants. Along with a bipartisan coalition of Senators, I wrote to Senate appropriators earlier in the year asking that they increase funding for these important grants. The appropriators agreed with our recommendations and recommended $700,000,000 for fire fighter grants and $300,000,000 for emergency management performance grants. These funds will help State and local agencies obtain the equipment and training they need to protect us against terrorist incidents and natural disasters.

I was disappointed that an amendment I cosponsored to fund decontamination units for the National Guard's Weapons of Mass Destruction Civil Support Teams, WMD–CST, did not receive a vote. As a result of legislation I authored, every State in this Nation now has a functional WMD–CST. The Department of Defense recently announced that it will soon finalize the certifications of all of these teams. I will continue to work to ensure that the National Guard receives the funds it needs to perform its homeland security operations.

The bill would appropriate the funds needed to hire 3,000 additional border patrol agents. This important provision will help us secure our borders and restore credibility to our immigration system. While I was deeply disappointed that the Senate was unable to reach a bipartisan compromise to implement comprehensive immigration reform, I am pleased that the bill will help improve our border security. I also supported an amendment offered by Senator GRAHAM to appropriate an additional $3 billion for additional border agents, infrastructure and technology. I was concerned that the amendment was not offset and that it authorized building 700 miles of fencing, which has not been demonstrated to be a realistic or cost-effective method of securing the border. However, I supported the amendment because the personnel, infrastructure, and technology provisions represent important steps toward border security, which is one of our top homeland security priorities.

The bill would permit States to enact chemical security regulations that are stronger than Federal regulations. Chemical security regulations are an urgent homeland security priority, and I support the ability of the States to set tougher standards.

Wisconsin residents and Americans across the country are concerned about the serious backlog in passport application process. This bill would delay the implementation of the Western Hemisphere Travel Initiative to keep the backlog from increasing until we have a chance to resolve this issue.

I voted to table an amendment offered by Senator ALEXANDER that would have reduced funding for border, port and air security in order to provide increased funding for implementation of the REAL ID Act. That act is deeply flawed. While I am concerned that it remains an unfunded priority, I am also concerned that, if we head down the road of funding this misguided policy, the Senate will not take the necessary steps to reform the REAL ID Act. Moreover, the National Governors Association has estimated that the cost of implementing the REAL ID Act could reach $11 billion, which means that the increased funding provided by this amendment, $400 million, would do little to address the unfunded mandate of REAL ID while taking away money for pressing homeland security priorities. I will continue to push for reform of the REAL ID Act, to provide for proper funding of any Federal mandate in the reformed act, and to ensure that the implementation of the act is not rushed.

We are still spending almost twice as much on Iraq as is allocated for homeland security, diplomacy, and international assistance combined. The billions we spend each month in Iraq could be better invested in the protection of critical infrastructure and our system of national preparedness and response that failed in the wake of Hurricane Katrina. As we consider the defense appropriation this fall, I encourage my colleagues to take a broader view when it comes to our national security priorities and make the tradeoffs that must be made.

This bill would significantly increase spending on homeland security. I do not take lightly a decision to vote in favor of spending the taxpayers' money. Fiscal responsibility is one of my highest priorities, but it is imperative that we provide the resources needed to combat al-Qaida and its affiliates and protect the country.

I am pleased that the bill would appropriate funds to double the frequency of spot checks at regulated port facilities across the country, to conduct vulnerability assessments at 10 high risk ports, to create a radiation detection test center to help scan cargo and to purchase and install explosives detection equipment at airports. Much more remains to be done. I will continue to work to ensure that our national security strategies address the range of threats we face and properly prioritizes homeland security.

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT

Mr. KOHL. Madam President, I wish to discuss several provisions in the conference bill, H.R. 1, Implementing Recommendations of the 9/11 Commission Act of 2007. As chairman of the Special Committee on Aging, I wish to thank Senators LIEBERMAN, COLLINS, DODD, and SHELBY for working with me and my staff on provisions that will protect seniors in the event of an emergency or disaster.

It has been nearly 2 years since our Nation reeled from the tragic and shameful images of seniors abandoned during the aftermath of Hurricane Katrina. Sadly, we now know that 71 percent of the people who died were older than 60. Last year, the Special Committee on Aging held a hearing to examine how prepared the Nation is to care for our seniors in the event of a national emergency. What we learned was disheartening.

We learned that our Nation is woefully unprepared to meet the unique needs of our seniors in the event of a terrorist attack, natural disaster, or other emergency. Cookie-cutter emergency plans are of little use to seniors, especially those who depend on others for assistance in their daily lives. We need specific plans, programs, and information for all seniors facing emergencies.

That is why I teamed up with Senator COLEMAN to continue to work with the committees of jurisdiction to ensure that the Departments of Homeland Security and Transportation place seniors on the forefront of their emergency planning agenda. These provisions are an important step toward ensuring that seniors are not overlooked but are protected when the next national emergency occurs.

I thank Senators LIEBERMAN and COLLINS again for working with us to include two important provisions in titles I and IV that will address emergency preparedness and planning for older individuals.

The first provision we have successfully included amends the Homeland Security Act of 2002 to ensure that as State, local, and tribal governments develop their mass-evacuation plans they include specific procedures to inform the elderly before and during an evacuation. This will send a strong signal to States and communities that are engaged in emergency planning that seniors must be a priority and cannot be forgotten or ignored during mass evacuations. This will also assist older individuals and their families in appropriately preparing for an evacuation during an emergency or other disaster.

The second provision we have included amends the Post-Katrina Emergency Management Reform Act of 2006 to ensure that the National Exercise Program is designed to address the unique needs of older individuals. The National Exercise Program was originally created to test and evaluate our Nation's level of preparedness and capability to prevent, protect against, respond to, and recover from national disasters. Such testing and evaluation will allow emergency management entities to effectively identify, assess, and improve vulnerabilities at the State, local, and tribal levels. This provision will keep older individuals on the forefront of national emergency planning.

I thank Chairman DODD and Ranking Member SHELBY again for working with us to successfully include and expand upon our original provision in title XIV, supported by the American Public Health Association, which would ensure that public transportation workers and other related employees are trained to meet the evacuation needs of seniors in the event of a crisis. The Secretary of Homeland Security will establish a program to conduct security exercises, which will be scaled to meet the needs of specific transportation systems and must take into account the needs of seniors who utilize those systems. Additionally, another provision in this title will ensure that transportation agencies receiving grant funding in high-risk areas have mandatory security plans in place that must include appropriate evacuation and communication measures for the elderly as a component of each agency's plan. Both provisions are particularly important since so many of our seniors utilize public transportation for access to their everyday needs. Furthermore, only public transportation has the capacity to move millions of people and provide first responders with critical support in major evacuations of urban areas.

Madam President, these 4 provisions will go a long way in ensuring that our seniors are taken care of if we have another national emergency or disaster. Hurricanes Katrina and Rita taught us many painful lessons that should never be forgotten. I will not forget, and I intend to pursue additional legislation aimed at explicitly safeguarding the needs of America's seniors in the event of an emergency. The time to act to protect our seniors is now.

Mr. FEINGOLD. Madam President, I want to add my thoughts to the debate on the conference report accompanying the Improving America's Security Act of 2007.

First, I want to preface my remarks by applauding the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their work on this important bill. This bill makes crucial and long overdue improvements in transportation security, critical infrastructure protection and emergency response capabilities. There is no higher priority than protecting homeland security and this bill is a key component in that effort.

I am particularly pleased that the Federal Agency Data Mining Reporting Act is included in this bill as Section 804. I have been working on this legislation for a number of years with Senator SUNUNU, Senator LEAHY, and Senator AKAKA. Many law-abiding Americans are understandably concerned about the specter of secret government programs analyzing vast quantities of public and private data about their pursuits, in search of patterns of suspicious activity. Four years after we first learned about the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining. This bill is an important step in allowing Congress to conduct oversight of any such programs or related research development efforts.

I supported the provision in the Senate bill which mandates the declassification of the aggregate amount of the intelligence budget. It is unfortunate that this provision was watered down during the conference process to permit the President to waive this requirement if the disclosure of this information would harm national security. The 9/11 Commission found that "when even aggregate categorical numbers remain hidden it is hard to judge priorities and foster accountability." I concur with the Commission, that aggregate budget figures "provid[e] little insight into U.S. intelligence sources and methods." Sharing this information with the American people will provide a greater level of transparency and accountability and in the end make us more secure.

I am pleased that this bill includes provisions to ensure proper oversight of homeland security grants. The bill requires regular auditing of homeland security grant funds to ensure that they funds are spent appropriately and effectively. I will continue to work with my colleagues to improve oversight of homeland security funding.

The conference report also includes important nonproliferation provisions. It would establish a Presidential coordinator for the prevention of WMD proliferation and terrorism. Currently, there is no point person in the Federal Government in charge of coordinating nonproliferation initiatives and efforts to prevent nuclear terrorism. We face a variety of worldwide terrorist threats. One of the most serious of those threats is the possibility that terrorists could smuggle fissile materials into the United States. This provision is an important contribution to our efforts to secure these materials and prevent the proliferation of weapons of mass destruction.

I must note that one provision of this bill troubles me greatly. That is the so-called John Doe provision concerning immunity for citizens making tips of possible terrorist threats and government officials acting on those tips. This provision was not in the bill that was passed in the Senate, nor was it in the bill that passed the House. It was apparently inspired by a lawsuit filed after six Muslim imams were told to get off a plane they had boarded in Minneapolis, but the Judiciary Committee never had the opportunity to study it or perfect it. Regardless of its merit, this provision should have received more careful consideration by the Senate. I am deeply concerned that as written this provision appears to endorse racial, ethnic, and religious discrimination. The best way to prevent terrorism is through solid law enforcement and intelligence work, not through scare tactics or racial profiling.

I voted for this bill because it makes key changes to address security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

RETIREMENT OF PAUL CULLINAN

Mr. CONRAD. Madam President, as chairman of the Budget Committee, and along with my colleague, Senator GREGG, the ranking member, I would like to gratefully acknowledge the expert assistance that the Congress has received from Paul Cullinan during his time at the Congressional Budget Office. Paul is retiring from congressional service in August, and this institution will sorely miss him.

Dr. Cullinan arrived at CBO in 1981, and has contributed to a vast range of policy analyses, budget projections, and legislative cost estimates over the past 26 years. But more important than the amount and variety of such work is the consistently high quality of that work and Paul's continual dedication to providing the Congress with thorough and timely analysis.

For the past 13 years, Paul Cullinan has served as the unit chief of CBO's Human Resources Cost Estimates Unit. He excelled in that role, and his service there allowed CBO to provide critical support to consideration of many varied pieces of legislation, including: efforts to reauthorize and extend higher education programs and the food stamps program, potential changes to Social Security, proposals to reform U.S. immigration policies, and changes to a host of income security programs. Moreover, Paul has been a key contributor to and coordinator of CBO's work on long-term budget projections, which we have come to consider more as we move toward the pending retirement of the baby-boom generation.

In addition to his superb analysis of legislative proposals, Paul has provided constant and wise support to the Budget Committees in both the Senate and the House of Representatives. In short, there are only a handful of true first-tier budget experts here on Capitol Hill, and Paul Cullinan is clearly in the top ranks of that small group—we will miss his input, careful judgment, and dedication to providing the best budgetary information possible for congressional consideration.

Mr. GREGG. Madam President, I join with Senator CONRAD in recognizing

Paul Cullinan of the Congressional Budget Office. Paul's leadership, extremely dedicated work, and the products of his unit have been essential to understanding entitlement programs and the long-term fiscal condition of the United States. Paul has served CBO Directors and Budget Committee Members of the House and Senate with distinction. He represents the type of dedicated public servants whom we are fortunate to have at the CBO.

UNEMPLOYMENT INSURANCE MODERNIZATION ACT

Mr. WARNER. Madam. President, today I rise in support of the Unemployment Insurance Modernization Act which was introduced on July 25. I am pleased to join my colleagues Senators EDWARD M. KENNEDY, OLYMPIA J. SNOWE, JOHN D. ROCKEFELLER IV, and MARIA CANTWELL to introduce this bipartisan proposal which seeks to encourage States to modernize their unemployment insurance systems. The Unemployment Insurance Modernization Act would make $7 billion in incentive payments available to States to encourage them to expand eligibility for benefits and provide training to workers struggling with long-term unemployment.

The unemployment insurance, UI, program must be reformed to address fundamental shifts in the economy. The UI system provides needed benefits to millions of U.S. workers each year. But the system needs to be updated to better assist today's more highly mobile workforce and long-term unemployed workers left behind by declining industries. Today, many unemployed workers do not qualify for benefits because their most recent work is not taken into account. Others exhaust their benefits before finding work, joining 1.1 million long-term unemployed workers and an additional 1.5 million discouraged job-seekers struggling to get by. For these reasons, only 35 percent of unemployed workers currently collect unemployment benefits.

The UI Modernization Act sets aside $7 billion from tax receipts authorized under the Federal Unemployment Tax Act, FUTA, to provide incentive payments to encourage States to update their UI systems. The bill rewards states for: (1) removing barriers that block coverage for low-wage and part-time workers; (2) ensuring a more family-friendly UI system; and (3) helping dislocated workers increase their skills. It also provides $500 million in funding to States to improve the administration of their unemployment compensation systems. These administrative payments are fully paid for from the existing UI trust fund.

The UI Modernization Act would give States the resources and flexibility they need to pass important reforms. Each State would have a chance to receive a share of the $7 billion set aside for incentive payments. To receive one-third of its allotted funds, a State must adopt an "alternative base period" allowing workers to meet eligibility requirements by counting their most recent wages. This makes the system—which has traditionally relied on wage data that is up to 6 months old more accurate and helps workers who have recently satisfied earnings requirements to collect the benefits they deserve. States that have already adopted such a system would also receive these incentive payments.

States will receive the additional two-thirds of their share of funds if they adopt or have adopted two of the following reforms that benefit workers: (1) provide unemployment compensation for workers who have voluntarily left their jobs due to the illness or disability of an immediate family member, the relocation of a spouse for employment, or domestic violence; (2) provide training benefits to unemployed workers laid off from a "declining" occupation who are enrolled in a State-approved training program for entry into a high-demand occupation; (3) provide unemployment compensation benefits to individuals seeking part-time work; (4) raise maximum compensation caps so that all long-term unemployed workers can receive a full 26 weeks of benefits; or (5) pay unemployed workers at least an extra $15 per week for each of the worker's dependents.

Madam President, in periods of unemployment, workers need a sound program of training and benefits to find new and rewarding opportunities. This bill will provide important resources to States like Virginia, as they improve their programs to help workers and their families in times of need.

GUN VIOLENCE

Mr. LEVIN. Madam President, despite the outcry for change in the wake of the deadliest shooting rampage in our Nation's history, too many schools continue to be plagued by gun violence. True prevention requires reducing the likelihood of death or injury before an incident occurs. Unfortunately, we have still not done enough to prevent dangerous guns from falling into the hands of those who may intentionally or unintentionally use them to harm themselves or others.

Earlier this month, a group of engineering students at Kettering University, in Flint, MI, gathered in an apartment to celebrate the beginning of their 3-month job co-ops, part of their degree requirements. One of the students stumbled across a 9mm handgun lying on a dresser in one of the apartment's bedrooms. He picked up the weapon, and, after seeing himself in a mirror, made a sudden spin move with it. As he spun around, the gun accidentally discharged. Karl Joseph Hansen, 21 years old and asleep at the time, died of a single gunshot wound to the head.

Because a loaded handgun was present in an otherwise unremarkable celebration, one student was left dead and another has been charged with involuntary manslaughter, a felony punishable by up to 15 years in prison. Such an event is extremely difficult to comprehend. For the people and families directly involved, it is nearly impossible.

Shortly after the tragedy at Kettering University, following a heavy night of drinking, an undergraduate student at Yale University decided it would be a good idea to fire one of his pistols in the basement of his fraternity house. When he heard the shots, a visitor to the school ran downstairs to investigate. The student responded to the visitor's requests for him to put the gun down by firing two rounds of blanks at the ceiling. When the visitor then tried to convince the student even blanks could be dangerous, he is reported to have responded by asking "Why don't I point it at your head and find out?" When the student was subsequently arrested, police discovered an AK-47 assault rifle, AR-15 assault rifle, two rifles, a shotgun, several other pistols and nearly 5,000 rounds of ammunition in his bedroom. He has been charged with two counts of illegal possession of an assault rifle, unlawful discharge of a firearm, reckless endangerment in the first degree, threatening in the second degree, and breach of peace in the second degree.

Time after time, we see these tragedies reported in the news. Yet Congress has not taken the necessary steps to help control these acts of violence or ease the anxiety that many parents and families feel each day as their children head off to school. By removing firearms from potentially dangerous situations, we can prevent these types of tragedies from occurring. Congress should take up and pass sensible gun legislation as soon as possible.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. REED. Madam President, due to the delay of my flight, I was unavoidably absent for vote No. 285, the vote to invoke cloture on the motion to proceed to H.R. 976.

Had I been present, I would have voted yes on the motion to proceed. This is one of the most important pieces of legislation that the Senate will consider this year. It is the first reauthorization of the highly successful Children's Health Insurance Program, or CHIP. I am proud to have been a part of the original bipartisan effort to create this initiative back in 1997. While some on the other side of the aisle will criticize the Finance Committee agreement pending before this Chamber, no one can deny CHIP has played a crucial role in helping to reduce the rate of uninsured low-income children over the past 10 years. The Congressional Budget Office estimates that the number of uninsured children fell from 22.5 percent in 1996 to 16.9 percent in 2005 due in large part to CHIP.

I look forward to a vigorous and spirited debate on this bill, and I am dedicated to working very closely with my colleagues to ensure the Senate will advance a reauthorization bill that reaffirms our commitment to health insurance coverage for children in Rhode Island and around the country.●

ADDITIONAL STATEMENTS

COMMEMORATING THE 1997 SPRING CREEK FLOOD

● Mr. ALLARD. Madam President, today I commemorate the Spring Creek Flood in Fort Collins, CO, which occurred 10 years ago this weekend. As the rains began to fall on the evening of July 27, 1997, it would have been hard for anyone to believe that this seemingly typical summer afternoon storm would wreak havoc on the city.

All told, 14.5 inches fell on Fort Collins within a 31-hour period of time. Composite rainfall patterns indicated that over 10 inches of rain blanketed a 30 square mile area of northern Colorado. This flood took the lives of 5 Fort Collins residents and forced over 400 to be rescued from the rising waters, severely damaged or destroyed approximately 2,000 homes and businesses across the city, caused over $200 million in damage, including the near destruction of Colorado State University's library. The storm derailed a train and caused buildings to explode. This was not something this college town was used to experiencing. Those residents who were fortunate enough to be unaffected by the flood that night awoke to the sounds of helicopters, massive road closures, and local schools converted into Red Cross shelters. For a place that occasionally made national news by appearing on lists for "best place to live" and "most restaurants per capita," this sudden and shocking destruction was not the reason why the people of Fort Collins ever imagined their town would be the top story on all the news networks.

As quickly as the rains came that night, and continued through most of the following day, it was all over. Sadly, like the pictures we all vividly remember of recent natural disasters in the United States, many wondered aloud in Fort Collins 10 years ago how this could have happened here. As the small creeks that flowed peacefully along the sides of bike trails and through the parks and baseball fields of the city suddenly swelled and transformed into violent streams of water that engulfed so much, it seemed probable that this city of about 110,000 residents would be permanently affected by this storm for a long time to come. For a community that had experienced tremendous expansion and job growth through the 1990s—due considerably to the rise of the tech boom—it appeared the good times had come to an end. With so many infrastructures in disrepair, it seemed unlikely that companies would continue to expand to Fort Collins in the manner they had been doing over the years preceding the flood.

What had long been, and continues to be, the heart of Fort Collins, Colorado State University, received the brunt of the damage. Just 5 weeks prior to the start of classes, a 7-foot wall of water that had concentrated its strength through the run off of many smaller floods tore through the main campus. Thirty-six buildings sustained significant damage, most especially the newly remodeled Morgan Library and the Lory Student Center. Rain-water, sewage and debris rushed through the library and destroyed about 425,000 books and journals, about one-quarter of the library's inventory. As school began that year, the students and professors adapted to a more nomadic life, but worked together, as they all faced the same obstacles.

As time moved on, CSU began to recover from the flood, the Morgan Library was rebuilt and CSU took the opportunity to update its electronic resources, making them state-of-the-art. The drainage systems were updated and replaced, with walls and landscaping put in place to counter a flood 6 inches greater than what was experienced in 1997. As CSU recovered, the city did as well. Beautification and clean-up efforts took place on a massive scale, stronger bridges were built, and creeks were redesigned to more evenly disperse water should this 500-year flood ever occur again. The community at-large pitched in to clean up the parks and neighborhoods that were littered by debris. Local businesses, the school district, and CSU all continued to work together and leaned on each other to bring Fort Collins back.

As the Colorado summer faded into fall and the days began getting shorter, the mounds of ruined furniture and rows of unusable refrigerators that lined the neighborhood sidewalks for so long slowly began disappearing from the city's landscape and life started to get back to normal. Fort Collins has continued to grow over the last 10 years and so has CSU. Still, there are many reminders today of the storm: from the occasional open spaces that were simply wiped out by the flood and never rebuilt; to new buildings, roads and bridges that were built following the storm; to the glaring markers that line the Spring Creek Trail showing the water levels on that day 10 years ago.

Sadly, Fort Collins' experience with flooding and tragedy is shared by many communities across the Nation, most especially along the gulf coast in Louisiana and Mississippi, as many continue to struggle to find some semblance of normalcy almost 2 years after Katrina and Rita. Recently, we have seen massive floods throughout Texas and in the Midwest as well, particularly in Kansas and Missouri. While all these events are all uniquely tragic, it is my hope that the devastation experienced in Fort Collins, Colorado 10 years ago can serve as an example to the many other communities across the country that are not as far removed from their storms: that there is a light at the end of the tunnel, and as insurmountable as a natural disaster may seem, life will and does go on.●

IN MEMORY OF MATT BURTON AND SCOTT DESMOND

● Mrs. BOXER. Madam President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of two courageous firefighters, captain Matt Burton of Concord, CA and fire engineer Scott Desmond of Brentwood, CA. Captain Burton and Fire Engineer Desmond were heroes who died in the line of duty in San Pablo, CA on July 21, 2007. Captain Burton was 34 and Fire Engineer Desmond was 37.

Both men were dedicated firefighters who served in the Contra Costa County Fire Department for more than 10 years. They were killed while battling a residential fire in a neighborhood outside of San Pablo. The two residents of the home, Delbert and Gayle Moore, were also killed in the blaze.

Captain Burton and Fire Engineer Desmond are remembered by friends and colleagues as cheerful and full of life as well as seriously dedicated to their profession. The men served the community with enthusiasm and a commitment to protecting the residents of Contra Costa County.

Captain Matt Burton and Fire Engineer Scott Desmond risked their lives every day to make Contra Costa County safer. We will always be grateful for their brave service to their community and the State of California. Our hearts go out to their families, friends, and colleagues who struggle with their loss.

Captain Burton is survived by his wife, Chantel, and his two children, Megan and Joshua Matthew. Fire Engineer Desmond is survived by his wife Carolyn and his 17-month-old son Tyler.●

50TH ANNUAL BAT FLIGHT CELEBRATION

• Mr. DOMENICI. Madam President, I would like to honor and give special attention to the 50th annual Bat Flight Celebration Breakfast, at New Mexico's beautiful Carlsbad Caverns. Every evening over 300,000 Mexican free-tail bats exit the caves to feed, only to return in the early morning hours. It is in these early morning hours, once a year, that visitors gather to observe the return of these thousands of bats to their homes inside these incredible caves. On Saturday July 28, 2007, for the 50th time, over 600 visitors gathered and enjoyed a New Mexican breakfast while witnessing this magnificent in-flight return to the cave.

Created by inland sea between 250 and 280 million years ago, the limestone caves of Carlsbad were declared a national monument in 1923, and the surrounding area was made a national park in 1930, in order to preserve its unique beauty and geology. Carlsbad Caverns National Park has more than 100 known caves and covers over 46,000 acres, with approximately 33,000 acres designated as wilderness. The park's most prominent feature is the cavern itself, which contains one of the world's largest underground chambers and countless spectacular geological formations, many of which are easily accessible along a 3-mile paved underground trail.

The next time you happen to be in New Mexico, I encourage you to come visit and take some time to enjoy all New Mexico has to offer. From the beautiful rock formations, the stalagmites and stalactites, the wildlife, the culture and the history—the unique caverns near Carlsbad, NM, have it all. New Mexico is a great place, and the Carlsbad Caverns help make it so. To all, past and present, who have worked hard to preserve Carlsbad Caverns and showcase the annual bat flight celebration, I extend a heartfelt thank you.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3093. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the act (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, July 30, 2007, by the President pro tempore (Mr. BYRD).

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Homeland Security and Governmental Affairs, and referred as indicated:

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3093. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2703. A communication from the Acting Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the Department's decision to convert support functions currently performed by military personnel at Fleet Composite Squadron Six in Norfolk, Virginia, to a contractor; to the Committee on Armed Services.

EC–2704. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts" ((RIN1545–BB64)(TD 9340)) received on July 25, 2007; to the Committee on Finance.

EC–2705. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, the report of a bill relative to the shipwrecked vessel RMS Titanic; to the Committee on Foreign Relations.

EC–2706. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities" (72 FR 36676) received on July 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2707. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Technical Assistance on Data Collection—General Supervision Enhancement Grants" (72 FR 37212) received on July 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2708. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention" (72 FR 37086) received on July 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2709. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "The Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program" (RIN1820–ZA41) received on July 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2710. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "The Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program" (RIN1820–ZA42) received on July 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2711. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC–2712. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act Requests; Production of Records or Testimony" (5 C.F.R. Part 1820) received on July 25, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 456. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1895. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 1896. A bill to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1897. A bill to allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mrs. CLINTON (for herself, Mrs. DOLE, Ms. MIKULSKI, Mr. GRAHAM, Mr. KENNEDY, and Mr. BROWN)):

S. 1898. A bill to amend the Family and Medical Leave Act of 1993 to expand family and medical leave for spouses, sons, daughters, and parents of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN:

S. 1899. A bill to require every American to have health insurance coverage; to the Committee on Finance.

By Mr. McCAIN:

S. 1900. A bill to authorize appropriations for the United States Institute for Environmental Conflict Resolution; to the Committee on Environment and Public Works.

By Mr. THUNE:

S. 1901. A bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1902. A bill to limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 283. A resolution expressing the sense of the Senate that the United States Postal Service should discontinue the practice of contracting out mail delivery services; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 284. A resolution to authorize testimony and legal representation in City and County of Denver v. Susan I. Gomez, Daniel R. Egger, and Carter Merrill; considered and agreed to.

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 197, a bill to authorize salary adjustments for justices and judges of the United States for fiscal year 2007.

S. 358

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 734

At the request of Mr. SPECTER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 734, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State Children's Health Insurance Program (SCHIP).

S. 773

At the request of Mr. WARNER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 799

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1286

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1286, a bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1398

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1557

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1651

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1668

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1790

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1790, a bill to make grants to carry out activities to prevent the incidence of unintended pregnancies and sexually transmitted infections among teens in racial or ethnic minority or immigrant communities, and for other purposes.

S. 1815

At the request of Mr. STEVENS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1815, a bill to assure compliance with basic standards for all-terrain vehicles in the United States, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1851

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1851, a bill to amend the Internal Revenue Code of 1986 to allow personal exemptions under the individual alternative minimum tax, and for other purposes.

S. 1855

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1855, a bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year.

S. 1881

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1881, a bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes.

S. 1894

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1894, a bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

S. RES. 276

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 276, supra.

S. RES. 278

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 278, a resolution expressing the sense of the Senate regarding the announcement of the Russian Federation of its suspension of implementation of the Conventional Armed Forces in Europe Treaty.

S. RES. 281

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 281, a resolution congratulating Cal Ripken Jr. for his induction into the Baseball Hall of Fame, for an outstanding career as an athlete, and for his contributions to baseball and to his community.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1895. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe A Book Act.

Our legislation amends the No Child Left Behind Act to create a federal pediatric early literacy grant initiative based on the long-standing, successful Reach Out and Read program. The program would award grants to highly qualified nonprofit entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from 6 months to five years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4-8 points on vocabulary tests. I have seen upclose the positive impact of this program on children and their families when visiting a number of the 40 Rhode Island Reach Out and Read sites.

I urge my colleagues to cosponsor the Prescribe A Book Act and work for its inclusion in the upcoming reauthorization of the No Child Left Behind Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescribe A Book Act".

SEC. 2. PEDIATRIC INVOLVEMENT IN READING AND EDUCATION.

Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended by adding at the end the following:

"Subpart 5—Pediatric Early Literacy Program

"SEC. 1261. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

"(A) Providing peer-to-peer training to healthcare providers in research-based methods of literacy promotion as part of routine pediatric health supervision visits.

"(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

"(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

"(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 1266.

"(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

"(2) PEDIATRIC EARLY LITERACY PROGRAM.—The term 'Pediatric Early Literacy Program' means a program that—

"(A) creates and implements a 3-part model through which—

"(i) healthcare providers, doctors, and nurses, trained in research-based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

"(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

"(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

"(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

"(C) receives the endorsement of nationally-recognized medical associations and academies.

"SEC. 1262. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to eligible entities under this subpart to enable the eligible entities to implement Pediatric Early Literacy Programs.

"SEC. 1263. APPLICATION.

"An eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

"SEC. 1264. MATCHING REQUIREMENT.

"An eligible entity receiving a grant under this subpart shall provide either directly or through private contributions, in cash or in-kind, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under this subpart.

"SEC. 1265. USE OF GRANT FUNDS.

"(a) IN GENERAL.—An eligible entity receiving a grant under this subpart shall—

"(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

"(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this subpart; and

"(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(b) CONTRACTOR CRITERIA.—Contractors shall be selected under subsection (a)(1) on the basis of the extent to which the contractors give priority to serving a substantial number or percentage of at-risk children, including—

"(1) low-income children (defined in this section as children from families with incomes below 200 percent of the poverty line), particularly low-income children in high-poverty areas;

"(2) children without adequate medical insurance;

"(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

"(4) children living in rural areas;

"(5) migrant children; and

"(6) children with limited access to libraries.

"SEC. 1266. RESTRICTION ON PAYMENTS.

"The Secretary shall make no payment to eligible entities under this subpart unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"SEC. 1267. REPORTING REQUIREMENT.

"An eligible entity receiving a grant under this subpart shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

"SEC. 1268. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart—

"(1) $15,000,000 for fiscal year 2009;
"(2) $16,000,000 for fiscal year 2010;
"(3) $17,000,000 for fiscal year 2011;
"(4) $18,000,000 for fiscal year 2012; and
"(5) $19,000,000 for fiscal year 2013.".

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 1896. A bill to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mr. SUNUNU. Mr. President, I rise to honor a fallen officer of the Epsom, NH, Police Department, Officer Jeremy Todd Charron, by introducing a bill to designate the United States Postal Service facility at 11 Central Street in Hillsborough, New Hampshire, as the Officer Jeremy Todd Charron Post Office.

Born on March 18, 1973, Officer Charron was the third of five children to Bob and Fran Charron. Originally from Pittsfield, NH, Jeremy and his family moved to Hillsborough in 1977. Throughout his early life, Jeremy grew intensely goal orientated, a trait that persisted throughout his shortened life, and by the time he had reached second grade he knew his calling was to one day serve as a U.S. Marine.

Although he was an outstanding athlete in many sports, he excelled at playing defense on the soccer field. The same tenacity that Jeremy used on the soccer field, he carried with him off the field. One poignant example of Jeremy's developing leadership occurred as a friend lost his hair from cancer treatments and was teased by fellow classmates. While it may have been easier for most students to ignore the taunting of other classmates, Jeremy actively defended his friend. Throughout Jeremy's life, he stood up for what he thought was right and protected those who could not defend themselves.

During Jeremy's high school years at Hillsborough-Deering High School, he grew into a leader, quickly becoming active in all aspects of the school community. His peers voted him "most spirited" and elected him class president. At the same time, he had convinced 8 classmates to join the Marines with him following graduation. Together, they would dedicate their weekends to training for their future service in the Marine Corps.

After graduating high school in 1992, Jeremy entered the Marine Corps and proudly served his country for 4 years. As his enlistment term drew to a close, he had a new aspiration, which was to become a New Hampshire State Trooper, and looked forward to starting a family.

To achieve this objective, Jeremy enrolled at the New Hampshire Technical College in Concord to study Criminal Justice, and was hired by the Epsom, New Hampshire Police Department as a part-time and then full-time police officer.

Sadly, Jeremy's dream was cut short. On August 24, 1997, the morning after he attended the funerals of New Hampshire State Troopers Leslie Lord and Scott Phillips, Officer Charron was responding to a report of a suspicious car, which contained two men. Tragically, while Officer Charron questioned one of the men, the individual pulled out a gun and opened fire. Although Jeremy was wearing a bulletproof vest, one of the bullets struck him in an unprotected area. Despite his fatal wounds, Jeremy heroically returned fire until he collapsed, forcing his two killers to abandon their car and steal a near-by truck that could be identified by police, eventually leading to their capture.

Had Jeremy's dreams not been cut short at the age of 24, he would have achieved his goals of becoming a State Trooper and having a family of his own. Jeremy's murderers stripped our Nation, the State of New Hampshire and the community of a true patriot, citizen, and role model, as well as a loving friend and family member.

Ten years have gone by since Jeremy's passing and a new generation of 7 nieces and nephews know Jeremy's stories. People of Hillsborough, NH, still have stories to share and lessons to learn from their very own American hero. As the years move forward, the citizens and future generations of Hillsborough will always remember Jeremy and share anecdotes about his life when they visit the Officer Jeremy Todd Charron Post Office Building.

By Mr. REID (for Mrs. CLINTON (for herself, Mrs. DOLE, Ms. MIKULSKI, Mr. GRAHAM, Mr. KENNEDY, and Mr. BROWN)):

S. 1898. A bill to amend the Family and Medical Leave Act of 1993 to expand family and medical for spouses, sons, daughters, and parents of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mrs. CLINTON. Mr. President, I rise today to introduce the Military and Family Medical Leave Act, bipartisan legislation that extends the Family and Medical Leave Act, FMLA, for up to 6 months for children, spouses and parents of soldiers who have been injured in combat. This legislation implements a key recommendation made last week by the Commission on Care for America's Returning Wounded Warriors. I would also like to acknowledge my colleagues Senators DOLE, MIKULSKI, GRAHAM, KENNEDY and BROWN whose partnership on this legislation reflects the fact that supporting our families and service-members is a bipartisan, common sense issue.

The families of our servicemen and women face extraordinary demands as they struggle to care for loved ones injured in service to our Nation. Yet, currently, family members of these injured servicemembers receive no additional leave to accommodate the support they need.

The Commission on Care for America's Returning Wounded Warriors was established in March 2007 with the specific goals of conducting a comprehensive review of services the Government currently provides to our wounded warriors and delivering recommendations to the President, Secretary of Defense, and Secretary of Veterans Affairs.

In its review, the commission found that 33 percent of active duty, 22 percent of reserve component, and 37 percent of retired/separated servicemembers report that a family member or close friend relocated for extended periods of time to be with them while they were in the hospital. In addition, 21 percent of active duty, 15 percent of reserve component, and 24 percent of retired/separated servicemembers say friends or family gave up a job to be with them or act as their caregiver.

To address this situation and help support these caregivers, the commission recommended strengthening family support programs by extending the FMLA for up to 6 months for the family members of seriously injured soldiers. This is a step we can make immediately that will make a real difference. Our men and women in uniform have made tremendous sacrifices on our behalf and we have a responsibility to do everything we can to make sure they have the care and support they need.

The Military Family and Medical Leave Act will enact this recommendation by amending the FMLA to allow up to 6 months leave for a family member of a servicemember who has a combat-related injury and meets the eligibility requirements in the law.

It is my hope that my colleagues will join Senators DOLE, MIKULSKI, GRAHAM, KENNEDY, BROWN and me in supporting this important legislation.

By Mr. CARDIN:

S. 1899. A bill to require every American to have health insurance coverage; to the Committee on Finance.

Mr. CARDIN. Mr. President, I take this time to explain a bill I am filing today that will establish universal health coverage called Universal Health Coverage Act. Let me tell you why I am introducing this bill.

Our health care system provides the highest quality health care in the world if you are fortunate to get access to it. People come from all over the world to come to our great academic centers to get their health care needs met and to train their health care professionals.

In my home State of Maryland, I am very proud of the University of Maryland Medical Center and Johns Hopkins University. We have great institutions, such as the National Institutes of Health, that provide top-quality health care.

The problem is too many people cannot get access to affordable quality health care in America. We have 46 million uninsured; 9 million are children. We spend more money than any other country by far on health care, and yet our health care results do not reflect that type of investment of our public funds.

The No. 1 problem in health care in America today is the number of uninsured. We need to do something about it. The Universal Health Coverage Act does exactly that. It says every person in this country must have health insurance.

We are paying for the people who do not have health insurance. Those of us who have health coverage are paying more for our doctors and hospitals. We pay more in taxes because people have no health insurance. The reason is they have delayed diagnosis and treatment that leads to more serious illness and treatment for those who have no health insurance.

We all pay the price with higher premiums and cost. According to the Institute of Medicine, taxpayers shoulder 65 percent of the total cost of uncompensated care through subsidies to hospitals and clinics. The same study showed that poor health care status from being uninsured costs our Nation between $65 billion and $130 billion a year. It is in our interest as those who have health insurance and as taxpayers that we have universal health coverage in America.

Why does it cost more for someone who has no health insurance? With two people with the same types of conditions, it can actually cost our system more for those who have no health insurance because they do not seek preventative health care. Fewer than one-half of uninsured women ages 50 to 64 have received a mammogram in the past 2 years compared to 75 percent of women with insurance. Only 18 percent of uninsured adults over the age of 50 have had colon cancer screenings in the last 5 years compared to 56 percent of adults with insurance. Only 35 percent of uninsured Americans had dental examinations in the last year. When uninsured receive care, it is often at a much later point and is more costly and less efficient. We can do something about it.

Who are the uninsured? Another myth: Eighty-one percent of the uninsured actually come from working families. These are working families who are unable, for whatever reasons, to get affordable health care coverage. Low-income Americans with family incomes below 200 percent of poverty run the highest risk of being uninsured. More than one-third of the poor and 30 percent of the near poor with incomes between 100 percent and 200 percent of poverty lack health insurance.

My legislation is simple. The Universal Health Coverage Act requires personal responsibility, requires everyone to have health insurance, and it builds on the current employer-based system and protects government-sponsored health programs.

We would require every American to have qualified health coverage. That qualified health coverage could be Medicare, it could be our veterans health care, it could be one of the governmental programs, or it could be an employer-sponsored health plan.

We then empower the Secretary of Health to work with the State insurance commissioners to develop three low-cost plans in every State in the Nation so there will be an available product to those who cannot find an affordable health care plan.

The plans would be available for those whose incomes are below 400 percent of poverty. The reason we picked that number, 400 percent of poverty, is those above generally have the opportunity to buy insurance at work. Those below are the most vulnerable in our community.

Those who fail to enroll in any coverage would be required to pay a tax which would be equal to the premiums so that the Government can enroll them in one of the low-cost plans within their State.

This plan makes sense. It is a framework on which we can build. It says we will not tolerate 46 million people without health insurance, 9 million children without health insurance. It allows the States to do innovative approaches to deal with those who otherwise would have problems affording their health care. We expect States to act. States are already acting. States are already showing leadership. This framework will give States the incentive to move further along. Employers who now know every employee needs health benefits are more likely to provide insurance for their workforce, and there would be an affordable product because everyone would be in the system. We would not have adverse risk collection or cherry-picking by insurance companies. It gives us the framework to move forward and will allow the Federal Government to move in those areas in which the Federal Government can do best to help those who are otherwise vulnerable.

I hope we will not let this opportunity go without dealing with the No. 1 problem in our health care system, and that is dealing with people who do not have health insurance. I look forward to working with all my colleagues so we can work on a doable plan, so this country not only has the highest quality health care, but we have a system in which all Americans have access to that quality care.

By Mr. McCAIN:

S. 1900. A bill to authorize appropriations for the United States Institute for Environmental Conflict Resolution; to the Committee on Environment and Public Works.

Mr. McCAIN. Mr. President, I am pleased to introduce legislation to continue Federal support for the U.S. Institute for Environmental Conflict Resolution. Congressman GRIJALVA has introduced a similar bill in the House of Representatives.

In 1998, the Congress enacted legislation to establish the U.S. Institute for Environmental Conflict Resolution with the purpose of offering an alternative to litigation for parties in dispute over environmental conflicts. As we know, many environmental conflicts often result in lengthy and costly court proceedings and may take years to resolve. In cases involving Federal Government agencies, the costs for court proceeding are usually paid for by taxpayers. While litigation is still a recourse to resolve disputes, the Congress recognized the need for alternatives, such as mediation and facilitated collaboration, to address the rising number of environmental conflicts that have clogged Federal courts, executive agencies, and the Congress.

The Institute was placed at the Morris K. Udall Foundation in recognition of former Representative Morris K. Udall from Arizona and his exceptional environmental record, as well as his unusual ability to build a consensus among fractious and even hostile interests. The Institute was established as an experiment with the idea that hidden within fractured environmental debates lay the seeds for many agreements, an approach applied by Mo Udall with unsurpassed ability.

The success of the institute is far greater than we could have imagined. The institute began operations in 1999. Agencies from the Environmental Protection Agency, the Departments of Interior and Agriculture, the U.S. Navy, the Army Corps of Engineers, the Federal Highway Administration, the Federal Energy Regulatory Commission, and others have all called upon the Institute for assistance.

Among its many accomplishments, the Institution has also assisted in facilitating interagency teamwork for the Everglades Task Force which oversees the South Everglades Restoration Project. The U.S. Forest Service requested assistance to bring ranchers and environmental advocates in the southwest to work on grazing and environmental compliance issues. Even Members of Congress have sought the institute's assistance to review implementation of the Nation's fundamental environmental law, the National Environmental Policy Act, to assess how it can be improved using collaborative processes.

The demand on the institute's assistance had been much greater than anticipated. At the time the Institute was created, we did not anticipate the magnitude of the role it would serve to the Federal Government. The institute has served as a mediator between agencies and as an advisor to agency dispute resolution efforts involving overlapping or competing jurisdictions and mandates, developing long-term solutions, training personnel in consensus-building efforts, and designing international systems for preventing or resolving disputes.

This legislation simply extends the authorization for the Institute for an additional 5 years. Support for the institute's service is an investment that will ultimately benefit the taxpayers by preventing costly litigation. I urge my colleagues to support this bill.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1902. A bill to limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment; to the Committee on Armed Services.

Mr. MENENDEZ. Mr. President, one of the primary goals of the Pentagon's Base Realignment and Closure, BRAC, process is to reduce costs. Unfortunately, we have seen the cost of implementing BRAC balloon out of control. Back in 2005, Congress agreed to implement the recommendations of the BRAC Commission based on the understanding that it would cost the American taxpayers $21 billion, a substantial investment. But now, only two years later, we are looking at a price tag of $30 billion, which is a 43 percent increase.

If costs continue to rise at this rate, we will be looking at even more of a burden on the American taxpayer by the time the base closures and realignments are completed in 2011. In my home State of New Jersey, we are keenly aware of some of the wildly inaccurate cost estimates used in the BRAC process. The closing of New Jersey's army base at Fort Monmouth was originally expected to cost $780 million, now we are looking at a $1.5 billion price tag. Part of this inflated cost is due to the egregious miscalculations on how much it would cost to move the U.S. Military Academy Preparatory School, currently located in New Jersey, to West Point, NY. Although the BRAC Commission's original, one-time implementation cost estimate was $29 million, current estimates put the move at nearly $200 million. Many communities and families will be greatly impacted by the closing of Fort Monmouth and the relocation of the military prep school. Knowing that these decisions were based on miscalculations and misinformation does not sit well with our State, and it should not sit well with taxpayers across the country either. If American families are being forced to foot a bill they weren't expecting, there should be an escape hatch.

That is why I am introducing the BRAC Cost Overruns Protection Act of 2007 or the BRAC COP Act. This legislation will work to control the excessive cost overruns in BRAC and ensure that BRAC is maximizing our taxpayers' money. This bill, which I am introducing with Senator LAUTENBERG, is based on principles found in existing law concerning cost overruns in weapons programs, known as the Nunn-McCurdy amendment. Let me take a few moments to discuss exactly how this legislation will work.

The BRAC COP Act will create a trigger mechanism to require a re-evaluation of any major base closure or realignment should the actual cost exceed BRAC's estimated cost by more than 25 percent. In order to monitor BRAC costs, this bill will require the Secretary of Defense to write biannual reports on the costs of implementing the pending base closure or realignment recommendations mandated by BRAC law. If the secretary determines that the actual cost of implementing a major base closure or realignment recommendation has exceeded the 25 percent threshold, the Defense Secretary will then notify the Chairman and Ranking Member the Congressional Defense Committees and devise a business plan to reduce the cost, without readjusting the baseline estimated cost, so that it does not exceed the 25 percent limit.

The Secretary will then make a recommendation to the President on whether to continue the base closure or realignment. The BRAC COP Act also supports transparency in this process, so if the Defense Secretary recommends that the President continue or modify the base closure or realignment, despite the excessive cost overruns, the Secretary must include an explanation of why it is necessary to continue with these expenditures. After reviewing the Secretary's recommendation, the President will make his own recommendation and submit it to Congress. Just like the congressional procedure for voting on BRAC law, Congress will then have the option to vote to disapprove the President's recommendation.

Let me be clear: this legislation will not overturn BRAC, nor is it intended to re-open the BRAC process. This bill simply asks that the Secretary of Defense, the President, and the Congress take a second look when we face exhorbant cost overruns. The BRAC COP Act will only affect the largest base closures and realignments that are over budget, so we will not be analyzing every single one of the BRAC recommendations.

It is time that the Defense Department is held more accountable for its expenditures. This Congress and the American people do not want to continue providing blank checks so that the Pentagon can rework its accounting tables, regardless of the costs. Congress supported the recommendations of the 2005 BRAC Commission based on the fact that these closures and realignments, although inconvenient, would end up saving money in the long run and addressing the changing requirements of our military. It now appears that cost-benefit analysis has changed. The BRAC COP Act will work to ensure that the 2005 BRAC law, and any future BRAC laws, do not go grossly over budget.

This bill is good for our military and our communities, and I ask my colleagues to support this fiscally responsible legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 283—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD DISCONTINUE THE PRACTICE OF CONTRACTING OUT MAIL DELIVERY SERVICES

Mr. CASEY submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 283

Whereas letter carriers of the United States Postal Service provide mail delivery service to over 144,000,000 homes and businesses across the Nation;

Whereas the contracting out of mail delivery services is being increasingly promoted by the Postal Service as a key business strategy for its core function;

Whereas by contracting out letter carrier positions, the Postal Service is bypassing the hiring process that ensures that only qualified people handle America's mail;

Whereas the contracting out of mail delivery services limits the ability of the Postal Service to prevent, investigate, and prosecute mail theft, mail fraud, and other illegal uses of the mail; and

Whereas the protection of our mail delivery services is a vital component of our national security: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Postal Service should discontinue the practice of contracting out mail delivery services.

SENATE RESOLUTION 284—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY AND COUNTY OF DENVER v. SUSAN I. GOMEZ, DANIEL R. EGGER, AND CARTER MERRILL

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas, in the cases of City and County of Denver v. Susan I Gomez (07GS008693), Daniel R. Egger (07GS008692), and Carter Merrill (07GS967589), pending in Denver County Court in Denver, Colorado, testimony has been requested from Matthew Cheroutes, an employee in the office of Senator Ken Salazar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Matthew Cheroutes and any other employees of Senator Salazar's office from whom testimony may be required are authorized to testify in the cases of City and County of Denver v. Susan I Gomez, Daniel R. Egger, and Carter Merrill, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Matthew Cheroutes and other employees of Senator Salazar's staff in the actions referenced in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2528. Mr. DODD (for himself and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2528. Mr. DODD (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. FAMILY LEAVE FOR CAREGIVERS OF MEMBERS OF THE ARMED FORCES.

(a) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) COMBAT-RELATED INJURY.—The term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.

"(15) SERVICEMEMBER.—The term 'servicemember' means a member of the Armed Forces.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 workweeks of leave during any 12-month period to care for the servicemember.

"(4) COMBINED LEAVE TOTAL.—An eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3).".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule"; and

(ii) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SERVICEMEMBER FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(D) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(E) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the person for whom the employee is the primary caregiver, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(F) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(G) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or section 102(a)(3)" after "section 102(a)(1)".

(b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while an individual was engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war; and

"(8) the term 'servicemember' means a member of the Armed Forces.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 administrative workweeks of leave during any 12-month period to care for the servicemember.

"(4) An employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3).".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), by inserting after the second sentence the following: "Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."; and

(ii) in paragraph (2), by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on August 14, 2007, at 9:30 a.m., at the Clovis-Carver Library, North Annex, located at 701 N. Main Street in Clovis, NM.

The purpose of the hearing is to receive testimony on the Bureau of Reclamation's implementation of the Rural Water Supply Act of 2006, and Federal, State, and local efforts to plan and develop the Eastern New Mexico Rural Water Supply Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Evan Eschmeyer and Stacie Milbern of my staff be granted the privilege of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be granted floor privileges during the consideration of the Children's Health Insurance Bill:

Amy Branger, Jennifer Donohue, Eric Willborg, Lindsay Erickson, Davie Lee, Brandon Perkins, Mary Baker, Tom Louthan, Sara Shepherd, Alex Hart, Grace Stephens, Susan Douglas, Diedra Henry-Spires, Elise Stein, Russ Ugone, George Serletis, Neil Ohlenkamp, Suzanne Payne, Jennifer Smith, Avi Salzman.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Tyler Tigges, Anne Freeman, and Lynda Simmons of the Finance Committee staff be given the privilege of the floor during the duration of the debate on H.R. 976.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

On Wednesday, July 25, 2007, the Senate passed H.R. 1538, as amended, as follows:

H.R. 1538

Resolved, That the bill from the House of Representatives (H.R. 1538) entitled "An Act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dignified Treatment of Wounded Warriors Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WOUNDED WARRIOR MATTERS

Sec. 101. General definitions.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

Sec. 111. Comprehensive policy on care, management, and transition of members of the Armed Forces with serious injuries or illnesses.

Sec. 112. Consideration of needs of women members of the Armed Forces and veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

Sec. 121. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.

Sec. 122. Reimbursement of certain former members of the uniformed services with service-connected disabilities for travel for follow-on specialty care and related services.

PART II—CARE AND SERVICES FOR DEPENDENTS

Sec. 126. Medical care and services and support services for families of members of the Armed Forces recovering from serious injuries or illnesses.

Sec. 127. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

Sec. 131. Comprehensive plans on prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

Sec. 132. Improvement of medical tracking system for members of the Armed Forces deployed overseas.

Sec. 133. Centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder.

Sec. 134. Review of mental health services and treatment for female members of the Armed Forces and veterans.

Sec. 135. Funding for improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder.

Sec. 136. Reports.

PART IV—OTHER MATTERS

Sec. 141. Joint electronic health record for the Department of Defense and Department of Veterans Affairs.

Sec. 142. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.

Sec. 143. Personnel shortages in the mental health workforce of the Department of Defense, including personnel in the mental health workforce.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

Sec. 151. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Sec. 152. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.

Sec. 153. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.

Sec. 154. Pilot programs on revised and improved disability evaluation system for members of the Armed Forces.

Sec. 155. Reports on Army action plan in response to deficiencies in the Army physical disability evaluation system.

PART II—OTHER DISABILITY MATTERS

Sec. 161. Enhancement of disability severance pay for members of the Armed Forces.

Sec. 162. Traumatic Servicemembers' Group Life Insurance.

Sec. 163. Electronic transfer from the Department of Defense to the Department of Veterans Affairs of documents supporting eligibility for benefits.

Sec. 164. Assessments of temporary disability retired list.

Subtitle D—Improvement of Facilities Housing Patients

Sec. 171. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients.

Sec. 172. Reports on Army action plan in response to deficiencies identified at Walter Reed Army Medical Center.
Sec. 173. Construction of facilities required for the closure of Walter Reed Army Medical Center, District of Columbia.
Subtitle E—Outreach and Related Information on Benefits
Sec. 181. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.
Subtitle F—Other Matters
Sec. 191. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.
TITLE II—VETERANS MATTERS
Sec. 201. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
Sec. 202. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
Sec. 203. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
Sec. 204. Research, education, and clinical care program on severe traumatic brain injury.
Sec. 205. Pilot program on assisted living services for veterans with traumatic brain injury.
Sec. 206. Research on traumatic brain injury.
Sec. 207. Age-appropriate nursing home care.
Sec. 208. Extension of period of eligibility for health care for combat service in the Persian Gulf war or future hostilities.
Sec. 209. Mental health: service-connection status and evaluations for certain veterans.
Sec. 210. Modification of requirements for furnishing outpatient dental services to veterans with a service-connected dental condition or disability.
Sec. 211. Demonstration program on preventing veterans at-risk of homelessness from becoming homeless.
Sec. 212. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
TITLE III
Sec. 301. Fiscal year 2008 increase in military basic pay.

TITLE I—WOUNDED WARRIOR MATTERS

SEC. 101. GENERAL DEFINITIONS.

In this title:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term "family member", with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term "medical hold or medical holdover status" means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term "serious injury or illness", in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 111. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a "covered servicemembers").

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 154.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and nonmedical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative

case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the number of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001, and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 112. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 111, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 121. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this

Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term "severe injury or illness" means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

SEC. 122. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 126. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 101(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

SEC. 127. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

"(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

"(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and that renders a member of the uniformed services dependant upon a caregiver.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 131. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 132.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder; as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 132. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f .of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "MENTAL HEALTH"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 133. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

"(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

"(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

"(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

"(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(15) Such other responsibilities as the Secretary shall specify.".

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

"§1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

"(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

"(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

"(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(14) Such other responsibilities as the Secretary shall specify.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

"1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.".

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 134. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs

of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 135. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 136. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 141. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the "Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record" (in this section referred to as the "Office").

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term "joint electronic health record" means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 142. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

"§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

"(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

"(2) Each strategy under paragraph (1) shall—

"(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

"(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

"1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.".

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 143. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 151. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

"(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);".

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed under section 1208 of this title" and inserting ", the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)".

SEC. 152. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§ 1216a. Determinations of disability: requirements and limitations on determinations

"(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

"(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

"(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

"(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

"(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

SEC. 153. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

"§ 1554a. Review of separation with disability rating of 20 percent disabled or less

"(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

"(2) The Board shall consist of not less than three members appointed by the Secretary.

"(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

"(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

"(2) are found to be not eligible for retirement.

"(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

"(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

"(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

"(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

"(2) The recharacterization of the separation of such individual to retirement for disability.

"(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

"(4) The issuance of a new disability rating for such individual.

"(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

"(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

"(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

"(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

"(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

"1554a. Review of separation with disability rating of 20 percent disabled or less.".

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 154. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 111.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 152 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 155. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 161. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "his years of service, but not more than 12, computed under section 1208 of this title" in the matter preceding subparagraph (A) and inserting "the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

"(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

"(B) Three years in the case of any other member.

"(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.".

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting "(1)" after "(d)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during

performance of duty in combat-related operations as designated by the Secretary of Defense.

"(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 162. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 163. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 164. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 171. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 172. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 173. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 181. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 191. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

TITLE II—VETERANS MATTERS

SEC. 201. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 202. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitation care from the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

"(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

"(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

"(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—

"(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

"(B) the family education and family support needs of such individual after discharge from inpatient care.

"(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

"(A) A neurologist.

"(B) A rehabilitation physician.

"(C) A social worker.

"(D) A neuropsychologist.

"(E) A physical therapist.

"(F) A vocational rehabilitation specialist.

"(G) An occupational therapist.

"(H) A speech language pathologist.

"(I) A rehabilitation nurse.

"(J) An educational therapist.

"(K) An audiologist.

"(L) A blind rehabilitation specialist.

"(M) A recreational therapist.

"(N) A low vision optometrist.

"(O) An orthotist or prostetist.

"(P) An assistive technologist or rehabilitation engineer.

"(Q) An otolaryngology physician.

"(R) A dietician.

"(S) An opthamologist.

"(T) A psychiatrist.

"(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

"(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

"(A) the individual covered by such plan requests such collaboration; or

"(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.".

SEC. 203. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 202 of this Act, the following new section:

"§1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

"(1) who is described in section 1710C(a) of this title; and

"(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

"(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual.

"(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

"(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 202 of this Act, the following new item:

"1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting "the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services," after "extended care services,".

SEC. 204. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

"§7330A. Severe traumatic brain injury research, education, and clinical care program

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

"(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

"(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Severe traumatic brain injury research, education, and clinical care program.".

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 205. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term "eligible veteran" means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 206. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 207. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 208. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking "2 years" and inserting "5 years".

SEC. 209. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking "psychosis" and inserting "mental illness"; and

*(2) in the heading, by striking "**psychosis**" and inserting "**mental illness**".*

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 210. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking "90-day" and inserting "180-day".

SEC. 211. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 212. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

TITLE III

SEC. 301. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during Fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized for members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 284 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 284) to authorize testimony and legal representation in City and County of Denver v. Susan I. Gomez, Daniel R. Egger, and Carter Merrill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, this resolution concerns a request for testimony and representation in trespass actions in Denver County Court in Denver, CO. In these actions, protesters have been charged with trespassing in the building housing Senator KEN SALAZAR's Denver, CO, office on February 21, 2007, for refusing repeated requests by the police to leave the premises. Trials on charges of trespass are scheduled to commence on August 22, 2007. The defense has subpoenaed a member of the Senator's staff who had conversations with the defendant protesters during the charged events. Senator SALAZAR would like to cooperate by providing testimony from his staff. This resolution would authorize that staff member, and any other employee of Senator SALAZAR's office from whom evidence may be required, to testify in connection with these actions, with representation by the Senate Legal Counsel.

Mr. SANDERS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas, in the cases of City and County of Denver v. Susan I. Gomez (07GS008693), Daniel R. Egger (07GS008692), and Carter Merrill (07GS967589), pending in Denver County Court in Denver, Colorado, testimony has been requested from Matthew Cheroutes, an employee in the office of Senator Ken Salazar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Matthew Cheroutes and any other employees of Senator Salazar's office from whom testimony may be required are authorized to testify in the cases of City and County of Denver v. Susan I. Gomez, Daniel R. Egger, and Carter Merrill, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Matthew Cheroutes and other employees of Senator Salazar's staff in the actions referenced in section one of this resolution.

* * *

REGARDING COURTS WITH FIDUCIARY RESPONSIBILITY FOR A CHILD OF A DECEASED MEMBER OF THE ARMED FORCES

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 175, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 175) expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SANDERS. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 175) was agreed to.

The preamble was agreed to.

* * *

STOPPING GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 242, S. Res. 203.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 203) calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause, an amendment to strike the preamble, and insert in lieu thereof the following:

S. RES. 203

Whereas since the conflict in Darfur, Sudan began in 2003, hundreds of thousands of people have been killed and more than 2,500,000 displaced as a result of the ongoing and escalating violence;

Whereas on July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide" and on September 23, 2004, then Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that, "genocide has occurred and may still be occurring in Darfur," and "the Government of Sudan and the Janjaweed bear responsibility";

Whereas on October 13, 2006, the President signed the Darfur Peace and Accountability Act (Public Law 109-344), which identifies the Government of Sudan as complicit with the forces committing genocide in the Darfur region and urges the President to, "take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues";

Whereas President George W. Bush declared in a speech delivered on April 18, 2007, at the United States Holocaust Memorial Museum that no one "can doubt that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it";

Whereas the presence of approximately 7,000 African Union peacekeepers has not deterred the violence and the increasing attacks by the Government-sponsored Janjaweed militia and rebel groups;

Whereas the Government of Sudan has previously refused to allow implementation of the full-scale peacekeeping mission authorized under United Nations Security Council Resolution 1706;

Whereas former United Nations Secretary-General Kofi Annan subsequently negotiated a compromise agreement with the Government of Sudan for a hybrid United Nations-African Union peacekeeping mission to be implemented in 3 phases;

Whereas the African Union and the United Nations have both affirmed that the Government of Sudan has now stated that it will accept implementation of a hybrid United Nations-African Union peacekeeping mission;

Whereas the Sudanese government has reneged on and obstructed earlier agreements;

Whereas it is critical that the nations of the world, and particularly the members of the United Nations Security Council, take steps to implement the full deployment of this hybrid peacekeeping mission as soon as possible;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan and continues to strengthen these ties in spite of the on-going genocide in Darfur, as evidenced by the following actions:

(1) China reportedly purchases as much as 70 percent of Sudan's oil;

(2) China currently has at least $3,000,000,000 invested in the Sudanese energy sector, for a total of $10,000,000,000 since the 1990s;

(3) Sudan's Joint Chief of Staff, Haj Ahmed El Gaili, recently visited Beijing for discussions with Chinese Defense Minister Cao Gang Chuan and other military officials as part of an eight-day tour of China; Cao pledged closer military relations with Sudan, saying that China was "willing to further develop cooperation between the two militaries in every sphere";

(4) China has reportedly cancelled approximately $100,000,000 in debt owed by the Sudanese Government; and

(5) China is building infrastructure in Sudan and provided funds for a presidential palace in Sudan at a reported cost of approximately $20,000,000;

Whereas given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept United Nations peacekeepers to join a hybrid United Nations-African Union peacekeeping mission;

Whereas the President's Special Envoy to Sudan, Andrew S. Natsios, further said in testimony on April 11, 2007, that "China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution";

Whereas the Government of the People's Republic of China has previously influenced the Government of Sudan to take steps toward reducing violence and conflict by—

(1) abstaining from, and choosing not to obstruct, several important votes in the United Nations Security Council on resolutions related to

Sudan, including Resolution 1556, which demanded Sudan disarm militias in Darfur, and Resolution 1706, which called for the deployment of additional United Nations peacekeepers, including up to 17,300 military personnel and up to 3,300 civilian police;

(2) helping to facilitate the Addis Ababa framework reached on November 16, 2006, which provides for a joint United Nations-African Union peacekeeping force;

(3) sending high-level delegations, including Chinese President Hu Jintao, to Sudan, and encouraging President Bashir to show flexibility and allow the joint United Nations-African Union peacekeeping force to be deployed;

(4) making frequent public statements that the Government of Sudan must carry out agreements made within the Addis Ababa framework of November 2006 to admit United Nations peacekeepers to join the United Nations-African Union peacekeeping force in Darfur;

(5) pledging to provide military engineers to support African Union peacekeeping forces in Darfur;

(6) announcing on May 10, 2007, the appointment of a senior diplomat as China's special representative on African affairs who is to focus specific attention on the Darfur issue; and

(7) reportedly exercising its influence to help convince the Khartown government to accept the hybrid peacekeeping mission;

Whereas due to its vast population, its rapidly growing global economy, its large research and development investments and military spending, its seat as a permanent member of the United Nations Security Council and on the Asia-Pacific Economic Cooperation, China is an emerging power that is increasingly perceived as a leader with significant international reach and responsibility;

Whereas in November 2006, China hosted its third Forum on China-Africa Cooperation with more than 40 heads of state in attendance and which focused heavily on trade relations and investment on the African continent as it is expected to double by 2010;

Whereas China is preparing to host the Olympic Summer Games of 2008, the most honorable, venerated, and prestigious international sporting event;

Whereas China should be held accountable to act consistently with the Olympic standard of preserving human dignity in Darfur, Sudan and around the world; and

Whereas China has previously been reluctant to use its full influence to improve the human rights situation in Darfur, but recent events have demonstrated the impact that China can have as a positive influence on this situation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the close relationship between China and Sudan and strongly urges the Government of the People's Republic of China to use its full influence to—

(A) urge the President of Sudan, Omar al-Bashir, to abide by his agreement to allow a robust peacekeeping force under United Nations command and control as described in United Nations Security Council Resolution 1706;

(B) call for Sudanese compliance with United Nations Security Council Resolutions 1556 and 1564, and the Darfur Peace Agreement, all of which demand that the Government of Sudan disarm militias operating in Darfur;

(C) call on all parties to the conflict to adhere to the 2004 N'Djamena ceasefire agreement and the recently-agreed United Nations communique which commits the Sudanese government to improve conditions for humanitarian organizations and ensure they have unfettered access to the populations they serve;

(D) emphasize that there can be no military solution to the conflict in Darfur and that the formation and implementation of a legitimate peace agreement between all parties will contribute toward the welfare and stability of the entire nation and broader region;

(E) urge all rebel groups to unify and assist all parties to come to the negotiating table in good faith;

(F) urge the Government of southern Sudan to play a more active role in pressing for legitimate peace talks and take immediate steps to support and assist in the revitalization of such talks along 1 single coordinated track;

(G) continue to engage collaboratively in high-level diplomacy and multilateral efforts toward a renewed peace process; and

(H) join the international community in imposing economic and other consequences on the Government of Sudan if that government continues to carry out or support attacks on innocent civilians and frustrate diplomatic efforts; and

(2) recognizes that the spirit of the Olympics, which is to bring together nations and people from all over the world in peace, is incompatible with any actions, directly or indirectly, supporting acts of genocide.

Mr. SANDERS. Madam President, I ask unanimous consent that the committee-reported substitute be agreed to, the resolution, as amended, be agreed to, that the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid upon the table en bloc, that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported substitute was agreed to.

The resolution (S. Res. 203), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas since the conflict in Darfur, Sudan began in 2003, hundreds of thousands of people have been killed and more than 2,500,000 displaced as a result of the ongoing and escalating violence;

Whereas on July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide" and on September 23, 2004, then Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that, "genocide has occurred and may still be occurring in Darfur," and "the Government of Sudan and the Janjaweed bear responsibility";

Whereas on October 13, 2006, the President signed the Darfur Peace and Accountability Act (Public Law 109-344), which identifies the Government of Sudan as complicit with the forces committing genocide in the Darfur region and urges the President to, "take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues";

Whereas President George W. Bush declared in a speech delivered on April 18, 2007, at the United States Holocaust Memorial Museum that no one "can doubt that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it";

Whereas the presence of approximately 7,000 African Union peacekeepers has not deterred the violence and the increasing attacks by the Government-sponsored Janjaweed militia and rebel groups;

Whereas the Government of Sudan has previously refused to allow implementation of the full-scale peacekeeping mission authorized under United Nations Security Council Resolution 1706;

Whereas former United Nations Secretary-General Kofi Annan subsequently negotiated a compromise agreement with the Government of Sudan for a hybrid United Nations-African Union peacekeeping mission to be implemented in 3 phases;

Whereas the African Union and the United Nations have both affirmed that the Government of Sudan has now stated that it will accept implementation of a hybrid United Nations-African Union peacekeeping mission;

Whereas the Sudanese government has reneged on and obstructed earlier agreements;

Whereas it is critical that the nations of the world, and particularly the members of the United Nations Security Council, take steps to implement the full deployment of this hybrid peacekeeping mission as soon as possible;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan and continues to strengthen these ties in spite of the on-going genocide in Darfur, as evidenced by the following actions:

(1) China reportedly purchases as much as 70 percent of Sudan's oil;

(2) China currently has at least $3,000,000,000 invested in the Sudanese energy sector, for a total of $10,000,000,000 since the 1990s;

(3) Sudan's Joint Chief of Staff, Haj Ahmed El Gaili, recently visited Beijing for discussions with Chinese Defense Minister Cao Gang Chuan and other military officials as part of an eight-day tour of China; Cao pledged closer military relations with Sudan, saying that China was "willing to further develop cooperation between the two militaries in every sphere";

(4) China has reportedly cancelled approximately $100,000,000 in debt owed by the Sudanese Government; and

(5) China is building infrastructure in Sudan and provided funds for a presidential palace in Sudan at a reported cost of approximately $20,000,000;

Whereas given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept United Nations peacekeepers to join a hybrid United Nations-African Union peacekeeping mission;

Whereas the President's Special Envoy to Sudan, Andrew S. Natsios, further said in testimony on April 11, 2007, that "China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution";

Whereas the Government of the People's Republic of China has previously influenced the Government of Sudan to take steps toward reducing violence and conflict by—

(1) abstaining from, and choosing not to obstruct, several important votes in the United Nations Security Council on resolutions related to Sudan, including Resolution 1556, which demanded Sudan disarm militias in Darfur, and Resolution 1706, which called for the deployment of additional United Nations peacekeepers, including up to 17,300

military personnel and up to 3,300 civilian police;

(2) helping to facilitate the Addis Ababa framework reached on November 16, 2006, which provides for a joint United Nations-African Union peacekeeping force;

(3) sending high-level delegations, including Chinese President Hu Jintao, to Sudan, and encouraging President Bashir to show flexibility and allow the joint United Nations-African Union peacekeeping force to be deployed;

(4) making frequent public statements that the Government of Sudan must carry out agreements made within the Addis Ababa framework of November 2006 to admit United Nations peacekeepers to join the United Nations-African Union peacekeeping force in Darfur;

(5) pledging to provide military engineers to support African Union peacekeeping forces in Darfur;

(6) announcing on May 10, 2007, the appointment of a senior diplomat as China's special representative on African affairs who is to focus specific attention on the Darfur issue; and

(7) reportedly exercising its influence to help convince the Khartoum government to accept the hybrid peacekeeping mission;

Whereas due to its vast population, its rapidly growing global economy, its large research and development investments and military spending, its seat as a permanent member of the United Nations Security Council and on the Asia-Pacific Economic Cooperation, China is an emerging power that is increasingly perceived as a leader with significant international reach and responsibility;

Whereas in November 2006, China hosted its third Forum on China-Africa Cooperation with more than 40 heads of state in attendance and which focused heavily on trade relations and investment on the African continent as it is expected to double by 2010;

Whereas China is preparing to host the Olympic Summer Games of 2008, the most honorable, venerated, and prestigious international sporting event;

Whereas China should be held accountable to act consistently with the Olympic standard of preserving human dignity in Darfur, Sudan and around the world; and

Whereas China has previously been reluctant to use its full influence to improve the human rights situation in Darfur, but recent events have demonstrated the impact that China can have as a positive influence on this situation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the close relationship between China and Sudan and strongly urges the Government of the People's Republic of China to use its full influence to—

(A) urge the President of Sudan, Omar al-Bashir, to abide by his agreement to allow a robust peacekeeping force under United Nations command and control as described in United Nations Security Council Resolution 1706;

(B) call for Sudanese compliance with United Nations Security Council Resolutions 1556 and 1564, and the Darfur Peace Agreement, all of which demand that the Government of Sudan disarm militias operating in Darfur;

(C) call on all parties to the conflict to adhere to the 2004 N'Djamena ceasefire agreement and the recently-agreed United Nations communique which commits the Sudanese government to improve conditions for humanitarian organizations and ensure they have unfettered access to the populations they serve;

(D) emphasize that there can be no military solution to the conflict in Darfur and that the formation and implementation of a legitimate peace agreement between all parties will contribute toward the welfare and stability of the entire nation and broader region;

(E) urge all rebel groups to unify and assist all parties to come to the negotiating table in good faith;

(F) urge the Government of southern Sudan to play a more active role in pressing for legitimate peace talks and take immediate steps to support and assist in the revitalization of such talks along 1 single coordinated track;

(G) continue to engage collaboratively in high-level diplomacy and multilateral efforts toward a renewed peace process; and

(H) join the international community in imposing economic and other consequences on the Government of Sudan if that government continues to carry out or support attacks on innocent civilians and frustrate diplomatic efforts; and

(2) recognizes that the spirit of the Olympics, which is to bring together nations and people from all over the world in peace, is incompatible with any actions, directly or indirectly, supporting acts of genocide.

DISCHARGE AND REFERRAL—H.R. 2011

Mr. SANDERS. Madam President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2011 and the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 31, 2007

Mr. SANDERS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, July 31; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that at the close of morning business, all time postcloture be considered yielded back and the motion to proceed to H.R. 976 be agreed to and the Senate then proceed to the bill; that on Tuesday, the Senate recess from 12:30 p.m. to 2:15 p.m. for the respective party conference work periods; that during the recess, adjournment, and morning business, all time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANDERS. Madam President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Tuesday, July 31, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES A. WINNEFELD, JR., 5212

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. MARK P. FITZGERALD, 2694

HOUSE OF REPRESENTATIVES—*Monday, July 30, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. HINOJOSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 30, 2007.

I hereby appoint the Honorable RUBÉN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 32 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As another week of work begins, Lord God of the ages, the U.S. House of Representatives assembles and first asks for Your blessing upon their work of legislation and upon this Nation.

May openness to Your blessing, Lord, never be sought only as self-justification or simply a subtle approval for what is done and not done. Your blessing upon this Nation and Government by the people penetrates our very being to surface the truth of motivations and measure the lasting effect of goodness in every action.

Since You desire conversion of hearts of Your people, may the Members of Congress be open to Your free intervention into their plans, that they may become Your instrument of solidarity for justice and visionaries for the gift of peace.

Together may they seek Your kingdom now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SANCTUARY CITIES FOR MS-13?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the violent El Salvadorian gang, MS-13, continues to spread violence in American cities. These thugs started in the eighties and have caused murder and mayhem in Central America. The son of a Honduran president was kidnapped and murdered in 1997. In 2002, gang members gunned down 28 people, including seven kids, on a school bus in Tegucigalpa.

Experts now say these gangsters are the number one problem in Central American countries. Recently, even Mexico stepped up campaigns to arrest these criminals, claiming them to be a threat to national security.

The brutal MS-13 gang has acted in major cities in the United States and are involved in everything from drug and human smuggling to murder. Many of these gangsters are illegally in the United States. Ironically, many major cities that are sanctuary cities for illegals, all in the name of compassion, are hotbeds for MS-13. These cities make law enforcement and deportation hard for the Feds.

Mr. Speaker, cities that give aid and comfort to illegals should be more concerned about protecting the safety of citizens than harboring and hiding out criminal illegals.

And that's just the way it is.

A TRIBUTE TO ROSE MARIE LOVE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a dear friend, former Cook County Commissioner Rose Marie Love, and a member of many groups and organizations in the community where I live.

Rose passed away last week, but she was one of the founders of the National Association of Community Health Centers, founder of the National Consumer Health Organization, a member of many local groups and organizations, and the person most responsible, I think, for my being involved in public life, electoral politics.

I say thank you, Rose, and rest in peace.

HOPE FOR VISION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Hope for Vision was founded to assist individuals dealing with the loss of vision and to raise much-needed funding for scientific research on retinal degenerative and other blinding diseases so that future generations will not have to cope with this tragic issue.

I have known Carlos and Betty Lidsky, leaders in Hope for Vision, for many years, and their son Isaac, an attorney here in Washington, serves as the Chairman and President of Hope for Vision.

At the age of 12, Isaac was diagnosed with retinitis pigmentosa, a retinal degenerative disorder. However, this did not slow Isaac down. He attended New Walls School of the Arts in Miami before receiving his bachelor's and his law degree from Harvard University. While at Harvard, he met Dorothy, who has become a passionate advocate for the vision impaired.

On Saturday, September 8, this organization will hold an event in south Florida to ensure that this horrible

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

condition receives the proper attention and research needed to find a cure. Their tenacity and courage in the face of such adversity and heartbreak is commendable. Inspired by their dedication and hard work, we are working towards a cure.

CREATING OFFICE OF CHIEF FINANCIAL OFFICER OF THE GOVERNMENT OF THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 2107) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, and ask for its immediate consideration in the House.

Mr. Speaker, H.R. 2107 fulfills my commitment to my constituents to continue the effort to create a Chief Financial Officer for the Territory. This is the third time that this legislation has been on the floor of the House. However, the other body failed to act on it in the previous 2 Congresses.

When I first introduced the idea of a CFO for the Virgin Islands in 2005, I did so in response to the concerns, complaints and distrust of government voiced by my constituents and as a measure to prevent the territory, which was experiencing a serious financial crisis, from falling into the abyss of fiscal insolvency. I believed then, as I do now, that having such an office in our government, free of political pressures and with the statutory responsibility and authority to certify revenue projections and prevent deficit spending, could assist our government to establish sound financial practices which would put the Islands on the path to improved financial management going forward. Because of our long history of poor financial management and practices, an office such as this would also help to immediately restore the confidence of the Federal Government and others in our ability to be fiscally transparent and accountable.

As I have said on this floor and in many other settings, in drafting H.R. 2017 I looked at the example and record of what having such a position has meant to the financial management and fiscal health of the District of Columbia.

After having decades of fiscal mismanagement and protracted deficits, the District today enjoys annual balanced budgets and surpluses under the stewardship of a Chief Financial Officer; an office that was voluntarily retained by the city after the mandated office went away with the end of their Financial Control Board. Both the general public and elected leadership of the District recognize the benefits of having an impartial arbiter, free from the pressures of politics, managing their finances—something I strongly believe my community can benefit from as well.

When I first introduced this bill the territory's long-term debt totaled $1 billion. Fiscal crises have been narrowly averted through repeated borrowing. Such borrowing and debt creation has led to the $3 billion debt reported by Governor De Jongh in April of this year—a practice he has already stated he will not continue.

There are those, Mr. Speaker, who will ask why I am doing this at this time, particularly because the islands just 7 months ago, inaugurated a new governor whose background is in financial management and who has been a good friend and political ally. I want to be perfectly clear that I have every confidence in Governor John de Jongh and his administration and believe that they will do a first rate job of managing the territory's finances. He has already begun to do so.

I am re-introducing this bill because my constituents continue to see it as a necessary measure, and because, like the CFO in Washington, DC, it can assist our governor in his stated goal of paying our obligations and bringing the territory's finances into balance. It would also be a way to provide apolitical and indisputable information on the financial state of our government, as well as bridge any divisions between the administration and the legislature in the interests of expediting a positive and sustainable agenda for the people of the Virgin Islands.

As also happens up here, there is often disagreement between the Governor (and his financial team) and the Legislature as to the precise fiscal condition of the territory and the true revenue projections for the coming fiscal year. A CFO, in my view, would take the uncertainty out of this equation and allow our legislature and governor to work better together because they would both get their numbers from the same independent source. Additionally, the departments of government, semi-autonomous agencies and labor unions would be better able to plan, and the people of the Virgin Islands in general would have information on how the millions of federal dollars coming to the Virgin Islands are being spent.

The bill as being passed today contains certain changes. I have revised it with respect to providing a financial management system because such a system is already in the process of being implemented.

In recognition of and in deference to the upcoming constitution to be drafted by the people of the Virgin Islands, the bill before us calls for the term of the Chief Financial Officer to expire at the implementation of a ratified Virgin Islands Constitution or in 5 years, whichever comes first.

All four previous Constitutional documents have contained a provision similar to what is proposed in this legislation, and it is my hope that our Fifth Constitutional Convention will present a document for the ratification of the people of the Virgin Islands that will make this legislation unnecessary.

In conclusion Mr. Speaker, I want to thank my friend and colleague, the Chairman of the Resources Committee, the gentleman from West Virginia, NICK RAHALL, without whose support this bill would not be on the floor today. I also want to thank my friend Ranking Member DON YOUNG for his support as well.

Mr. Speaker, it has been said that "heavy is the burden that one who is called to lead bears". Pursuing enactment of this bill has not been an easy burden to bear but is an important one, which I am proud to bear. I urge my colleagues to support passage of H.R. 2107.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Upon the appointment of a Chief Financial Officer under subsection (a), the functions of the Director of the Office of Management and Budget established under the laws of the Virgin Islands shall be transferred to the Chief Financial Officer. All employees of the Office of Management and Budget become employees of the Office of the Chief Financial Officer.

(2) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(c) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Assume the functions and authority of the office of the Office of Management and Budget established under the laws of the Virgin Islands as transferred under subsection (b).

(2) Develop a report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public and shall be submitted to—

(A) the Governor of the Virgin Islands;

(B) the legislature of the Virgin Islands;

(C) the Committee on Natural Resources in the House of Representatives; and

(D) the Committee on Energy and Natural Resources in the Senate.

(3) Each year certify spending limits of the annual budget and whether or not the annual budget is balanced.

(4) Monitor operations of budget for compliance with spending limits, appropriations, and laws, and, in consultation with the Governor, direct adjustments where necessary.

(5) Develop standards for financial management, including inventory and contracting, for the government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(6) Oversee all aspects of the implementation of the financial management system provided pursuant to section 3 to ensure the coordination, transparency, and networking of all agencies' financial, personnel, and budget functions.

(7) Provide technical staff to the Governor and legislature of the Virgin Islands for development of a deficit reduction and financial recovery plan.

(d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the date that is 5 years after the date of the enactment of this Act, the position of the Director of the Office of Management and Budget of the Virgin Islands shall—

(1) have the duties, salary (as specified in subsection (f)(3)), and other conditions of the Deputy Chief Financial Officer in lieu of the duties, salary, and other conditions of the Director of the Office of Management and Budget of the Virgin Islands as such functions existed before the appointment of the Chief Financial Officer; and

(2) assist the Chief Financial Officer in carrying out the duties of the Chief Financial Officer.

(e) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years or until the adoption and ratification of a Constitution by the Virgin Islands, whichever occurs first.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semi autonomous agency.

(f) CONDITIONS RELATED TO DEPUTY CHIEF FINANCIAL OFFICER.—

(1) TERM; REMOVAL.—The Deputy Chief Financial Officer shall serve at the pleasure of the Chief Financial Officer.

(2) REPLACEMENT.—If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Chief Financial Officer, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget.

(g) RESUMPTION OF FUNCTIONS.—On the date that is 5 years after the date of the enactment of this Act or upon the adoption and ratification of a Constitution by the Virgin Islands, whichever occurs first, the functions of the Chief Financial Officer shall be transferred to the Director of the Office of Management and Budget of the Virgin Islands.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Virgin Islands Chief Financial Officer Search Commission".

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and experience in the development, implementation, and operation of financial management systems. Candidates shall not have served in a policy making or unclassified position of the Government of the Virgin Islands in the 10 years immediately preceding appointment as Chief Financial Officer.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience, and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual appointed by the Chief Judge of the Virgin Islands Supreme Court.

(H) 1 individual, who is a resident of St. John, jointly appointed by the At-Large Member of the Legislature of the Virgin Islands and the St. John administrator.

(I) 1 individual appointed by the Advocates for the Preservation of the Retirement System.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—

(A) IN GENERAL.—The Chairperson of the Commission shall be determined by a majority vote of the members of the Commission.

(B) CHAIRPERSON PRO TEM.—Until the Commission elects a Chairperson under subparagraph (A), the Chairperson pro tem shall be the individual appointed under paragraph (1)(G).

(6) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson or the Chairperson pro tem.

(B) INITIAL MEETING.—Not later than 15 days after all members have been appointed under this subsection, the Commission shall have its initial meeting at the call of the Chairperson pro tem.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C).

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor and the Natural Resources Committee of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate 210 days after its first meeting.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term "Chief Financial Officer" means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term "Commission" means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term "Governor" means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term "removal for cause" means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

SEC. 4. NO ABROGATION OF POWERS.

Nothing in this Act shall be construed to allow the Governor and Legislature of the Virgin Islands to dilute, delegate, or otherwise alter or weaken the powers and authority of the Office of Management and Budget established under the laws of the Virgin Islands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COCOPAH LANDS ACT

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 673) to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cocopah Lands Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The reservation of the Cocopah Indian Tribe of Arizona is located in Yuma County, Arizona.

(2) That reservation was created by an Executive order signed by President Woodrow Wilson in 1917.

(3) That reservation is made up of 3 noncontiguous tracts of land.

(4) The Tribe inhabits all 3 parts of the reservation.

(5) The Tribe purchased the additional lands to provide infrastructure to housing areas, water, and economic development to tribal members.

(6) The current trust land base of the reservation is insufficient to provide such needs.

(7) The Tribe acquired 7 parcels of land contiguous to its present reservation lands in 1986, 1993, 1997, and 2005, and these parcels are currently classified as "Indian Lands" under Federal law.

(8) The acquired parcels shall not be taken into trust for gaming purposes.

(9) The best means of solving the Tribe's land and economic needs to its tribal members is to require the Secretary to take lands in Yuma County, Arizona, that are acquired by the Tribe into trust for the Tribe subject to the provisions of this Act.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

(1) TRIBE.—The term "Tribe" means the Cocopah Indian Tribe of Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LANDS TO BE TAKEN INTO TRUST.

(a) LANDS TO BE TAKEN INTO TRUST.—If the Tribe transfers title to the land described in subsection (b) to the Secretary, the Secretary shall take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no adverse legal claims to such land, including outstanding liens, mortgages, or taxes owed.

(b) LAND DESCRIBED.—The land referred to in subsection (a) is described as follows:

(1) PARCEL 1 (SIBLEY PURCHASE 1986).—Lot 4 and the SW¼, of the NW¼, of Sec. 1, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, except that portion of the SW¼, of the NW¼, of said Sec. 1, T. 10 S., R. 25 W., lying southeasterly of the north right-of-way line of the Bureau of Reclamation levee.

(2) PARCEL 2 (SIBLEY PURCHASE 1986).—Lot 1 and the SE¼, of the NE¼, of Sec. 2, T. 10 S., R. 25 W., of the Gila and Salt-River Base and Meridian, Yuma County, Arizona.

(3) PARCEL 3 (MCDANIEL PURCHASE 1993).—That part of the E½, of the SE¼, lying south of the East Main Bureau of Reclamation Canal right of way in Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(4) PARCEL 4 (HOLLAND PURCHASE 1997).—That portion of the NW¼, of the NE¼, of Sec. 31, T. 16 S., R 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal; except the north 220 feet.

(5) PARCEL 5 (HOLLAND PURCHASE 1997).—An easement over the easterly 15 feet of the north 220 feet of that portion of the NW¼, of the NE¼, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal for irrigation purposes.

(6) PARCEL 6 (POWERS PURCHASE 1997).—Lots 21, 24, and 25, Sec. 29, and Lots 16 and 17 and the N½, of the SW¼, of the SE¼, of Sec. 30, T. 16 S., R. 22 E., of the San Bernardino Meridian, Yuma County, Arizona, according to the dependent resurvey of the Bureau of Land Management, accepted December 9, 1960.

(7) PARCEL 7 (SPEED WAY PURCHASE 2005).—That portion of the W½ of the SE¼ of Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying south and east of the East Main Canal; except the south 33 feet thereof; except one-third interest in and to all mineral rights, as reserved in the deed recorded in Docket 1461, page 600, records of Yuma County, Arizona.

(c) LANDS TO BE MADE PART OF THE RESERVATION.—Land taken into trust pursuant to subsection (a) shall be considered to be part of the Tribe's initial reservation.

(d) SERVICE AREA.—For the purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be Yuma County, Arizona.

(e) GAMING PROHIBITED.—Land taken into trust for the benefit of the Tribe under this Act shall not be used for gaming under the Indian Gaming Regulatory Act.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cocopah Lands Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The reservation of the Cocopah Tribe of Arizona is located in Yuma County, Arizona.

(2) That reservation was created by an Executive order signed by President Woodrow Wilson in 1917.

(3) The Tribe's land holdings are located within 3 noncontiguous reservations comprising a total of approximately 6,226.3 acres of trust land.

(4) The Tribe purchased the additional lands to provide infrastructure to housing areas, water, and economic development to tribal members.

(5) The current trust land base of the reservation is insufficient to provide such needs.

(6) The Tribe acquired 7 parcels of land contiguous to its present reservation lands in 1986, 1993, 1997, and 2005, and these parcels are currently classified as "Tribal fee lands" under Federal law.

(7) The acquired parcels shall not be taken into trust for gaming purposes.

(8) The best means of solving the Tribe's land and economic needs to its tribal members is to require the Secretary to take lands in Yuma County, Arizona, that are acquired by the Tribe into trust for the Tribe subject to the provisions of this Act.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

(1) TRIBE.—The term "Tribe" means the Cocopah Tribe of Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LANDS TO BE TAKEN INTO TRUST.

(a) LANDS TO BE TAKEN INTO TRUST.—If the Tribe transfers title to the land described in subsection (b) to the Secretary, the Secretary shall take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no recognized environmental conditions or contamination related concerns and no adverse legal claims to such land, including outstanding liens, mortgages, or taxes owed.

(b) LAND DESCRIBED.—The land referred to in subsection (a) is described as follows:

(1) PARCEL 1 (SIBLEY PURCHASE 1986).—Lot 4 and the SW¼ of the NW¼, of Sec. 1, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, except that portion of the SW¼ of the NW¼, of said Sec. 1, T. 10 S., R. 25 W., lying southeasterly of the north right-of-way line of the Bureau of Reclamation levee.

(2) PARCEL 2 (SIBLEY PURCHASE 1986).—Lot 1 and the SE¼ of the NE¼, of Sec. 2, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(3) PARCEL 3 (MCDANIEL PURCHASE 1993).—That part of the E½ of the SE¼, lying south of the East Main Bureau of Reclamation Canal right of way in Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(4) PARCEL 4 (HOLLAND PURCHASE 1997).—That portion of the NW¼ of the NE¼, of Sec. 31, T. 16 S., R 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal; except the north 220 feet.

(5) PARCEL 5 (HOLLAND PURCHASE 1997).—An easement over the easterly 15 feet of the north 220 feet of that portion of the NW¼ of the NE¼, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal for irrigation purposes.

(6) PARCEL 6 (POWERS PURCHASE 1997).—Lots 21, 24, and 25, Sec. 29, and Lots 16 and 17 and the N½ of the SW¼ of the SE¼, of Sec. 30, T. 16 S., R. 22 E., of the San Bernardino Meridian, Yuma County, Arizona, according to the dependent resurvey of the Bureau of Land Management, accepted December 9, 1960.

(7) PARCEL 7 (SPEED WAY PURCHASE 2005).—That portion of the W½ of the SE¼ of Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying south and east of the East Main Canal; except the south 33 feet thereof; except one-third interest in and to all mineral rights, as reserved in the deed recorded in Docket 1461, page 600, records of Yuma County, Arizona.

(c) LANDS TO BE MADE PART OF THE RESERVATION.—Land taken into trust pursuant to subsection (a) shall be considered to be part of the Tribe's initial reservation.

(d) SERVICE AREA.—For the purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be Yuma County, Arizona.

(e) GAMING PROHIBITED.—Land taken into trust for the benefit of the Tribe under this Act shall not be used for gaming under the Indian Gaming Regulatory Act.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN, Mr. Speaker, the pending measure, introduced by our colleague, Representative RAÚL GRIJALVA, would place land and into trust owned by a tribe located in a remote area of Arizona.

The land will be used for housing, water, and non-gaming economic development opportunities.

Similar measures were introduced in the 107th and the 109th Congresses. Resolution of this matter is long overdue.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.".

A motion to reconsider was laid on the table.

ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE BLOOD QUANTUM REQUIREMENT

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1696) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOD QUANTUM REQUIREMENT DETERMINED BY TRIBE.

Section 108(a)(2) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g–7(2)) is amended by striking "if the descendant" and all that follows through the end of the paragraph and inserting "if the descendant is enrolled by the tribe".

Mrs. CHRISTENSEN. Mr. Speaker, one of the greatest exercises of tribal sovereignty is the ability of a tribe to determine their tribal membership. This measure would allow a Texas Tribe to determine the blood quantum requirement for membership in that tribe.

Congressman REYES of Texas introduced H.R. 1696 to restore the Tribe's right to determine its own membership requirements by deleting a blood quantum requirement specified in a 1987 law. Passage of this legislation would extend to the Tribe the same sovereign right possessed by all other Indian tribes—the ability to determine who is and is not a member of the Tribe.

This measure is long overdue. Similar legislation has been introduced every Congress since the 106th Congress.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1215

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS LAND PROCLAMATION

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2120) to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TO BE PROCLAIMED RESERVATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians the parcel of land now held in trust by the United States and having the legal description as follows: That portion of Section 19, Township 41 North, Range 3 West, Michigan Meridian, described as: All of the NW1/4SW1/4 and all of the S1/2SW1/4 Northerly of a line described as beginning 650 feet Northerly along the centerline of Highway "Mackinac Trail" from the intersection of said centerline with the South Section line of Section 19, Township 41 North, Range 3 West, thence Northeasterly to the Southeast corner of the NW1/4SW1/4 of said Section, containing 65 acres, more or less (except the highway right-of-way and easements of record).

(b) APPLICABLE LAW; EFFECTIVE DATE.—The Secretary's proclamation shall be pursuant to section 7 of the Act of June 18, 1934 (25 U.S.C. 467) and shall be deemed effective as of April 19, 1988.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TO BE PROCLAIMED RESERVATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians the parcel of land now held in trust by the United States and having the legal description as follows: That portion of Section 19, Township 41 North, Range 3 West, Michigan Meridian, described as: All of the NW1/4SW1/4 and all of the S1/2SW1/4 Northerly of a line described as beginning 650 feet Northerly along the centerline of Highway "Mackinac Trail" from the intersection of said centerline with the South Section line of Section 19, Township 41 North, Range 3 West, thence Northeasterly to the Southeast corner of the NW1/4SW1/4 of said Section, containing 65 acres, more or less (except the highway right-of-way and easements of record).

(b) APPLICABLE LAW; EFFECTIVE DATE.—The Secretary's proclamation shall be pursuant to section 7 of the Act of June 18, 1934 (25 U.S.C. 467) and the property shall be deemed a reservation as of April 19, 1988, for purposes of the Indian Gaming Regulatory Act.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, this measure addresses an inequity caused by the failure of the Bureau of Indian Affairs to act in a timely manner on a request first made in 1983. Introduced by our colleague, Representative BART STUPAK, this measure would declare land held in trust for a Tribe located in Michigan as part of the Tribe's reservation.

Shortly after the land was placed into trust in 1983, the Tribe made the first of several requests to have the land declared a part of its reservation. Eventually, the Bureau of Indian Affairs took various actions leading the Tribe to believe that the land was a part of the Tribe's reservation.

However, in February, 2006, the Interior Department reversed course and informed the Tribe that the land placed into trust in 1983 was not part of the Tribe's Reservation. The pending measure clarifies and rectifies the situation.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COQUILLE INDIAN TRIBE, OREGON LAND CONVEYANCE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2863) to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF COQUILLE INDIAN TRIBE, OREGON.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, any land (including fee simple land) or interest in land owned by the Tribe.

(b) NONAPPLICABILITY TO CERTAIN CONVEYANCES.—Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other conveyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

(c) EFFECT OF SECTION.—Nothing in this section invalidates or otherwise alters or affects any restriction on alienation applicable to land held in trust by the United States for the benefit of the Tribe or any member of the Tribe.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF COQUILLE INDIAN TRIBE, OREGON.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, any land (including fee simple land) or interest in land owned by the Tribe.

(b) NONAPPLICABILITY TO CERTAIN CONVEYANCES.—Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other conveyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

(c) EFFECT OF SECTION.—Nothing in this section invalidates or otherwise alters or affects any restriction on alienation applicable to land held in trust by the United States for the benefit of the Tribe or any member of the Tribe.

(d) LIABILITY.—The United States shall not be held liable to any (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held, in trust for the benefit of the Tribe.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, in 1790, the Non-Intercourse Act was enacted reserving the right to acquire land, or an interest in land, owned by an Indian tribe in the United States. It was intended to prevent third parties from taking advantage of Indians by prohibiting the lease, transfer, encumbrance or conveyance of lands from an Indian tribe without Federal approval.

Our colleague, Representative PETER DEFAZIO, introduced the pending measure to exempt the conveyance of non-trust lands made by a Tribe located in Oregon. In this particular case, the law is preventing this Tribe from fully engaging in non-gaming economic development on fee land because Federal approval is required for leases between the Tribe and third parties.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAGINAW CHIPPEWA TRIBE OF INDIANS OF MICHIGAN LAND CONVEYANCE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2952) to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Saginaw Chippewa Indian Tribe of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, fee simple land owned by the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to sell any lands that are held in trust by the United States for the benefit of the Tribe.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Saginaw Chippewa Indian Tribe of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) LIABILITY.—The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, this legislation is similar to the bill we just considered in that it also deals with an exemption from the Non-Intercourse Act.

Our colleague, Representative DALE KILDEE, introduced this measure to exempt the conveyance of non-trust lands made by Tribe located in Michigan. In this particular case, the law is preventing this Tribe from fully engaging in non-gaming economic development. The pending measure is necessary so that the Tribe can sell fee lands bought for investment purposes and to otherwise engage in real estate investment.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER ACT OF 2007

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 2963) to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007".

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands described in subsection (b) (including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources) shall be held by the United States in trust for the Pechanga Band of Luiseno Mission Indians, a federally recognized Indian tribe. Such transfer shall not include the 12.82 acres of lands more or less, including the facilities, improvements, and appurtenances associated with the existing 230 kV transmission line in San Diego County and its 300 foot corridor, more particularly described as a portion of sec. 6, T. 9 S., R. 2 W., San Bernardino Base and Meridian, which shall be sold by the Bureau of Land Management for fair market value to San Diego Gas & Electric Company not later than 30 days after the completion of the cadastral survey described in subsection (c) and the appraisal described in subsection (d).

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to property held in trust by the United States for an Indian tribe; and

(B) a memorandum of understanding entered into between the Pechanga Band of Luiseno Mission Indians and the United States Fish and Wildlife Service.

(b) DESCRIPTION OF LAND.—The lands referred to in subsection (a) consist of approximately 1,178 acres in Riverside County, California, and San Diego County, California, as referenced on the map titled, "H.R. 28, the Pechanga Land Transfer Act" and dated January 12, 2007, which, before the transfer under such subsection, were administered by the Bureau of Land Management and are more particularly described as follows:

(1) Sections 24, 29, 31, and 32 of township 8 south, range 2 west, San Bernardino base and meridian.

(2) Section 6 of township 9 south, range 2 west, lots 2, 3, 5 and 6, San Bernardino Base and Meridian.

(3) Mineral Survey 3540, section 22 of township 5 south, range 4 west, San Bernardino base and meridian.

(c) SURVEY.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred and to be sold under subsection (a) for the purpose of establishing the boundaries of the lands.

(d) CONVEYANCE OF UTILITY CORRIDOR.—

(1) IN GENERAL.—The Secretary shall convey to the San Diego Gas & Electric Company all right, title, and interest of the United States in and to the utility corridor upon—

(A) the completion of the survey required under subsection (c);

(B) the receipt by the Secretary of all rents and other fees that may be due to the United States for use of the utility corridor, if any; and

(C) the receipt of payment by United States from the San Diego Gas & Electric Company of consideration in an amount equal to the fair market value of the utility corridor, as determined by an appraisal conducted under paragraph (2).

(2) APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date on which the survey of the utility corridor is completed under subsection (c), the Secretary shall complete an appraisal of the utility corridor.

(B) APPLICABLE LAW.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—The San Diego Gas & Electric Company shall pay the costs of carrying out the conveyance of the utility corridor under paragraph (1), including any associated survey and appraisal costs.

(4) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any amounts received under paragraph (1)(C) of this section in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(e) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(f) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseno Mission Indians, the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the boundary lines; and

(B) legal description of the lands transferred under subsection (a).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of the boundary lines and the lands transferred under subsection (a).

(g) RULES OF CONSTRUCTION.—Nothing in this Act shall—

(1) enlarge, impair, or otherwise affect any right or claim of the Pechanga Band of Luiseno Mission Indians to any land or interest in land that is in existence before the date of the enactment of this Act;

(2) affect any water right of the Pechanga Band of Luiseno Mission Indians in existence before the date of the enactment of this Act; or

(3) terminate any right-of-way or right-of-use issued, granted, or permitted before the date of enactment of this Act.

(h) RESTRICTED USE OF TRANSFERRED LANDS.—

(1) IN GENERAL.—The lands transferred under subsection (a) may be used only for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.

(2) NO ROADS.—There shall be no roads other than for maintenance purposes constructed on the lands transferred under subsection (a).

Mrs. CHRISTENSEN. Mr. Speaker, preserving tribal cultures is a fundamental aspect of the United States' trust responsibility to Indian tribes and is key to the survival of Native America. The Federal government can begin to meet this responsibility by transferring land that is an integral part of a tribe's culture to the tribe. This measure does just that.

Introduced by my friend from the other side of the aisle, Representative DARRELL ISSA, this measure would transfer land administered by the Bureau of Land Management to be held in trust for the Pechanga Band in California. The land contains sites and plants integral to the Tribe's culture and religion.

Because of the importance of the land to the cultural survival of the Tribe, the legislation requires that the land may only be used for the protection, preservation, and maintenance of archaeological, cultural, and wildlife resources. Only maintenance roads may be constructed and the land must be administered in accordance with a memorandum of understanding between the Tribe and the United States Fish and Wildlife Service.

The pending measure would also transfer approximately 12 acres to the San Diego Gas and Electric Company, which has an unauthorized electric line on part of the land. The land will be transferred only upon payment of fair market value for the land, plus payment for the past unauthorized use of the land.

Last Congress, a similar measure passed the House, and I would note that this measure is supported by the City of Temecula, and the Riverside County Board of Supervisors.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT TO PROPERTY TRANSFERRED TO CERTAIN INDIAN TRIBES IN OREGON

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 375) to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

With respect to the parcel of real property in Marion County, Oregon, deeded by the

United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002, Congress finds that—

(1) the parcel of land described in the quitclaim deed, comprising approximately 19.86 acres of land originally used as part of the Chemawa Indian School, was transferred by the United States in 1973 and 1974 to the State of Oregon for use for highway and associated road projects;

(2) Interstate Route 5 and the Salem Parkway were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage of the parcel back to the United States;

(3) the United States could no longer use the returned acreage for the administration of Indian affairs, and determined it would be most appropriate to transfer the property to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon;

(4) on request of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon, the United States transferred the parcel jointly to the Tribes for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(5) the transfer of the parcel was memorialized by the United States in 2 documents, including—

(A) an agreement titled "Agreement for Transfer of Federally Owned Buildings, Improvements, Facilities and/or Land from the United States of America the [sic] Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Tribe [sic] of Oregon", dated June 21, 2001; and

(B) a quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County, Oregon, on June 19, 2002 (reel 1959, page 84);

(6) use of the parcel by Tribes for economic development purposes is consistent with the intent and language of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and other Federal Indian law—

(A) to encourage tribal economic development; and

(B) to promote economic self-sufficiency for Indian tribes;

(7) the United States does not desire the return of the parcel and does not intend under any circumstances to take action under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or any other legal authority to seek the return of the parcel; and

(8) in reliance on this intent, the Tribes have committed over $2,500,000 to infrastructure improvements to the parcel, including roads and sewer and water systems, and have approved plans to further develop the parcel for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing.

SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) NONAPPLICATION OF LAW.—Notwithstanding any other provision of law, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the transfer of the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002.

(b) NEW DEED.—The Secretary of the Interior shall issue a new deed to the Tribes to the parcel described in subsection (a) that shall not include—

(1) any restriction on the right to alienate the parcel; or

(2) any reference to any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) PROHIBITION ON GAMING.—Class II gaming and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be conducted on the parcel described in subsection (a).

Mrs. CHRISTENSEN. Mr. Speaker, the Indian Self-Determination and Education Assistance Act has frequently been hailed as one of the most important pieces of Federal Indian legislation. Despite the success of this law, in this instance, the law is impeding two Tribes located in Oregon and their efforts to engage in non-gaming economic development.

In this case, the Secretary of the Interior transferred approximately 20 acres of land to these tribes via a quitclaim deed. But because it was transferred pursuant to the Indian Self-Determination Act, it contains a reversionary clause. This clause requires the land to revert back to the United States if the land is not used for economic development purposes. Although the Tribes intend to use the land for economic development purposes, they are unable to obtain conventional financing because of the reversionary clause.

Senator SMITH of Oregon introduced S. 375 to address this issue and our colleague Representative DARLENE HOOLEY is the sponsor of an identical measure in this body. The legislation simply directs the Secretary of the Interior to reissue a quitclaim deed that is not subject to the Indian Self-Determination Act.

I urge my colleagues to support this measure.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELSINORE VALLEY MUNICIPAL WATER DISTRICT WASTEWATER AND RECYCLED WATER FACILITIES ACT OF 2007

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 31) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elsinore Valley Municipal Water District Wastewater and Recycled Water Facilities Act of 2007".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 1636 the following:

"SEC. 1637. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

"(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,500,000.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 1636 the following:

"Sec. 1637. Elsinore Valley Municipal Water District Projects, California".

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 31 will help the Elsinore Valley Municipal Water District build a recycled water treatment and distribution system. This fast-growing area in southern California is heavily dependent on water from rivers and storage reservoirs that are hundreds of miles away. The modest financial assistance provided by H.R. 31 will help southern California reduce its reliance on imported water and help to sustain water supplies during droughts.

We have no objection to this non-controversial bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOGNIZING VIRGINIA'S JAMES RIVER AS "AMERICA'S FOUNDING RIVER"

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 16) recognizing Virginia's James River as "America's Founding River," and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 16

Whereas Virginia's James River is considered a great natural asset of the United States for its historical, environmental, and economic significance;

Whereas the first permanent English settlement in America was founded on the banks of the James River at Jamestown, Virginia, in 1607;

Whereas, prior to European settlement, the James River was known as Powhatan River, a name associated with Chief Powhatan, who was a key figure in the relationship between the Native American tribes and the Jamestown settlement;

Whereas, for thousands of years, the James River provided a source of nourishment and enrichment to the Native American tribes that lived along its course;

Whereas the James River played a critical role in the founding of America by sustaining the early settlers with its bounty, providing valuable commodities to build the emerging economy of a new colony, and serving as a strategic transportation corridor that shaped the settlement and commerce of the region;

Whereas the James River is one of America's most historic rivers with over 1,100 historic landmarks within its watershed;

Whereas the James River watershed is home to the first colonial capital in America and to numerous founding fathers and presidents, including Thomas Jefferson, Patrick Henry, James Monroe, James Madison, William Henry Harrison, and John Tyler;

Whereas the James River's natural resources, scenic beauty, and recreational opportunities continue to enhance the quality of life of visitors and the people living along it;

Whereas Congress passed the Chesapeake Bay Restoration Act of 2000, committing the Federal Government to achieve improved water quality and improvements in the productivity of living resources in the James River, as a tributary to the Chesapeake Bay;

Whereas the year 2007 marks the 400th anniversary of the founding of Jamestown; and

Whereas, throughout 2006 and 2007, many events are planned as part of America's 400th Anniversary, which is an 18-month commemoration of the historic events that occurred on and around the James River in 1607 and the enduring world-wide significance of those historic events: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Virginia's James River as "America's Founding River";

(2) recognizes the extraordinary historic, economic, recreational, and environmental importance of the James River;

(3) encourages the people of the United States to observe and celebrate the James River's contribution to our Nation's history with appropriate ceremonies and activities during America's 400th Anniversary; and

(4) recommits itself to protecting and restoring the James River for the enjoyment and prosperity of current and future generations.

Mrs. CHRISTENSEN. Mr. Speaker, H. Res. 16 would grant the recognition of the House to Virginia's James River as "America's Founding River."

The resolution was introduced by our colleague, Representative JO ANN DAVIS of Virginia.

The James River rises in the Allegheny Mountains and flows to the Chesapeake Bay. It is one of the longest rivers in our country to lie in a single state.

Mr. Speaker, Native Americans gave the name of their great chief Powhatan to the river that nourished the tribes along its banks.

In 1607, when English colonists established their first permanent settlement in America, they named the river—and their new town—after King James the First.

The James River sustained those early settlers, supported the growth of the first colonial capital in American, and provided a route for the first westwardbound pioneers.

The land along the James was home to many of our founding fathers and presidents, and great mansions still grace its shores.

Mr. Speaker, H. Res. 16 would grant the recognition of the House to the historic, economic, recreational and environmental importance of the James River and encourages the people of the U.S. to celebrate the contributions of the river to our Nation's history as part of the ceremonies and activities during Jamestown's 400th anniversary.

The resolution also reminds us of our commitment in 2000, as part of the Chesapeake Bay Restoration Act, to improving water quality in the bay's tributaries, including the James, and calls on us to recommit ourselves to protecting and restoring that great river.

Mr. Speaker, we have no objection to H. Res. 16, and urge its passage.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks on the 10 measures previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

MAKING INDIVIDUALS EMPLOYED BY ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION ELIGIBLE TO OBTAIN FEDERAL HEALTH INSURANCE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 1099) to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH INSURANCE.

Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by inserting before the matter following subparagraph (I) the following:

"(J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,".

Mr. DAVIS of Illinois. Mr. Speaker, S. 1099 is a bill that makes a U.S. citizen employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

Mr. Speaker, I urge the swift passage of this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORING 50TH ANNIVERSARY OF STAN HYWET HALL & GARDENS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 143) honoring the 50th anniversary of Stan Hywet Hall & Gardens, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the concurrent resolution, as follows

H. CON. RES. 143

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin 'F.A.' Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith and hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas, in 1957, in keeping with the Stan Hywet Hall crest motto of 'Non Nobis Solum (Not for Us Alone)', the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, DC's Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates Stan Hywet Hall & Gardens on its 50th anniversary;

(2) honors Stan Hywet Hall & Gardens for its commitment to sharing its history, gardens, and art collections with the public; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Stan Hywet Hall & Gardens.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois

Strike all after the resolving clause and insert the following:

That Congress—

(1) recognizes that National Historic Landmarks are places where significant historical events occurred or where prominent Americans worked or lived; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Stan Hywet Hall & Gardens in Akron, Ohio.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DAVIS of Illinois

Strike the preamble and insert the following:

Whereas National Historic Landmarks are nationally significant historic places, designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States;

Whereas Congress recognizes that Stan Hywet Hall, located in Akron, Summit County, Ohio, has been designated as a National Historic Landmark since December 21, 1981;

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin "F.A." Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith which was hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas in 1957, in keeping with the Stan Hywet Hall crest motto of "Non Nobis Solum" (or "Not for Us Alone"), the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas we are honoring and congratulating Stan Hywet Hall & Gardens on its 50th anniversary and for its commitment to sharing its history, gardens, and art collections with the public;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, DC's Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Mr. DAVIS of Illinois. Mr. Speaker, National Historic Landmarks are significant places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating the heritage of the United States. The U.S. Congress recognizes that Stan Hywet Hall, located in Akron, Ohio as a National Historic Landmark since December 21, 1981. Stan Hywet Hall was built between 1912 and 1915 by Franklin "F.A." Augustus Seiberling and his wife, Gertrude. This landmark is one of the finest examples of Tudor Revival architecture in the United States.

We are honoring Stan Hywet Hall and Gardens on its 50th anniversary and for its commitment to sharing its history, gardens, and art collections with the public.

Mr. Speaker, I commend my colleague Representative BETTY SUTTON for seeking to honor the 50th anniversary of Stan Hywet Hall and Gardens and urge the swift passage of this bill.

The SPEAKER pro tempore (during the reading). Without objection, the amendment to the preamble is considered as read.

There was no objection.

The amendment to the preamble was agreed to.

The title was amended so as to read: "Concurrent resolution honoring National Historic Landmarks.".

A motion to reconsider was laid on the table.

MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows

H.R. 2765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, shall be known and designated as the 'Master Sergeant Sean Michael Thomas Post Office'.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Master Sergeant Sean Michael Thomas Post Office'.

Mr. DAVIS of Illinois. Mr. Speaker, Master Sergeant Sean Michael Thomas died on March 27, 2007 in Baghdad, Iraq. He was serving with the Harrisburg-based 28th Division Support Command. Master Sergeant Thomas joined the Pennsylvania National Guard in 1998 after 6 years in the Army Reserve. He had planned to attend Officer Candidates School in October and wanted to be a teacher when he returned to civilian life. His unit's commander, Colonel Jesse Deets, called Master Sergeant Thomas a model officer and friend.

Mr. Speaker, I commend my colleague Representative CHRISTOPHER CARNEY for introducing this legislation and urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING A NATIONAL YOUTH SPORTS WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 442) expressing the sense of the House of Representatives that a National Youth Sports Week should be established, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 442

Whereas about 42 million children participate in organized sports each year;

Whereas children participating in organized sports tend to perform better in school, develop excellent interpersonal skills, and lead healthier lives;

Whereas organized youth sports help children increase their self-esteem, develop an appreciation of health and fitness, and become leaders within the community;

Whereas organized youth sports provide for regular physical activity and help combat increasing rates of childhood obesity;

Whereas the Congressional Caucus on Youth Sports was created, with great help and support from the Citizenship Through Sports Alliance, Positive Coaching Alliance, and National Recreation and Park Association, to restore the focus in youth sports on the child's experience and character development;

Whereas far too many children quit participating in youth sports at a young age, many telling coaches and parents, 'It just wasn't fun anymore';

Whereas the National Recreation and Park Association has designated July as Parks and Recreation Month;

Whereas many youth sports organizations gather at local parks and recreation facilities across the country; and

Whereas designating the fourth week in July as National Youth Sports Week would raise awareness of the important physical and emotional benefits of participating in youth sports and the need to promote sportsmanship among players, parents, coaches, and officials: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that a National Youth Sports Week should be established to promote awareness of the importance of youth sports and the need to restore the focus in youth sports on the child's experience and character development.

Mr. DAVIS of Illinois. Mr. Speaker, over 42 million children participate in youth sports all across our country, and their activities contribute greatly to their positive development and enrich the quality of life for all. There are a number of benefits reaped by children's involvement in sports, such as better grades, excellent interpersonal skills and a healthier lifestyle. Also, given the increasing numbers of children battling obesity, this is an important time for youth to become active in sports.

H. Res. 442 is a bill that designates the fourth week in July as "National Youth Sports Week." This legislation would raise awareness of the important physical and emotional benefits of participating in youth sports and the need to promote fun, sportsmanship, and character development.

Mr. Speaker, I commend my colleague Representative MIKE MCINTYRE for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING CRAIG BIGGIO OF THE HOUSTON ASTROS FOR REACHING 3,000 BASE HITS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 501) commending Craig Biggio of the Houston Astros for reaching 3,000 base hits as a Major League Baseball player and for his outstanding service to baseball and the Houston, Texas, region, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 501

Whereas Craig Biggio has reached 3,000 base hits as a Major League Baseball player and all while playing for the Houston Astros with an unmatched hustle and work ethic;

Whereas Craig Biggio is only the 27th player in Major League Baseball history to reach this historic milestone, joining such baseball greats as Willie Mays, Hank Aaron, Tony Gwynn, Cal Ripken Jr., and Ty Cobb;

Whereas Craig Biggio is not only a member of the exclusive 3,000 hit club, but also holds the Major League record for most games played with one team at 2,768 and counting over the past 20 seasons;

Whereas Craig Biggio is 7th all-time in Major League Baseball with 653 doubles and should move into 5th place by the end of the current season;

Whereas Craig Biggio holds the Astros career records for games played, at-bats, runs scored, hits, doubles, and extra-base hits;

Whereas Craig Biggio is a tireless leader in the community for charitable causes, serving for the last decade as lead spokesperson for Sunshine Kids, which is an organization that supports children fighting cancer and their families;

Whereas Craig Biggio and his wife Patti have helped to raise nearly $2,000,000 for Sunshine Kids and have impacted numerous cancer-stricken families throughout the Houston area by leading fun activities like attending Houston Astros, Rockets, and Texan games and The Houston Livestock Show and Rodeo;

Whereas Houston Astros owner Drayton McLane, Jr. recently stated, 'No one has meant more to our community development than Craig and Patti Biggio.'; and

Whereas Craig Biggio has been honored with many awards to recognize his distinguished contributions to the sport of baseball and to the community, including the Hutch Award in 2005 for resilience and always showing a fighting competitive spirit, and being named one of Sporting News' Good Guys in 2004 for all his community service work off the field: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Craig Biggio of the Houston Astros for reaching 3,000 base hits as a Major League Baseball player;

(2) recognizes his outstanding service to the community through his charitable work and dedication to the Houston Astros organization; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Craig Biggio of the Houston Astros and to Astros team owner Mr. Drayton McLane, Jr. for appropriate display.

Mr. DAVIS of Illinois. Mr. Speaker, on June 28, 2007, Mr. Craig Biggio is the 27th professional baseball player in major league history to make 3,000 base hits. He is the ninth to do so while playing all of his games with one team.

In 1988, Mr. Biggio began his distinguished career with the Houston Astros as a catcher. In 1992, hoping to extend his career, the team moved him to various positions, first to the outfield, then to second base, where he is currently playing. He is the only player to be named an All-star as both catcher and second baseman. After playing baseball for 20 years, he has announced his retirement at the end of this season.

Mr. Speaker, I commend my colleague Representative KEVIN BRADY for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DOLPH S. BRISCOE, JR. POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2688) to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows

H.R. 2688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOLPH S. BRISCOE, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, shall be known and designated as the 'Dolph S. Briscoe, Jr. Post Office Building'.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Dolph S. Briscoe, Jr. Post Office Building'.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois

Strike all after the enacting clause and insert the following:

SECTION 1. DOLPH BRISCOE, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, shall be known and designated as the "Dolph Briscoe, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dolph Briscoe, Jr. Post Office Building".

The amendment was agreed to.

Mr. DAVIS of Illinois. Mr. Speaker, Mr. Dolph Briscoe was born on April 23, 1923 in Uvalde, Texas. He graduated from the University of Texas in 1942 and then served in the Army during World War II. After he returned from the war, he served in the Texas legislature from 1949 through 1957. He then left politics to manage his family's ranching and business interests.

In 1974, Mr. Briscoe was elected governor of Texas as a conservative, pro-business Democrat. He was one of the few governors to enact a balanced budget without raising or creating new taxes.

Currently, Mr. Briscoe continues to be active in the agricultural community as a rancher in Uvalde and serves his community as the Senior Chairman of the First State Bank of Uvalde.

Mr. Speaker, I commend my colleague Representative CIRO RODRIGUEZ for introducing this legislation and urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the 'Dolph Briscoe, Jr. Post Office Building'.".

A motion to reconsider was laid on the table.

□ 1230

ACKNOWLEDGING PROGRESS TO REBUILD GULF COAST REGION AFTER HURRICANES KATRINA AND RITA

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 551) acknowledging the progress made and yet to be made to rebuild the Gulf Coast region after Hurricanes Katrina and Rita, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 551

Whereas Hurricanes Katrina and Rita devastated the lives of 4.5 million people through loss of life and personal injury; destroyed homes, businesses, and public property; displaced people; and damaged cultural assets and economies across the Gulf Coast of the United States;

Whereas Hurricanes Katrina and Rita destroyed nearly every home and business in Orleans Parish, St. Bernard Parish, Plaquemines Parish, and Cameron Parish; and thousands of homes in Calcasieu Parish and other coastal parishes also suffered flood damage;

Whereas Hurricane Katrina displayed winds peaking at 175 miles per hour;

Whereas Hurricane Katrina made landfall in the Gulf Coast region on August 29, 2005, as a powerful category 3 storm and the third strongest land-falling hurricane ever recorded in the United States;

Whereas Hurricane Katrina destroyed 275,000 homes, 18,750 businesses, and 875 schools in Louisiana, and is blamed for the deaths of 1,577 residents in Louisiana;

Whereas Hurricane Katrina caused four levees to breach, including the 17th Avenue Canal, the Industrial Canal, and the London Avenue Canal, resulting in flooding of the city of New Orleans and the parishes of St. Bernard and Plaquemines; and nearly two years later, work on those levees is still unfinished;

Whereas, because of an insufficient levee protection system, approximately 80 percent of New Orleans was submerged for nearly one month in deadly flood waters;

Whereas Hurricane Katrina devastated institutions of higher education, including Delgado Community College, Dillard University, Loyola University New Orleans, Southern University at New Orleans, Tulane University, the University of New Orleans, and Xavier University of Louisiana;

Whereas nearly two years later, all colleges and universities in New Orleans have reopened, but enrollment is lagging, major infrastructure has not yet been rebuilt, many public schools remain closed, and private and public schools that have reopened are struggling to recover;

Whereas prior to Hurricane Katrina, the population of New Orleans was 484,674; but nearly two years after Hurricane Katrina, little more than half of New Orleans residents have been able to return to their homes;

Whereas Hurricane Katrina overwhelmed the capabilities of State and local governments and Congress appropriated billions of dollars for emergency response needs, such as evacuations, repairs, deployment of personnel, and other immediate relief efforts;

Whereas nearly two years after Hurricane Katrina, disaster relief efforts continue to be needed, especially for hundreds of thousands of displaced citizens;

Whereas Hurricane Rita made landfall along the border of Louisiana and Texas on September 24, 2005, as the fourth most intense Atlantic hurricane ever recorded, causing $9.4 billion in property damage;

Whereas Hurricane Rita completely destroyed several towns in Southwest Louisiana along the border of Texas and washed tons of potentially hazardous debris into the area's marshes, causing severe economic loss, detrimental health effects, and deaths;

Whereas Congress has responded to the devastation of the Gulf Coast region by providing billions of dollars in assistance, including tax relief efforts such as the Gulf Opportunity Zone, student aid, and disability services to victims of Hurricanes Katrina and Rita, and nearly two years later, Congress continues to provide assistance to expedite economic recovery in the region; and

Whereas the people of the United States have been extremely generous in their support for the Gulf Coast region, in addition to the outpouring of assistance from the international community, which continues to support the recovery efforts in the region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the Gulf Coast region to the economy of the United States;

(2) recognizes the importance of the cultural contributions of the people of the Gulf Coast to the United States; and

(3) expresses its support for all individuals still affected by Hurricanes Katrina and Rita two years after these terrible natural disasters struck.

Mr. DAVIS of Illinois. Mr. Speaker, Hurricane Katrina made a devastating impact on Florida and the Gulf Coast states in the last days of August 2005, followed within weeks by Hurricanes Rita and Wilma. These disasters will long be remembered for disrupting families, changing and ending lives, and forcing Americans to rethink about our preparedness and ability to respond effectively to disasters. Unfortunately, these hurricanes served as a catalyst for changes in federal policy and government management within the Department of Homeland Security (DHS) and the Federal Emergency management Agency (FEMA).

Most of those changes were included in Title VI of the DHS appropriations legislation for FY2007. It established new leadership positions and requirements within FEMA. Additionally, it brought new missions into FEMA and enhanced the agency's authority by directing the FEMA Administrator to undertake a broad range of activities before and after disasters.

Although, Congress has responded to the devastation of the Gulf Coast region by providing billions of dollars in assistance, more resources are needed to expedite the economic recovery in this region.

Mr. Speaker, I commend my colleague Representative William Jefferson for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 2007 NBA CHAMPION SAN ANTONIO SPURS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 490) honoring the 2007 NBA Champion San Antonio Spurs, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 490

Whereas on June 14, 2007, the San Antonio Spurs won the 2007 National Basketball Association (NBA) Championship with a victory over the Cleveland Cavaliers;

Whereas the Spurs' win results in their fourth NBA Championship in the last 9 years;

Whereas the Spurs, after sweeping the Cavaliers to decisively win the Finals 4-0, are widely recognized as a modern-day basketball dynasty;

Whereas San Antonio's four-game sweep was only the eighth sweep since the finals began in 1947;

Whereas the Spurs' .727 winning percentage is the highest in finals history;

Whereas under the leadership and instruction of Coach Gregg Popovich, the Spurs' Tony Parker, Tim Duncan, Manu Ginobili, Robert Horry, Bruce Bowen, Michael Finley, Fabricio Oberto, Francisco Elson, Jacque Vaughn, and Brent Barry played together as a team with determination and resolve to bring the NBA trophy back home to the Alamo City;

Whereas Tony Parker was named the Finals Most Valuable Player after using his speed and quickness to average 24.5 points and an amazing 57 percent from the field during the Finals, becoming the first European-born player to be honored as MVP;

Whereas Tim Duncan and Bruce Bowen anchored the Spurs with stifling defense throughout the NBA Finals;

Whereas Manu Ginobili used his pinpoint three-point shooting and strong drives to the basket to lead the Spurs to victory in Game 4 with 27 points;

Whereas Coach Gregg Popovich is recognized as one of the greatest coaches of all time after winning his fourth NBA Championship; and

Whereas San Antonio has the best fans in the league and the Alamo City is the perfect setting for a championship celebration: Now, therefore, be it

Resolved, That the House of Representatives congratulates the San Antonio Spurs and Coach Gregg Popovich for winning the 2007 National Basketball Association Championship.

Mr. DAVIS of Illinois. Mr. Speaker, on June 14, 2007, the San Antonio Spurs won the 2007 National Basketball Association (NBA) Championship with a victory over the Cleveland Cavaliers. This was the Spurs fourth NBA Championship in the last 9 years.

I join all my colleagues in congratulating the San Antonio Spurs and Coach Gregg Popovich for winning the 2007 National Basketball Association Championship.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE DETROIT TIGERS FOR WINNING THE 2006 AMERICAN LEAGUE PENNANT

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 488) congratulating the Detroit Tigers for winning the 2006 American League Pennant and for bringing the City of Detroit and the State of Michigan their first trip to the World Series in 22 years, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 488

Whereas this is the 10th American League Pennant won by the Detroit Tigers;

Whereas Manager Jim Leyland is a 3 time Manager of the Year and 1 of 7 managers in the history of baseball to win the pennant in both the National and American Leagues;

Whereas the manager and coaching staff have done a remarkable job guiding this team to victory;

Whereas General Manager Dave Dombrowski and Owner Mike Ilitch have assembled and led a team that has revitalized the Tigers franchise;

Whereas all 25 players on the playoff squad contributed to their remarkable postseason victories over the New York Yankees and the Oakland Athletics, including American League Rookie of the Year Justin Verlander, as well as Magglio Ordóñez, Iván Rodríguez, Jeremy Bonderman, Kenny Rogers, Sean Casey, Carlos Guillén, Alexis Gómez, Omar Infante, Plácido Polanco, Brandon Inge, Craig Monroe, Marcus Thames, Curtis Granderson, Ramón Santiago, Neifi Pérez, Nate Robertson, Todd Jones, Jason Grilli, Zach Miner, Wilfredo Ledezma, Fernando Rodney, Joel Zumaya, Jamie Walker, and Vance Wilson;

Whereas the Detroit Tigers have a history of great players and managers, including Ty Cobb, Al Kaline, Hank Greenberg, and Sparky Anderson;

Whereas Detroit has a vibrant sports tradition because Michigan fans have faithfully supported their teams; and

Whereas the New York Yankees and Oakland Athletics proved worthy and honorable opponents during the post-season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Detroit Tigers on winning the 2006 American League Pennant; and

(2) commends the players, coaches, management, and all the other personnel of the Detroit Tigers, as well as the fans, on this great victory.

Mr. DAVIS of Illinois. Mr. Speaker, the Detroit Tigers has won 10 American League Baseball Pennants. In 2006, they made their first trip to the World Series in 22 years.

I join all my colleagues in congratulating the Detroit Tigers on winning the 2006 American League Pennant. Additionally, we commend the players, coaches, management, and fans for this great victory and accomplishment.

Mr. Speaker, I commend my colleague Representative MIKE ROGERS for seeking to congratulate the Detroit Tigers for winning the 2006 American League Pennant and for bring the City of Detroit and the State of Michigan their first trip to the World Series in 22 years and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FRANK G. LUMPKIN, JR. POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2309) to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows

H.R. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANK G. LUMPKIN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, shall be known and designated as the "Frank G. Lumpkin, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Frank G. Lumpkin, Jr. Post Office Building".

Mr. DAVIS of Illinois. Mr. Speaker, Frank Lumpkin, Jr. was born in Columbus on September 5, 1907. He was reared in Columbus, attended the 16th Street, now Woodall Elementary, School and Columbus High School, graduating from Riverside Military Academy in Gainesville, Georgia, in 1925. He was the first college football player from the University of Georgia to turn professional by joining the Philadelphia Eagles in 1933.

Mr. Lumpkin was stationed at the Pentagon during World War II. He developed an ordinance distribution plan that the British government said, "shortened the war by months." Mr. Lumpkin later served under General George Patton in Europe as a Lieutenant Colonel in the 709th Tank Battalion.

Mr. Lumpkin was President of Willcox-Lumpkin Company an insurance agency founded by his grandfather, D. F. Willcox, in 1848, where he built his family's business into an internationally known firm that traded to 18 countries.

Mr. Speaker, I commend my colleague Representative LYNN WESTMORELAND for introducing this legislation and I urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING THE NHL CHAMPIONS, THE ANAHEIM DUCKS, ON THEIR VICTORY IN THE 2007 STANLEY CUP FINALS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 471) congratulating the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows

H. RES. 471

Whereas on June 6, 2007, in Anaheim, California, the Anaheim Ducks won the National Hockey League Stanley Cup, with a 6–2 victory over the Ottawa Senators in the decisive fifth game of the championship series;

Whereas the Ottawa Senators proved worthy opponents and should be congratulated for a hard-fought Stanley Cup series;

Whereas the Ducks' win marked their first Stanley Cup title in franchise history;

Whereas the Ducks' win marked the first National Hockey League sports championship won by a team from the State of California;

Whereas owners Henry and Susan Samueli and general manager Brian Burke have created a model franchise, assembling a team that rose from an unstable past to the pinnacle of its sport today;

Whereas the Ducks were ably led by head coach Randy Carlyle, and assistant coaches Newell Brown and Dave Farrish;

Whereas Ducks team members Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giquere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thorton, are all worthy of praise and admiration for their contributions to the resilient championship team;

Whereas Scott Niedermayer, the Ducks' team captain and a 33-year old veteran, was awarded the Conn Smythe Trophy as the most valuable player of the National Hockey League post-season;

Whereas the Anaheim Ducks introduced a new future for the National Hockey League, creating new fans of the sport's high level of athleticism and competition;

Whereas the entire Ducks organization has contributed considerably to the community it represents, generously donating time and resources to a variety of charitable and educational programs for children throughout the State of California; and

Whereas Anaheim, and all of California, are proud of the accomplishment and dedication of the Anaheim Ducks organization and fans: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals.

Mr. DAVIS of Illinois. Mr. Speaker, on June 6, 2007, in Anaheim, California, the Anaheim Ducks won the National Hockey League Stanley Cup. They won with a 6–2 victory over the Ottawa Senators in the decisive fifth game of the championship series. The Ottawa Senators were worthy opponents and should be congratulated for a hard-fought Stanley Cup series. The Ducks' win marked their first Stanley Cup title in franchise history and by a team from the State of California.

I join all my colleagues in congratulating the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals.

Mr. Speaker, I commend my colleague Rep. LORETTA SANCHEZ for seeking to congratulate the Anaheim Ducks as the National Hockey League Champions and urge the swift passage of this bill.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in jubilant support of H. Res. 471, recognizing the Anaheim Ducks and their victory over the Ottawa Senators in the National Hockey League Stanley Cup Finals. I applaud the House's consideration of this exciting measure.

The Ottawa Senators proved to be worthy opponents, but they were no match for the hard hitting, exciting brand of hockey of Ducks general manager Brian Burke and head coach Randy Carlyle.

The 6–2 win to clinch the title was a display of solid teamwork as five different Ducks scored goals.

The Ducks teamwork was buttressed by the awe inspiring defensive work of Scott Niedermayer, who was honored as the most valuable player of the NHL post-season.

Their work is a true accomplishment. Not only did the Anaheim Ducks bring the Stanley Cup to Anaheim for the first time, but they are the first team from California to win it all.

With that, Mr. Speaker, we congratulate the Anaheim Ducks for their marvelous play and celebrate their victory in the 2007 Stanley Cup Finals.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 3034) to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, shall be known and designated as the "Private First Class Shane R. Austin Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private First Class Shane R. Austin Post Office".

Mr. DAVIS of Illinois. PFC Shane R. Austin was killed on October 8, 2006, when a grenade struck his tank in Ramadi, Iraq, west of Baghdad. He was assigned to the 1st Battalion, 35th Armor Regiment, 2nd Brigade Combat Team, 1st Armored Division in Baumholder, Germany.

Private Austin's grandmother said, "Although the emptiness and numbness is with the entire family, we hold the pride high that Shane was a hero before he left for the military, but now he is everybody's hero. Military was his dream; he intended to make it a career and that he accomplished . . . it was just a short career."

Private Austin served his country with distinction and courage.

Mr. Speaker, I commend my colleague Representative DENNIS MOORE for introducing this legislation and urge the swift passage of this bill.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 3034, legislation I have introduced with the rest of the Kansas delegation to rename the Gardner, KS, postal service facility the "Private First Class Shane R. Austin Post Office."

Private First Class Shane Austin grew up in Edgerton, KS, and attended Gardner-Edgerton High School before joining the U.S. Army. PFC Austin was 19 years old when he was killed on October 8, 2006, while serving in the United States Army's First Armored Division, during combat operations in Ramadi, Iraq. For his heroism, and for saving the lives of several fellow soldiers, Shane was awarded the Purple Heart and the Bronze Star.

According to Captain Daniel Costin, Shane was a quiet, unassuming man who worked hard, whether it was cutting grass in rear detachment or conducting maintenance on his tank.

Shane's father Terrance also said that while Shane was a bit on the wild side before leaving for boot camp, when Shane came home after finishing basic training he stood tall, stared you straight in the eye, and had a firm handshake.

On October 8, 2006, Shane courageously sacrificed the most precious thing a person can offer to his country—his life; and our country, the state of Kansas, and the Gardner-Edgerton community owes Shane and his family absolute gratitude for the rights and freedoms that he so heroically fought to protect.

Shane also follows in the path of a long line of brave and courageous individuals from the Gardner-Edgerton area who have given the ultimate sacrifice to protect those same rights and liberties. In fact, soldiers from the area have given their lives in service to their country in the Civil War, World War I, World War II, the Korean War, and the Vietnam War, and their sacrifice must also be remembered and honored.

So today I am proud to join with my colleagues in remembering these brave individuals, and in offering this remembrance so that our community never forgets the sacrifice that a brave soldier from Kansas made for his country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUCK OWENS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 1384) to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the "Buck Owens Post Office," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows

H.R. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUCK OWENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, shall be known and designated as the "Buck Owens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Buck Owens Post Office".

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Strike all after the enacting clause and insert the following:

SECTION 1. BUCK OWENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, shall be known and designated as the "Buck Owens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Buck Owens Post Office".

The amendment was agreed to.

Mr. DAVIS of Illinois. Mr. Speaker, Mr. Buck Owens was among the most prolific country hit-makers of the past 40 years and enjoyed a string of chart-toppers, including "Act Naturally", "Together Again", and "I've Got a Tiger by the Tail". He was a major influence on successive generations of musicians.

He was born as Alvis Edgar Owens in Sherman, Texas on August 12, 1929. He died on March 25, 2006 in Bakersfield, California.

Mr. Speaker, I commend my colleague Representative KEVIN MCCARTHY for introducing this legislation and urge the swift passage of this bill.

Mr. McCARTHY of California. Mr. Speaker, I rise today in strong support of H.R. 1384, a bill I introduced to designate the United States Postal Service facility located at 118 Minner Avenue in Bakersfield, California as the "Buck Owens Post Office."

An accomplished, self-taught musician, Alvis Edgar "Buck" Owens, Jr. amassed twenty-one country music hits throughout his career, of which ten were consecutive #1 hits, including "Act Naturally," "My Heart Skips a Beat," and "Streets of Bakersfield." Over his more than 50 years in the music industry, Buck worked with other legendary country musicians including Merle Haggard, who dubbed Buck's band "the Buckaroos," Wanda Jackson, and Dwight Yoakam.

Buck was best known for his signature "freight train" musical sound that combined classic country music with electric guitar, a unique rhythm, and rock and roll and honky-tonk influences, and always played his trademark red, white, and blue guitar. Buck was inducted into the Nashville Songwriters Hall of Fame and the Country Music Hall of Fame, both in 1996, for his musical talent and accomplishments. In 1999, Buck received a Grammy Hall of Fame Award for one of his #1 hits, "I've Got a Tiger by the Tail."

In addition to recording hit country music songs, for almost twenty years, Buck could be seen on Hee Haw, an immensely popular country music comedy show. Following Hee Haw and returning to his country music roots, Buck opened Buck Owens' Crystal Palace in 1996, a concert hall in Bakersfield, California, where Buck hosted other bands and performed live for fans up until the night he passed away, on March 25, 2006.

An astute businessman, Buck owned several radio stations, including KKXX–FM, which was under Buck's tenure for more than a decade the #1 rock-and-roll station in Bakersfield. In addition, Buck also owned KUZZ–AM, which he expanded to FM radio, and, up until his death, was and remains the #1 country music station in Bakersfield. Finally, Buck established his own music production company, Buck Owens Enterprises, which produced records by country music artists.

Buck moved to Bakersfield in 1951, and contributed greatly to the country music industry in Bakersfield and around the Nation and amassed a legion of fans, like myself, across the country. H.R. 1384 is a fitting honor and tribute to this influential and charismatic Californian by designating the post office in his hometown of more than 55 years in his memory.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the 'Buck Owens Post Office'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the 13 Committee on Oversight and Government Reform bills previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 180) to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows

H.R. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Darfur Accountability and Divestment Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) In the 108th Congress, the House of Representatives adopted House Concurrent Resolution 467 on July 22, 2004, by a unanimous vote of 422-0, which—

(A) declares that the atrocities unfolding in the Darfur region of Sudan are genocide;

(B) declares that the Government of Sudan has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(C) urges the Administration to seriously consider multilateral intervention to stop genocide in Darfur should the United Nations Security Council fail to act; and

(D) calls on the Administration to impose targeted sanctions, including visa bans and the freezing of assets of the Sudanese National Congress and affiliated business and individuals directly responsible for the atrocities in Darfur.

(2) In the 109th Congress, the House of Representatives passed H.R. 3127, the Darfur Peace and Accountability Act of 2006, on April 5, 2006, by a vote of 416-3, which—

(A) appeals to the international community, including the United Nations, the European Union, and the North Atlantic Treaty Organization (NATO), to immediately mobilize sufficient political, military, and financial resources to support and expand the African Union Mission in Sudan (AMIS);

(B) blocks assets and restricts travel of any individual the President determines is responsible for acts of genocide, war crimes, or crimes against humanity in the Darfur region of Sudan; and

(C) offers United States support for the International Criminal Court's efforts to prosecute those responsible for acts of genocide in Darfur.

(3) On September 9, 2004, former Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that genocide was being committed in the Darfur region of Sudan and that the Government of Sudan and the government-supported Janjaweed militias bear responsibility for the genocide.

(4) On September 21, 2004, President George W. Bush affirmed the Secretary of State's finding in an address before the United Nations General Assembly, stating that the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes the Government of the United States has concluded are genocide.

(5) On May 29, 2007, President George W. Bush affirmed that the Government of Sudan is complicit in the bombing, murder, and rape of innocent civilians in Darfur and again declared that these actions rightfully constitute genocide.

(6) Although the Government of the United States currently bans United States companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting the Government of Sudan by investing in foreign companies that conduct business operations in Sudan that disproportionately benefit the Sudanese regime in Khartoum.

(7) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan;

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide; and

(C) to prohibit themselves from entering into or renewing contracts for the procurement of goods or services with certain companies that have a direct investment in, or conduct business operations in, Sudan

(8) California, Colorado, Florida, Hawaii, Indiana, Illinois, Iowa, Kansas, Maine, Minnesota, New Jersey, New York, Oregon, Rhode Island, Texas and Vermont have passed legislation to divest State funds from companies that conduct business operations in Sudan. Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Wisconsin are considering legislation to divest State funds from companies that conduct business operations in Sudan. Arkansas, Connecticut, Maryland, and Ohio have passed non-binding divestment legislation with respect to Sudan.

(9) Denver, Colorado, Los Angeles, California, Miami Beach, Florida, New Haven, Connecticut, Newton, Massachusetts, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania, Providence, Rhode Island, and San Francisco, California have passed legislation mandating divestment of city funds from companies that conduct business operations in Sudan.

(10) American University, Amherst College, Andover Newton Theological School, Boston University, Bowdoin College, Brandeis University, Brown University, Colby College, Columbia University, Connecticut College, Cornell University, Dartmouth College, Drew University, Duke University, Emory University, Hampton University, Harvard University, Hendrix College, Howard University, Lee University, Massachusetts Institute of Technology, Middlebury College, Nazareth College, Northwestern University, Oberlin College, Queen's University, Reconstructionist Rabbinical College, Regis University, Samford University, Seton Hall, Smith College, Stanford University, Swarthmore College, Trinity College, University of California, University of Colorado, University of Connecticut, University of Denver, University of Illinois, University of Maryland, University of Massachusetts, University of Minnesota, University of Pennsylvania, University of Rochester, University of Southern California, University of Vermont, University of Virginia, University of Washington, University of Wisconsin System, Vassar College, Wellesley College, Wheaton College, Williams College, and Yale University have divested their funds from or placed restrictions on investment of their funds in certain companies that conduct business operations in Sudan.

(11) Divestment has proven effective in similar situations, as in 1986, when State pension funds and university endowments were divested from companies that conducted business operations in South Africa, which was critical to ending apartheid in that country, and by 1994, when the first free elections in South Africa took place, a substantial number of States, counties, cities, universities, and colleges in the United States had adopted partial or total divestment policies.

(12) Economic pressure against the Government of Sudan has been effective in pushing Sudan to cooperate with the United States on counterterrorism efforts and in part in agreeing to negotiations with the Sudan People's Liberation Army of South Sudan which resulted in the Comprehensive Peace Agreement of 2005.

(13) Congress acknowledges that divestment should be used sparingly and under extraordinary circumstances. This Act is based on unique circumstances, specifically, the reprehensible and abhorrent genocide occurring in Sudan.

(14) The business operations of companies in countries that perpetrate grave abuses of human rights, especially the uniquely monstrous crime of genocide, are of concern to many United States investors and citizens even when these operations represent a small fraction of a company's total business.

(15) State and city pension funds have routinely but unsuccessfully sought to acquire and utilize data from the Federal Government on companies for investment decisions.

(16) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that support the Government of Sudan.

(17) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

(18) The world community has a moral obligation to work to do everything possible to stop the ongoing genocidal practices of the Government of Sudan in the Darfur region.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) LIST OF PERSONS DIRECTLY INVESTING IN OR CONDUCTING BUSINESS OPERATIONS IN CERTAIN SUDANESE SECTORS.—

(1) PUBLICATION OF LIST.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the Secretary of the Treasury, in consultation with the Secretary of Energy, the Secretary of State, the Securities and Exchange Commission, and the heads of other appropriate Federal departments and agencies, shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has a direct investment in, or is conducting, business operations in Sudan's power production, mineral extraction, oil-related, or military equipment industries, subject to paragraph (2). To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) EXCEPTIONS.—The Secretary of the Treasury shall exclude a person from the list if all of the business operations by reason of which the person would otherwise be included on the list—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education;

(F) are conducted by a person that has also undertaken significant humanitarian efforts as described in section 10(14)(B);

(G) have been voluntarily suspended; or

(H) will cease within 1 year after the adoption of a formal plan to cease the operations, as determined by the Secretary.

(3) CONSIDERATION OF SCRUTINIZED BUSINESS OPERATIONS.—The Secretary of the Treasury should give serious consideration to including on the list any company that has a scrutinized business operation with respect to Sudan (within the meaning of section 10(4)).

(4) PRIOR NOTICE TO PERSONS.—The Secretary of the Treasury shall, at least 30 days before the list is published under paragraph (1), notify each person that the Secretary intends to include on the list.

(5) DELAY IN INCLUDING PERSONS ON THE LIST.—After notifying a person under paragraph (4), the Secretary of the Treasury may delay including that person on the list for up to 60 days if the Secretary determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (4).

(6) REMOVAL OF PERSONS FROM THE LIST.—The Secretary of the Treasury may remove a person from the list before the next publication of the list under paragraph (1) if the Secretary determines that the person no longer has a direct investment in or is no longer conducting business operations as described in paragraph (1).

(7) ADVANCE NOTICE TO CONGRESS.—Not later than 30 days (or, in the case of the 1st such list, 60 days) before the date by which paragraph (1) requires the list to be published, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Education and Labor, and on Oversight and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Health, Education, Labor, and Pensions, and on Homeland Security and Governmental Affairs of the Senate a copy of the list which the Secretary intends to publish under paragraph (1).

(b) PUBLICATION ON WEBSITE.—The Secretary of the Treasury shall ensure that the list is published on an appropriate, publicly accessible government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(6).

(c) DEFINITION.—In this section, the term "investment" has the meaning given in section 4(b)(3).

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to divest from, and to prohibit the investment of assets controlled by the State or local government in, persons on—

(1) the list most recently published under section 3(a)(1), as modified under section 3(a)(6); or

(2) any list developed by the State or local government for the purpose of divestment from certain persons described in subsection (b)(1)(B) of this section.

(b) AUTHORITY TO DIVEST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(A) persons that are included on the list most recently published under section 3(a)(1) of this Act, as modified under section 3(a)(6) of this Act; or

(B) persons having a direct investment in, or carrying on a trade or business (within the meaning of section 162 of the Internal Revenue Code of 1986) in Sudan or with the Government of Sudan, if the measures require the State or local government, as the case may be, to the maximum extent practicable, to—

(i) provide written notice to each person to whom the measures are to be applied; and

(ii) not apply the measures to a person—

(I) before the end of the 90-day period beginning with the date written notice is provided to the person pursuant to clause (i); or

(II) if the person demonstrates to the State or local government, as the case may be, that the person is no longer involved in the activities by reason of which the measures would otherwise be applied to the person.

(2) APPLICABILITY.—This subsection applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(3) DEFINITIONS.—In this subsection:

(A) INVESTMENT.—The "investment" of assets includes—

(i) a commitment or contribution of assets; and

(ii) a loan or other extension of credit of assets.

(B) ASSETS.—The term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled, directly or indirectly, by a State or local government.

(c) PREEMPTION.—A measure of a State or local government that is authorized by subsection (b) is not preempted by any Federal law or regulation.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that a divestment measure authorized under section 4 or a measure authorized under section 9 to prohibit State or local contracts would not violate the United States Constitution because such a measure—

(1) is not pre-empted under the Supremacy Clause;

(2) is authorized by the Congress as an appropriate measure with regard to interstate or foreign commerce; and

(3) is authorized by the Congress as a measure that promotes the foreign policy of the United States.

SEC. 6. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following new subsection:

"(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by companies that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of that Act. For purposes of this subsection the term 'person' shall include the Federal government, and any State or political subdivision of a State.".

SEC. 7. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

"(n) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title for divesting plan assets from, or avoiding investing plan assets in, persons that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of such Act. Any divestiture of plan assets from, or avoidance of investing plan assets in, persons that are included on such list shall be treated as in accordance with this title and the documents and instruments governing the plan.".

SEC. 8. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Government of the United States shall not enter into or renew a contract for the procurement of goods or services with persons that are included on the list most recently published under section 3(a)(1), as modified under section 3(a)(6).

(b) WAIVER AUTHORITY.—The President may waive the prohibition in subsection (a) on a case-by-case basis if the President determines and certifies in writing to the Congress that it is important to the national security interests of the United States to do so.

SEC. 9. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO PROHIBIT CONTRACTS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to prohibit the State or local government, as the case may be, from entering into or renewing a contract as described in subsection (b).

(b) AUTHORITY TO PROHIBIT CONTRACTS.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to prohibit the State or local government, as the case may be, from entering into or renewing a contract for the procurement of goods or services with persons that are included on the list most recently pulbished under section 3(a)(1), as modified under section 3(a)(6).

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) PERSON.—The term "person", except in paragraph (6), means—

(A) a natural person as well as a corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act); and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(2) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(3) STATE OR LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term "State or local government" includes—

(i) any State and any agency or instrumentality thereof;

(ii) any local government within a State, and any agency or instrumentality thereof;

(iii) any other governmental instrumentality; and

(iv) any public institution of higher education.

(B) PUBLIC INSTITUTION OF HIGHER EDUCATION.—The term "public institution of higher education" means a public institution of higher education within the meaning of the Higher Education Act of 1965.

(4) SCRUTINIZED BUSINESS OPERATION.—A company has a scrutinized business operation with respect to Sudan if—

(A)(i) the company has business operations that involve contracts with or provision of supplies or services to—

(I) the Government of Sudan;

(II) a company in which the Government of Sudan has any direct or indirect equity share;

(III) a consortium or project commissioned by the Government of Sudan; or

(IV) a company involved in a consortium or project commissioned by the Government of Sudan; and

(ii)(I)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve oil-related activities or mineral extraction activities;

(bb) less than 75 percent of the revenues or assets of the company that are linked to Sudan involve contracts with, or provision of oil-related or mineral extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14); or

(II)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve power production activities;

(bb) less than 75 percent of the power production activities of the company include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14);

(B) the company supplies military equipment in Sudan, unless the company clearly shows that—

(i) the military equipment cannot be used to facilitate offensive military actions in Sudan; or

(ii) the company implements rigorous and verifiable safeguards to prevent use of the equipment by forces actively participating in armed conflict, including through—

(I) post-sale tracking of the equipment by the company;

(II) certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan; or

(III) sale of the equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization; or

(C) the Secretary of the Treasury has determined that the company has been complicit in the Darfur genocide.

(5) BUSINESS OPERATIONS.—The term "business operations" means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(6) COMPANY.—The term "company" means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations, that exists for profit-making purposes.

(7) COMPLICIT.—The term "complicit" means has taken actions in the preceding 20 months which have directly supported or promoted the genocidal campaign in Darfur, including preventing Darfur's victimized population from communicating with each other, encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur, actively working to deny, cover up, or alter evidence of human rights abuses in Darfur, or other similar actions.

(8) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), and does not include the regional government of southern Sudan.

(9) MARGINALIZED POPULATIONS OF SUDAN.—The term "marginalized populations of Sudan" includes—

(A) the portion of the population in the Darfur region that has been victimized;

(B) the portion of the population of southern Sudan victimized by Sudan's North-South civil war;

(C) the Beja, Rashidiya, and other similarly affected groups of eastern Sudan;

(D) the Nubian and other similarly affected groups in Sudan's Abyei, Southern Blue Nile, and Nuba Mountain regions; and

(E) the Amri, Hamadab, Manasir, and other similarly affected groups of northern Sudan.

(10) MILITARY EQUIPMENT.—The term "military equipment" means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(11) MINERAL EXTRACTION ACTIVITIES.—The term "mineral extraction activities" includes—

(A) exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, and

(B) facilitating any activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(12) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "oil-related activities" includes—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil;

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure; and

(iii) facilitating any activity described in clause (i) or (ii), including by providing supplies or services in support of the activity.

(B) SPECIAL RULES.—

(i) A company that is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A) shall not be considered to be involved in an oil-related activity.

(ii) A company that is involved in leasing, or that owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A) shall not be considered to be involved in an oil-related activity.

(13) POWER PRODUCTION ACTIVITIES.—The term "power production activities" means—

(A) any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar Government of Sudan entity whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project; and

(B) facilitating an activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(14) SUBSTANTIAL ACTION.—The term "substantial action" means—

(A) adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year after the date of the enactment of this Act, and refraining from any new scrutinized business operations;

(B) undertaking significant humanitarian efforts—

(i) in conjunction with an international development or humanitarian organization, the regional government of southern Sudan, or a non-profit entity;

(ii) substantial in relationship to the size and scope of the business operations with respect to Sudan;

(iii) of benefit to 1 or more marginalized populations of Sudan; and

(iv) evaluated and certified by an independent third party to meet the requirements of clauses (i) through (iii); or

(C) materially improving conditions for the victimized population in Darfur.

SEC. 11. SENSE OF THE CONGRESS.

It is the sense of the Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, the persons.

SEC. 12. SUNSET.

This Act shall terminate 30 days after the date on which—

(1) the President has certified to Congress that—

(A) the Darfur genocide has been halted for at least 12 months; and

(B) the Government of Sudan has honored its commitments to—

(i) abide by United Nations Security Council Resolution 1706;

(ii) cease attacks on civilians;

(iii) demobilize and demilitarize the Janjeweed and associated militias;

(iv) grant free and unfettered access for delivery of humanitarian assistance; and

(v) allow for the safe and voluntary return of refugees and internally displaced persons; and

(2) the United States has revoked all sanctions against the Government of Sudan and the officials of such government, including sanctions authorized by—

(A) the Sudan Peace Act (Public Law 107-245);

(B) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497);

(C) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177);

(D) the Darfur Peace and Accountability Act of 2006 (Public Law 109-344); and

(E) any other Federal law or executive order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good day for the cause of human rights and for drawing on the strength of the American people to vindicate the values that are so widely shared among our people.

This bill is part of a package of two. Subsequently we will deal with a bill involving the country of Iran. Both of them have a similar purpose; namely, to empower Americans in their individual capacities, through their State governments, through organizations to express in a concrete way the overwhelming opposition in our country to the genocide being perpetrated by the Government of Sudan in Darfur, and to the effort by the sometimes pro-genocide Government of Iran to acquire a nuclear weapons capacity.

Now what we have, we have sanctions against those countries. Let me say a word about sanctions. People are sometimes supportive of sanctions when they agree with the cause and denigrate the notion of sanctions when they disagree with the cause. History is clear. When economic sanctions are widely supported globally, they have an impact.

I had a great day years ago, Mr. Speaker, standing in Statutory Hall and listening to Nelson Mandela thank the Congress of the United States because we had enacted sanctions. He said that the enactment of sanctions by the U.S. as part of a worldwide enactment of sanctions brought an end to apartheid earlier than it would have otherwise. Our former colleague, Mr. Dellums, the mayor of Oakland, had a very proud day then. He had been the leader of it, and it is very fitting that the initiator of the bill we are dealing with today is his successor, the gentlewoman from California (Ms. LEE), who has been the driving force in the bill we have before us.

And what we have is this: There are American citizens, State governments and others who have funds invested in collective investment entities. They have invested the funds to get a maximum return, pension funds, State governments and others, individuals in mutual funds. And they have in many cases gone to the investment entity and said, We don't want our money helping the dictatorship of Iran go nuclear. We don't want our money used to perpetuate genocide in Darfur and help a government that does that. We want you to sell our investments in companies that are complicit in this through economic support.

And they have been met in some cases by the argument, Well, we can't do that because we have a fiduciary responsibility as the investment entity to maximize returns, and, therefore, we cannot sell this company and that company. And to the extent that they are complicit in Darfur and complicit in Iran's nuclear weapons, that is irrelevant.

Mr. Speaker, I think that is often more of an excuse than a reason. But today, we render that debate moot because the two bills we are dealing with, now with Darfur and subsequently with Iran, do not compel any investment entity to do anything. These are not bills of compulsion. They fully respect the market. What they say is, if you are a mutual fund, if you are a pension fund manager, and significant numbers of the investors in your entity or the beneficiaries of your entity come to you and say, Clean my hands; I do not want to be financing these outrageous regimes and their terrible practices, you cannot plead, Oh, I am sorry. The law won't let me do it, because these bills have a common theme. They prevent lawsuits against these investment entities who take these issues into account.

And they have a powerful double effect. First, they will add to the effectiveness of sanctions because there is in the United States widespread anger at both regimes. Not only will they add to the effectiveness of sanctions, they do it in a way that is fully respectful of the autonomy of these entities. As I said, there is no compulsion, no interference of the market. It is freeing Americans to do this, and that is also important because you have the regime in Iran and you have the regime in Sudan trying to avoid the public obloquy that they so richly deserve by saying that is just the American administration. They try to separate the President and his policies in opposition to both of these from the American people.

What these bills do is to make it clear, as I think they soon will once they are law, that the opposition to the genocide in Sudan and to the weapons nuclearization in Iran are widespread throughout this country, and that this opposition is not just the President and not just the Congress. It is a broad, deeply held American view.

One final point. A letter from National Council on Foreign Trade complained that with these bills we were going to let the States get into the foreign policy business. No, this is the Congress of the United States into the foreign policy business. This does not say that any mutual fund anywhere at any time can divest for foreign policy reasons. I think, by the way, they already have that right, and we make it clear in this bill. We are not trying to say that they don't.

But what this package of bills does is these two bills makes two foreign policy judgments. The United States Congress, by passing these bills, will say we have an absolute horror about the genocide in Darfur and want to do everything we can to put an end to it, and we are overwhelmingly opposed to the regime in Iran acquiring nuclear weapons. These are two very specific foreign policy judgments that Congress will make. We will then be empowering people in the United States to join us in implementing them. But the argument that this somehow throws open the foreign policy process willy-nilly is simply wrong.

I submit the following correspondence:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 27, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, Section 7 of H.R. 180 amends the Employee Retirement Income Security Act of 1974 to provide a safe harbor for changes of investment policies. I am writing to confirm that this provision falls within the jurisdiction of the Committee on Education and Labor.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in H.R. 180 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Sincerely,
GEORGE MILLER,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.
Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your recent letter regarding the consideration of H.R. 180, the Darfur Accountability and Divestment Act. I agree that Section 7 of H.R. 180 falls within the jurisdiction of the Committee on Education and Labor.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and Labor.

Sincerely,
BARNEY FRANK,
Chairman.

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, July 27, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, on July 26, 2007, the Committee on Financial Services ordered H.R. 180 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 180 that fall within the Oversight Committee's jurisdiction and more specifically, those sections involving federal contracting rules.

In the interest of expediting consideration of H.R. 180, the Oversight Committee will not separately consider this bill. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 180 or a similar Senate bill be considered in conference with the Senate.

I also request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R 180 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.
Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 180, the "Darfur Accountability and Divestment Act," which the Committee on Financial Services has ordered reported. The bill was also referred to the Committee on Oversight and Government Reform. This legislation will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I am pleased that our committees have reached an agreement regarding matters within the jurisdiction of the Oversight Committee, specifically those involving federal contracting rules. I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees in the event of a House-Senate conference.

I will include this exchange of correspondence in the Congressional Record during the consideration of the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 2007.
Hon. BARNEY FRANK:
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 180, the Darfur Accountability and Divestment Act of 2007. I understand that there are certain provisions of this legislation, as it will be presented to the full House, that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has H.R. 180 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join with the chairman in support of H.R. 180, the Darfur Accountability and Divestment Act.

I'm increasingly concerned, I'm outraged in a sense, about the continuing atrocities in the Darfur region of Sudan. Without question, the horrific actions of the janjaweed militia and the Sudanese Government must immediately end. And the nations of the world must speak in unison against this genocide, and that is what it is, a genocide.

Hundreds of thousands of civilians have been killed, many of them in particularly brutal ways. Another estimated 2 million in Darfur have been displaced refugees, plus hundreds of thousands in Chad. This is a crisis that must be addressed now and must be addressed on each and every front.

Unfortunately, the international community, specifically in the United Nations, the U.N. has consistently failed in efforts to bring peace to this region. U.N. resolutions have lacked the teeth or failed to be implemented, and that is because of the Security Council members such as China and Russia as they continue to stall the progress.

So as the U.N. slowly moves towards a real peacekeeping force, other groups are being forced to pull out because of violence in the region. Thus, recently, OxFam announced in June that they will have to pull out of the largest camp in Darfur, where more than 130,000 people have found shelter; and without a way to protect humanitarian aid flowing into the area, thousands more will face starvation.

That is why I'm pleased we are bringing this important legislation to the floor today, the Darfur Accountability and Divestment Act.

It requires the Secretary of the Treasury to create a list of companies that have a direct investment in or are conducting businesses operations in Sudan's power, mineral, oil or military equipment industries.

It authorizes States and local municipalities to divest based on the Treasury list or other lists to protect them from lawsuits.

It amends the Investment Company Act of 1940 and the Employee Retirement Income Security Act of 1974 to protect mutual funds and pension funds from lawsuits if they choose to divest from companies on the Treasury list.

And finally, fourthly, it prohibits the U.S. Government from entering into or renewing contracts with companies on that list.

I was very pleased, as I say, Mr. Speaker, with the chairman working in a bipartisan manner with myself and Ranking Member BACHUS on the committee, and we agreed to make a number of changes to the bill to address some of the concerns made from our side of the aisle. One of the specific changes that was made was calls on countries around the world to take similar steps with regard to the situation.

The section states: "It is the sense of the Congress that the governments of all other countries should adopt measures, similar to those contained in this act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, the persons."

As the distinguished ranking member of the committee, Mr. BACHUS, has noted, "Economic and financial considerations are important, but in a loving Nation can never be as justification for complicity in genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle. America is a loving Nation, and allowing our financial markets to be utilized by an evil regime which conducts religious and racial genocide is inconsistent with our values and principles."

With that, Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to inject into the RECORD at this point a letter from 41 national organizations, the Save Darfur Coalition, strongly supporting this legislation.

Washington, DC, July 30, 2007.

DEAR MEMBER OF CONGRESS: We write to request your vote in favor of H.R. 180, the Darfur Accountability and Divestment Act, which is "under suspension" and scheduled for a floor vote on Monday, July 30th.

Three years ago this month the United States Congress recognized the crisis in Darfur, Sudan as genocide. Today, the escalating violence in the region demands that Congress take decisive action.

Together our organizations represent concerned Americans from all states and of many faiths—Darfur advocates and American citizens from across the political spectrum working together to end the genocide.

We strongly endorse the spirit and substance of H.R. 180 and encourage its quick passage. This legislation will be a powerful action to put much-needed economic pressure on Sudan with the goal of stopping genocide. Thank you for your consideration of this legislation.

Sincerely,

Bill Wasserman, Executive Director, Save Darfur Coalition; Jason F. Isaacson, Director, Government and International Affairs, American Jewish Committee; Ruth Messinger, Executive Director, American Jewish World Service; Bryan Ardouny, Executive Director, Armenian Assembly of America; Gedlu B. Metaferia, Executive Director, African Mutual Assistance Association of Missouri; Sylvia Oliva, Clerk of Peace and Social Concerns Committee, Annapolis Friends Meeting, Religious Society of Friends; Aram Hamparian, Executive Director, Armenian National Committee of America; Daniel S. Mariaschin, Executive Vice President, B'nai B'rith International; Raj Purohit, Senior Fellow, Citizens for Global Solutions; Imelda Gonzalez, General Councilor, Congregation of Divine Providence; Rabbi Maria J. Feldman, Director, Commission on Social Action of Reform Judaism; Bakheit Shata, Founder/Executive Director, Darfur Community Organization, Omaha, NE; Shirley Bodisch, OP, Dominican Sisters; Anita Sharma, Executive Director, ENOUGH: a project to end genocide and crimes against humanity; Eric Cohen, Chair, FidelityOutOfSudan.Com Campaign; Mark Hanis, Executive Director, Genocide Intervention Network; Nina Schwartz, Vice President, Help Darfur Now; Lisa Stenchever, Education Coordinator, Holocaust Museum and Study Center; Steve Gutow, Executive Director, Jewish Council for Public Affairs; Rabbi Shawn Zevit, Director of External Affiliations and Tikkun Olam, Jewish Reconstructionist Federation; Sr. Sheila Kinsey, OSF, Leader, Justice, Peace & Integrity of Creation Office Wheaton Franciscans, Wheaton, Illinois; Marie Lucey, OSF, Associate Director for Social Mission, Leadership Conference of Women Religious; Joellen McCarthy, BVM, Mary Ann Zollmann, BVM, Peggy Nolan, BVM, Leadership Team of the Sisters of Charity, BVM Dubuque, Iowa; Hilary O. Shelton, Director, NAACP Washington Bureau; Sr. Elizabeth Rogers, Justice and Peace Representative, North American Province of the Cenacle Sisters; Eddie L. Koen, Jr., National Chair, National Black Law Students Association; Rev. Dr. Bob Edgar, General Secretary, National Council of Churches; Martina W. Knee, Member, Executive Committee, San Francisco Bay Area Darfur Coalition; Andrea Schuver, Co-chair, Save Darfur of South Palm Beach; Julie Driscoll, SCN, Vice-President, Sisters of Charity of Nazareth; Sister Marilyn Gottemoeller, Sisters of Mercy, Regional Community of Cincinnati; Diana Oleskevich, CSJA, Justice Coordinator, Sisters of St. Joseph of Carondelet and Associates; Sister Catherine Marie Kreta, CSJ, Justice Coordinator, Sisters of St. Joseph of Carondelet—Los Angeles Province; Sister Patricia Murphy, CSJ, Sisters of St. Joseph of Carondelet—St. Louis Province; Sister Marge Wissman, Sisters of St. Francis, Oldenburg, IN; Scott Warren, Director, STAND: A Student Anti-Genocide Coalition; Gabriel Stauring, Co-Founder, Stop Genocide Now; Adam Sterling, Director, Sudan Divestment Task Force; Rob Mosher, Director, Government Affairs, U.S.-Armenia Public Affairs Committee; Dr. Geoff Tunnicliffe, International Director/CEO, World Evangelical Alliance; Czerina Patel, Executive Director, Yenza: Building Bridges, Spotlighting Success and Amplifying Voice in Africa.

Mr. Speaker, I yield 6 minutes to the main sponsor of the bill, as I said, the gentlewoman from California (Ms. LEE), who as a member in the last term of both the Foreign Affairs and Financial Services Committees was very well-suited to push this and continues to be a very strong supporter of it.

Ms. LEE. Mr. Speaker, let me begin by thanking my friend and colleague, the chairman of the Financial Services Committee, Congressman FRANK, for his tremendous leadership. Not only did you help us move this bill forward, but you helped, quite frankly, to make it a much better bill. So I want to thank Congressman FRANK, also your staff, Daniel McGlinchey, Jim Segal and Katie Lavelle for working with us over the last few months to craft this bill.

Also let me just thank and recognize Congressman LUIS GUTIERREZ, who chairs the subcommittee, for his support and assistance.

In addition, I must thank the Sudan Divestment Task Force and its staff and especially my staff, Lauren Jenkins and Christos Tsentos, as well as Sam Bell and Aysha House-Moshi, formerly of my staff, who really helped me and helped the groups around the country come together to put this bill together.

And let me thank our ranking member of the committee for his early leadership, Congressman BACHUS, as well as Congressman GARRETT, a cosponsor of this bill, and also Congressman DON PAYNE, FRANK WOLF and Senator BROWNBACK for testifying at the committee when this bill was heard.

And, lastly, let me just commend and thank our great Speaker, Speaker NANCY PELOSI, for her tremendous leadership, and also our majority leader, STENY HOYER, for making sure that our caucus works in a bipartisan fashion to keep this issue alive.

Thirteen years ago, the world stood by as nearly 1 million people were slaughtered in the genocide in Rwanda, and the best our country could do then was to apologize for failing to act after the fact. Many of us swore that another Rwanda would never again take place on our watch, but it is happening again.

Three years ago last week, on July 22, 2004, under the leadership of our good friend Congressman DON PAYNE, Congress finally formally declared the genocide was taking place in Darfur. Today, the genocide is getting worse. I have witnessed this horror on three occasions in Darfur; and let me tell you, it is getting worse.

Mr. Speaker, many of us in a bipartisan effort have spoken out repeatedly on the floor over the last three years in condemnation of the ongoing genocide in Darfur. These efforts have only intensified as we have sought to use each and every tool at our disposal to bring this genocide to an end.

In April, we passed a resolution urging our friends in the League of Arab States to exert their influence on the Government of Sudan.

In May, we called on the Defense Department to examine the rehabilitation of the Abeche airfield in Chad to support expanded humanitarian operations in Darfur.

And in June we passed another resolution urging the Chinese to leverage their very unique influence with Sudan to help end the genocide.

Today, we take another very important step forward by passing H.R. 180. This is bipartisan legislation which would support the growing grass-roots movement to divest from companies doing business in Sudan.

Organizations led by young people like STAND and the Save Darfur Coalition have been in the forefront of successful student divestment campaigns across the country to pressure the Khartoum regime to end the genocide in Darfur, and we do owe them a debt of gratitude.

To date, over 54 universities, 19 States and 9 cities have passed divestment legislation to pull State and local funds out of companies that conduct business with Sudan.

Throughout our country, our constituents are standing up and demanding that their hard-earned money not be used to support a pariah government that is killing its own people.

My bill would authorize and support States, local governments, universities, mutual funds and pension plans that choose to divest from companies doing business in Sudan.

At the same time, we would prohibit the Federal Government from renewing or signing contracts with multinational companies doing business with Sudan. These businesses and industries are in the mineral and oil and military equipment industries. We want them to stop propping up this genocidal regime.

As we pursue divestment, we must also continue to support the rapid and unconditional deployment of the United Nations and African Union forces, along with free and unfettered access for groups providing humanitarian assistance. And we must continue to urge all parties to lay down their arms and come to the table to negotiate a political solution.

Every day we wait, killings, the rapes, the starvation, the dislocation, they all continue.

This genocide is happening on our watch. But this time, working together in a bipartisan coalition, we have the will and determination and the wherewithal to stop it. It worked with the racist apartheid regime in South Africa, and it can work with the genocidal regime in Sudan.

Not on our watch. Save Darfur, as the Save Darfur Coalition so passionately has said; and, today, I hope that the House of Representatives will say the same thing by passing H.R. 180.

Again, I want to thank the Financial Services Committee, and I must thank again Congressman FRANK for really making sure that what we intend to do we will do. And I want to thank Congressman FRANK again for making this a much stronger bill. We've worked on this for a couple of years, and I tell you working together in a bipartisan fashion we will end this horrific genocide in Darfur

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), ranking member of the Foreign Affairs Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm proud to support the bill before us, H.R. 180, the Darfur Accountability and Divestment Act.

It was 3 years ago this month, Mr. Speaker, that Congress passed the historic resolution declaring that genocide was occurring in the Darfur region of western Sudan. This was the first time in the history of this body that genocide was declared as the atrocities were occurring.

The decision to evoke the word "genocide" at that time was not taken lightly, but the evidence of vast slaughter, aerial bombardments and forced displacements targeted against the African tribes in Darfur left us with little choice.

No one could claim that they did not understand the gravity of the human rights and the security crisis in Darfur. We read about it in the papers. We saw the images on television. We heard about it from humanitarian groups in the region, and some of us have now even seen it with our own eyes.

It was believed that, by making such a bold declaration, other responsible nations would feel compelled to join the United States in taking firm action to halt this senseless slaughter of innocent civilians in this far off place, but here we are 3 years later and the carnage in Darfur continues.

Hundreds of thousands have been killed, over 2 million others have been forced from their homes. Entire villages have been razed, crops and wells destroyed, and countless young women and girls raped. And here we are again forced to go it alone, for the sake of the victims of genocide in Sudan.

Currently, the U.N. Security Council is once again held hostage to the search for consensus. Council members are engaged in a senseless debate over the latest resolution on Darfur, fighting over whether deploying a truly capable peacekeeping mission, with a chapter 7 mandate to protect civilians, violates the so-called sovereignty of a genocidal regime.

Several of my colleagues and I traveled to the United Nations last week as part of a delegation led by our majority leader, STENY HOYER. We focused our efforts on securing support for immediate action by the United Nations, but we cannot afford to continue to wait.

I cannot forget the faces of the children and the families in the camps that I visited in April. Their eyes spoke volumes, piercing through our souls, clamoring for the world to help them.

It is, therefore, time once again to take bold action in the hope that it will finally compel the murderous regime in Khartoum to simply end this madness. We need to send a clear message to Khartoum that we are not fooled by their half measures and delay tactics and that we are serious about ending this conflict. And to do so we must speak in language that they will surely understand, the language of economic interests.

☐ 1300

This Sudanese regime has proven time and time again that it responds only to real pressure. The only true leverage we have is to strike at their economic interest. H.R. 180 does exactly that. It requires that the Secretary of the Treasury publish and maintain a list of companies or entities whose business dealings directly benefit the regime in Khartoum. It enables State and local governments to divest from those companies and provide safe harbor to fund managers who do divest.

In essence, this allows the contributors to and the beneficiaries of State and local government pension funds to avoid directly or indirectly supporting genocide in Darfur. Divestment campaigns of this nature have drawn criticism by some who fear that they inappropriately violate the sanctity of U.S. markets.

It is true divestments should not be taken lightly. But in the case of genocide, we are bound by conscience and overarching U.S. values to do all that is within our power to intervene. Having served as witness to this catastrophe, I have no hesitation in supporting the cause of divestment.

In fact, it gives me great pride to say that in my own district, south Floridians have joined in this humanitarian effort. It is time to stop funding the war machine in Sudan. Adoption of this legislation today will no doubt put us at odds with a number of our allies, with members of the U.N. Security Council, and those with significant economic interest with Sudan, such as China.

Our labeling of the atrocities in Darfur as genocide also put us at odds with others. But their indifference did not deter us in 2004, and it must not deter us now. I urge my fellow Members to take a stand today on behalf of the people of Darfur and to support this important legislation.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentlewoman from Florida, who has been a leader on human rights. Also, I should say that I am very proud of the bipartisan cooperation we have had in the Financial Services Committee on this.

Madam Speaker, I yield 3 minutes to one of the other main coauthors of this, the gentleman from California (Mr. SHERMAN)

Mr. SHERMAN. I thank the gentleman for the time.

Madam Speaker, we have already banned U.S. companies from conducting business operations in Sudan. Now we need to enlist American investors to change the behavior of foreign-based multinationals, to make it clear that they cannot have the capital of well-meaning Americans and the supposed benefit of cozying up to the government in Khartoum.

The way to do this, the way to change the behavior of the Government of Sudan, is to change the behavior of multinational corporations. The way to change the behavior of multinational corporations is to change American investment policies.

Scores of private organizations in this country, including the University of Southern California, have already divested; some 19 States have already adopted divestment policies. This bill helps divestiture in two ways. First, it provides some critical guidance to those who want to divest. Those who want to divest are faced first with the issue of what standards to apply: Do I want to divest in any company that sells a candy bar in Khartoum, or do I only want to divest against those companies selling guns to the Government of Sudan?

This bill focuses on those companies providing the strategic assistance that helps the Khartoum Government and empowers that government. It identifies the key investment sectors of the Sudanese economy that government relies upon. It draws the line that establishes a clear standard. Others may depart from that standard and have an absolute rule: I don't want to invest in anything, any company doing business in Sudan. But this bill provides guidance to those who want one.

Second, the issue is which companies do I not want to invest in. Here the bill provides a list published by the Secretary of the Treasury of those companies violating the standards identified in the bill.

As the chairman of our committee points out, investors already have the right to divest. They shouldn't wait for us to pass this bill. The fiduciary duty to protect one's beneficiaries is enhanced if you divest from those businesses doing business in Sudan, because investing in terror is bad business and the sign of bad management; it exposes a corporation to reputational risk.

Likewise, our cities and States have the right to decide for themselves how to invest their money. But even if you buy the constitutional view, and I don't, that they can only divest when consistent with American foreign policy, you don't have to wait for this bill. Sudan is on the terrorism list. There is no clearer statement of American foreign policy that we want all Americans, and all cities, counties and States, to join with the Federal Government in carrying out the Federal policy to put economic pressure on the government in Khartoum.

So I hope people will act now. To some extent, what this bill does in stating that fiduciaries are free to divest is simply provide an end to an excuse. They don't need the excuse. They ought to divest

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself 30 seconds.

I begin by saying that over the last couple of years there have been multiple genocides that occurred under the U.N.'s watch. There was Bosnia, Rwanda and now Darfur. Each time the U.N. has failed to take appropriate action. Each time it is because of political and economic pressure.

When the current situation arose in Darfur, the best that we could get out of the U.N. and then-Secretary General Kofi Annan was, at the anniversary of Rwanda, simply a statement on the floor of that anniversary and a moment of silence and the pledge this shall never happen again. Unfortunately, it has happened again. That is why we are here today.

Mr. Speaker, I yield 6 minutes to the gentleman and a strong fighter on this issue, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman very much and appreciate his work.

Mr. Speaker, I wanted to come here today. It's amazing, this suspension calendar has so many big bills. The chairman of the Financial Services Committee points out this is important legislation that we are discussing. It may be on the suspension calendar, but that's only because there is unanimity. There is a feeling on both sides of the aisle, Republican and Democrat, House and Senate, supporting these bills, as well as the White House.

We will be dealing with the Darfur Accountability Divestment Act of 2007, the Iran Sanctions Enabling Act of 2007. We are going to be expressing a sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into the sex trade. We are going to be urging the Government of Canada to end the outrageous commercial sea hunts. We will be amending the Iran Sanctions Act, and we will have a Belated Thank You to the Merchant Mariners of World War II Act, these brave men, in particular, and women, who basically risked their lives going back and forth to Europe and haven't gotten the recognition they deserve.

But let me speak specifically to Darfur. I rise in support of H.R. 180, which supports State, city and university efforts to divest funds or restrict investment in companies that conduct business operations in Sudan.

First, let me say I have tremendous respect for all those who have worked to raise awareness of this important issue, student groups and faith-based organizations, especially from the African-American, Jewish and Armenian communities have done a wonderful job, a really outstanding job of educating their fellow citizens and lawmakers about the crisis and the need to respond.

In addition, this body owes a debt of gratitude to Representative BARBARA LEE, Representative FRANK WOLF, Chairman TOM LANTOS and Chairman BARNEY FRANK, Ranking Member ILEANA ROS-LEHTINEN, and Ranking Member Mr. BACHUS and others who have kept the genocide of Darfur in our forefront and consciousness.

The world collectively agreed to never again allow genocide after the Holocaust and again after the mass murders of Rwanda in 1994. Tragically, genocide is taking place, and the United States must take all reasonable steps to end the killing.

The United States has made a tremendous commitment to the people of Darfur in the form of humanitarian aid and diplomatic efforts to end the genocide, but more must be done. Divestment is a very serious step for our government to take against a nation that does not threaten our security or the security of our allies.

It is a tool that must be used sparingly, but given the abhorrent crimes that continue to be committed against the Darfuri people, I believe it is a most appropriate act.

The bottom line, as this legislation states, is that no American should have to worry that his or her investment or pension money was earned in support of genocide.

I urge all Members to vote for H.R. 180 and continue our efforts and commitment to end violence in the Sudan.

I want to say, in closing, that we are going to have to consider even more significant acts. One is sanctions, but we may need to consider a no-fly zone, and, frankly, working with others, military force. Obviously we have to use our military sparingly, given their overuse in Iraq and Afghanistan, but can we expect that the African Union can do more than send 7,000 troops? We should be willing to pay for that, and we are.

Can we expect that Europe should be willing to step up and take action? They are rarely willing to, but in this case, I think we should expect they should, especially given their minimal role in Iraq and even their less than full participation in Afghanistan.

Can we expect NATO to step up? That involves the United States. Why not? And that at the very end, if nothing else happens, the U.S.

I was in Darfur in August of 2006, meeting with the governor of Northern Darfur. He was somewhat disturbed by the killings going on in his own country. But when I suggested that we might need to take other action like a no-fly zone, he was indignant. He was outraged. He couldn't accept it. That got his attention. He wasn't particularly concerned that his own people were killing each other with, frankly, the consent of its own government, but he was outraged to think that outside governments might come in and stop it.

We will have to deal with that outrage. We have to stop the killing

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to a member of the committee who has been working hard on this, the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to support this legislation to treat the monstrous Bashir regime in the Sudan like the pariah it deserves to be. I also visited the Sudan in April as a member of a congressional delegation led by Majority Leader STENY HOYER. Ms. LEE, the author of this important legislation was a member of that delegation, as was Ms. Ros-

LEHTINEN, who just spoke a few minutes ago.

I returned from the Sudan even more convinced that we must not waiver in our effort to end the genocide in Darfur. The Bashir regime, just last week, again rejected a draft United Nations resolution to deploy a joint peacekeeping force to use all necessary means to end the violence in Darfur, to end the killing, to secure order.

The Bashir regime has repeatedly called an international force an affront to their sovereignty. The Bashir regime has forfeited their sovereignty, their claim to sovereignty, by committing genocide, by sponsoring genocide against their own people. In the last 4 years, 400,000 to 450,000 people have been killed in Darfur; 2.5 million people have abandoned their homes to seek refuge from the violence; 4 million rely on food assistance.

The Bashir regime's claim of sovereignty is a flimsy legalism in the face of the atrocities in Darfur. This legislation will hold up for public shame the companies that invest in the Sudan or conduct business with the Sudan that will seek profits, even in the face of the genocide in Darfur.

Sixty years ago, as the enormity of the Holocaust sank in, humanity promised never again. But the world has let genocide happen again and again, most recently in Rwanda. Kofi Annan, then-Secretary General of the United Nations, admitted that the world failed the people of Rwanda. I refuse to fail the people of the Sudan, of Darfur, as we failed the people of Rwanda. I am determined to keep the promise of 60 years ago. Never again.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 5 minutes to a champion of the fight for human rights, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman.

Mr. Speaker, I rise in support of the Darfur Accountability and Divestment Act. I want to thank Congressman LEE for her leadership in this effort; also Chairman FRANK for his effort to move this thing and not just talk about it, but actually get it out; also Congressman BACHUS and Congresswoman ILEANA ROS-LEHTINEN for their effort.

□ 1315

I also want to thank all of the young students around the country who have participated in this whole disinvestment thing. When the whole tide was running against them, they went against the tide, and this language, this legislation, will enable them now to move.

Genocide continues. 400,000 to 450,000 have died. There are 2.5 million in camps, many in Chad. Now, the Sudanese government, I heard on Friday, are giving the right for people in Chad to come back, not Sudanese but people from Chad, to come in and take over much of the land, some of the land, up to 90,000 that belongs to the people of Darfur.

The previous speaker just said the U.N. failed. Wow, the U.N. failed so much. The U.N. failed in Srebeniza. They stood by and allowed the Serbs to come in and commit genocide in Srebeniza. The U.N. failed. And Kofi Annan, who was really head of U.N. peacekeeping, and he failed while he just stood by and allowed the genocide to take place in Rwanda. Kofi Annan and the U.N. failed and history has to show it. It has to show that the people at the U.N. failed to deal with this issue of genocide.

When Senator BROWNBACK and I were there with the first group, we came back and asked Kofi Annan to go. He had not actually been there before. This has been a failure. And because of Congresswoman LEE and Chairman FRANK and others coming to demonstrate the United States is committed to doing something that can really make a difference and not just a resolution that calls something something and nothing ever happens.

The Chinese have failed. We cannot hide the fact. Every time you purchase a piece of furniture or food or whatever and it says "Made in China," this is the government that has helped bring you the genocide in Darfur. Their Olympics in 2008 will be a monument to their genocidal activity and effort. Period. Period. They've even hired people to put on a good show similar to what Nazi Germany did, Hitler did, in the Olympics in the thirties. They could have singlehandedly stopped the genocide. The President of China went to Sudan and we all thought that he was going to announce that he had put pressure on the Sudanese government. He announced that he was building them a new palace. China, after the Government of Sudan, is the number two country responsible, history will show, responsible.

Lastly, because of the efforts of Congresswoman LEE, hopefully now all of the Governors and the State legislatures, including my own, which did it in the Senate but not in the House, will now feel released and there will be no excuse to pass these, the same way that the State of New Jersey did under the leadership of Don Payne and the people there. The same way that California did. The same way that Illinois did. Many States have been reluctant. They have looked for excuses to find out. This legislation takes away all the excuses and hopefully this time next year after all the legislatures have had an opportunity to act, there will be a rollcall and all 50 legislatures will have participated and made this State law whereby the disinvestment takes place around the world.

Again, I thank Congresswoman LEE. I thank the gentleman from New Jersey. There ought to be a rollcall vote on this. I don't know what the intentions are, I'm not involved in it, but there ought to be a rollcall vote because they will look to see. One, it will be interesting to see if anyone votes "no" on it, but secondly I think the Chinese will look, the Bashir will look, the Khartoum government will look, and lastly the people in the camps will find out that the United States Congress has done something to really make a difference.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds to say we agree with the gentleman from Virginia. There will be a rollcall. Among the people who we hope will look at it are the few right across the hall there. We do plan to have a rollcall.

Secondly, I just want to say that people have commented on the overwhelming support, but this could have been more divisive, and the staffs of both Democrats and Republicans on our committee, Chris Tsentas of Ms. LEE's staff and others worked very hard together

Mr. Speaker, I now yield the remaining time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. The gentleman is recognized for 2¼ minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I find it very difficult for me to follow such a most eloquent speech that was given by my good friend from Virginia, a true champion of human rights, and as cochair of our Human Rights Caucus also with the gentleman from California, the chairman of our House Foreign Affairs Committee, Mr. TOM LANTOS.

I want to thank the chairman of our Financial Services Committee, Mr. FRANK, for his leadership and for introducing as well as following closely the way that we have now come about in bringing this very important legislation for consideration by Members of this body. I would be remiss if I did not also express my sincere appreciation to one of our former senior members of our Foreign Affairs Committee who is no longer with us, the gentlelady from California, Ms. BARBARA LEE, for her leadership and for her sensitivity especially to the problems we are faced with in Darfur. I thank also my good friend, the chairman of our Africa subcommittee of the Foreign Affairs Committee, Mr. DON PAYNE, who I know has also been working very closely in crafting this legislation. My good friend, the ranking member of our Foreign Affairs Committee, Ms. ROS-LEHTINEN, and I know our chairman of the Foreign Affairs Committee both support it and I thank them for their leadership in bringing this legislation for consideration.

Mr. Speaker, over 400,000, 450,000 men, women and children, especially children, are already dead in the event of the atrocities that have been committed against these people in Darfur and over 2 million refugees. According to the Associated Press report just this month, it says, the United Nations Human Rights Committee, in its first overall review of Sudan's record in a decade, said that systematic murder, rape, forced evictions and attacks against civilians continue to be committed with total impunity throughout the Sudan and particularly in Darfur.

That's a fact. And what are we doing about it? I think this legislation helps move in that right direction, and I can't think of a better person, a leader in our Chamber here, Ms. LEE, for taking the leadership in this important legislation, as it was in her predecessor, our good friend Mr. Dellums from California and his leadership in presenting the importance of the role sanctions can play in situations that the global community should make better efforts to support to get rid of this terrible problem that we find ourselves with in Darfur.

Mr. GARRETT of New Jersey. Mr. Speaker, just a concluding point, with the need for us to take initial movement on this but also to look for the rest of the world community to become involved.

It was just last year when U.N. Deputy Secretary-General Mark Malloch Brown said with regard to Darfur on this point: "And yet what can the U.S. do alone in the heart of Africa in a region the size of France? In essence, the U.S. is stymied before it even passes Go. It needs a multilateral means to address the Sudan's concerns." I believe that is true, but this is the first step in that direction.

With that, I once again thank the gentlelady from California and the chairman as well for their work together in a bipartisan manner on this legislation

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, introduced by my colleague Ms. LEE of California, of which I am a co-sponsor.

Mr. Speaker, Darfur, where the first genocide of the 20th century rages, remains the worst humanitarian situation we face today. Since the crisis began in 2003, an estimated 400,000 people have been killed by the Government of Sudan and its Janjaweed allies. Additionally, over 2,000,000 people have been displaced from their homes and livelihoods, many of whom are still either internally displaced within Darfur or are in refugee camps across the border in Chad. Both the House of Representatives and the Senate declared that the atrocities in the Darfur region of Sudan constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

And yet, three years later, the humanitarian situation in Darfur continues to decline. As attacks on international aid organizations continue to mount, the numbers of humanitarian relief workers active in the area are sharply declining. During the first three months of 2007, 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. In the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16 percent, largely due to security concerns, restriction on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Divestment is one solid and easy way that individuals, organizations, businesses, universities, cities, and states can not only make a strong statement against genocide, but can actually act to halt the killing in Darfur. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. It directs the Securities and Exchange Commission (SEC) to require all companies trading in registered securities that conduct business operations directly or through parent or subsidiary companies in Sudan to disclose the nature of such operations, and the Government Accountability Office (GAO) to investigate the existence and extent of such companies' Federal Retirement Thrift Investment Board investments. The State of Texas is one of a few states that has moved to divert from Sudan. The time to act is now. People are dying. I will be going to Sudan soon to visit the people of Darfur—we will visit aide workers and review the status of the U.N. Peacekeepers and the status of water and nutrition among the already brutalized Darfurians. Again we must act to save lives now.

This legislation also prohibits U.S. government contracts with companies that conduct business operations in Sudan, with exceptions for companies with activities in southern Sudan, related to the implementation of the 2006 Darfur Peace agreement, those providing military equipment to the African Union or the U.N. in Darfur, and those providing humanitarian aid. Targeted financial policies of this sort ensure that they will have the maximum impact on the government of Sudan, while minimizing any negative effect on innocent Sudanese civilians.

While U.S. law already prohibits American companies from directly operating in Sudan, they may still invest in foreign companies operating in Sudan, including many that are directly involved in supporting the genocide. Americans who invest in these American companies are, without their knowledge, financing Sudan's killing fields. As this bill explicitly states, "No American should have to worry that his or her investments or pension money was earned in support of genocide." However, we must engage with China to encourage it to stop supporting actions in Sudan that lead to genocide.

Divestment has historically proven an effective tool to alter unjust and persecutory policies. In 1986, it was targeted against companies that conducted business operations in South Africa, and it played a critical role in ending the apartheid regime. By the time free elections took place in 1994, large numbers of American States, counties, cities, and universities had adopted divestment policies.

Similarly, divestment has become an increasingly popular option in the current case of genocide in Sudan. I am proud that my home State of Texas is one of the growing numbers of States, cities, and universities to approve divestment. At last count, 9 cities, 16 States and 54 universities had passed legislation to ensure that their money does not go to finance the slaughter of innocent people in Darfur. In addition, numerous religious organizations, as well as countless individuals, have divested. Since the Sudan divestment movement began, companies including HC Helicopter, ABB, Siemens, Rolls Royce, and Schlumberger have halted or significantly altered their operations in Sudan.

Divestment represents the leverage that ordinary citizens and individual activists, as well as States, cities, universities, and other organizations, have to influence the Sudanese government. It is the answer to the question that so many of us active in the fight to end genocide in Darfur hear too often: "What can I, as an individual, do in the face of such overwhelming and ongoing tragedy?"

Mr. Speaker, the American people do not support genocide in Sudan; their money should not support these atrocities either. I strongly urge my colleagues to join me in support of this important legislation.

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, and I want to congratulate my good friend from California, Ms. LEE, on producing the bill before us today.

H.R. 180 would put much needed pressure on the Government of Sudan by, (1) prohibiting the U.S. Government from entering into contracts with companies fueling the genocide, (2) authorizing states to divest from the worst offending companies in Sudan, and (3) authorizing states to prohibit contracts with companies fueling the genocide. This bill is necessary because states deserve protection for acting as responsible and moral market participants. Furthermore, this legislation does not affect American companies, and its provisions would expire once the genocide has ended.

In 2004, I traveled to Darfur to see this devastation first hand. I was shocked and appalled at the level of human suffering. As the vice-chair of the Foreign Operations Appropriations Subcommittee, I have tried to improve conditions in Darfur with humanitarian aid and peacekeeping funds, but more must be done.

This bill begins to do the things that our humanitarian aid and our peacekeeping funds can't—address corporate and social responsibility and put additional pressure on the Khartoum government to end the genocide.

Again, I congratulate the gentlewoman for her legislation, and I strongly urge an aye vote for H.R. 180, the Darfur Accountability and Divestment Act.

Mr. RANGEL. Mr. Speaker, I rise today to encourage my colleagues to support the Darfur Accountability and Divestment Act of 2007, H.R. 180.

The passage of this bill will require the identification of companies that conduct business operations in Sudan and prohibit the United States Government to contract with such companies. The atrocities in Sudan have only continued to escalate. The U.S. Government must cut ties with a government that fails to address the genocide within its own boundaries. The

Government of Sudan has not put any action to disarm the Janjaweed militia and is therefore equally responsible for the human rights violations against Darfurians.

An estimated 450,000 people have been killed, and 2 million people have been displaced—234,000 of which have been forced into neighboring Chad. Janjaweed soldiers continue to ride into villages stealing whatever goods they can find, slaughtering men, women, and children along the way. These soldiers systematically rape women and children, holding some as sex slaves for weeks at a time before releasing them.

Colleagues, we are in a position to help stop the carnage in Darfur. We must continue to pressure the Government of Sudan to stop the massacre in Darfur. Enforcing economic sanctions is a way to achieve this goal. I urge you all, for the sake of humanity, to support the Darfur Accountability and Divestment Act. We are not blind to the truth and we have a responsibility to do our part to alleviate this awful tragedy.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007.

I am proud to be a cosponsor of this important and timely legislation to authorize States to divest from companies in Sudan, and to prohibit new federal contracts with companies doing business with the genocidal regime in Khartoum. Current estimates indicate that as many as 450,000 people have been killed and over 2.5 million have been displaced due to the ongoing genocide in the Darfur region of Sudan. The security situation on the ground is continuing to deteriorate and the violence is spreading to surrounding countries.

As a member of the CBC and an African American, I joined my colleagues in support of H. Res. 333, in the last Congress, to designate the weekend of July 15–17 as a National Weekend of Prayer and Reconciliation for Darfur. The tragic and unforgivable/unforgiving genocide occurring in Darfur is as significant as acts of terrorism on which we are more focused. Over a million people, driven from their homes, now face death from starvation and diseases as the Government and militias attempt to prevent humanitarian aid from reaching them. These acts of genocide, civil terrorism, and inhumanity must stop! And the legislation we are considering today will go a long way in achieving this result.

The Darfur Accountability and Divestment Act of 2007 requires the Secretary of the Treasury to create a list of companies who have a direct investment in or are conducting business operations in Sudan's power, mineral, oil, or military equipment industries. The list will be published in the Federal Register six months after enactment, and every six months thereafter.

Many of our constituents are standing up and demanding that their hard earned money not be used to support a pariah government that is killing its own people. In passing H.R. 180 today we will be doing our part help protect the Sudan divestment movement at the State level and to help it continue to grow.

I urge my colleagues to support passage of this bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007 of which I am a co-sponsor.

Three years ago last week, Congress formally declared that genocide was taking place in Darfur. For many years now we have seen the devastating atrocities taking place in the Darfur region of Sudan. With the support of the Sudanese Government, the Janjaweed militia has ravaged the people of Darfur, raping, torturing, murdering, and forcing hundreds of thousand of Darfuris to flee to refugee camps in neighboring Chad and the Central African Republic.

It is time that we begin to put in place legislation that will end this genocide. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. This is a positive first step in achieving this goal.

We saw the same devastation in Rwanda over a decade ago, and the American people have made their voices heard on this issue vowing never again to remain silent when humanity is threatened.

A few months ago, an event was held in my congressional district regarding this issue. During the event it was noted that according to www.darfurscores.com I was receiving a grade of "C" in my support of ending the genocide in Darfur. While it may appear on the surface that I have not been supportive of these efforts, it is important that you know I am in total support of ending the genocide in Darfur.

I along with many of my Congressional Black Caucus colleagues including DONALD PAYNE and BARBARA LEE were some of the first members of Congress to speak out about this issue. During the last Congress, we specifically addressed this issue with President George W. Bush in a meeting asking him to take immediate action. Additionally, I have cosponsored and voted in favor of legislation as far back as the 108th Congress regarding this issue. Some of the bills I have supported included a bill for the appointment of a Presidential Special Envoy for Sudan and to prohibit companies that conduct business operations in Sudan from receiving government contracts. Most recently, I voted in favor of legislation calling on the League of Arab States and each Member State to acknowledge the Darfur genocide as well as signed onto a letter to the China government asking them to use their significant economic influence with the Government of Sudan to end these crimes against humanity.

While I understand that there may be some gaps on paper with regard to my record on this issue, trust that my support for ending the genocide in Darfur has been unwavering. It is my hope that I will be able to work with the people of the 11th Congressional District and across this country to continue to let our voices heard on this issue. I encourage my constituents to contact me with your ideas and resources so we can continue to fight this injustice against humanity.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007. Congresswoman LEE and Congressman PAYNE are to be commended for their continued dedication to the people of Africa—and to the people of Darfur in particular.

It was September 2004—almost three years ago—when then Secretary of State Colin Powell declared that the situation in Darfur could be described in no other way than "genocide."

And yet today, millions of people have been run off of their homeland. Children who should be in school, learning, are forced into armies. Women are raped and brutalized daily. Refugee camps are overrun. For many, the situation seems hopeless.

World leaders take the stage day after day talking—calling for an end to violence. Enough talking. It is clear the government of Sudan will not listen. Maybe the only way they will listen is to hit them in their pocket book—and that is exactly what we will do today.

This bill will identify which companies are conducting business in Sudan—some would say at the expense of the Darfur people. Once these companies are identified, the U.S. Government will be prohibited from doing business with them. If the Sudanese Government won't listen to reason, maybe they will listen to the sound of quiet cash registers.

We send a clear message that we will not forget the people of Darfur.

From small groups like "Dear Sudan, Love Petaluma" in my hometown to larger relief organizations like UNICEF, we are committed to peace and to a future of hope.

Mr. SMITH of New Jersey. Mr. Speaker, as a cosponsor of H.R. 180, The Darfur Accountability and Divestment Act, I am pleased to see this bill brought before the full House and I urge all our colleagues to vote for its final passage.

The Darfur Accountability and Divestment Act is an important part of our ongoing efforts here in Congress to influence, pressure and alter the conduct of the Sudanese regime, the government complicit in the genocide being perpetrated and abetted in Darfur. The deaths of 450,000 innocent women, men and children and the displacement of 2 million others demand nothing less.

H.R. 180 comes amidst recent reports of additional population displacements of about 12,000 households in West Darfur. Those who are fleeing express fears of attacks by Sudanese government forces in addition to general insecurity in that area.

Despite the Sudanese government's announcement that it will accept a proposed hybrid UN-African Union peacekeeping operation in Darfur, it will take far more action on the part of the Bashir regime to convince me—and I am certain my other colleagues here in the House as well—that it is finally succumbing to the world's outcry for peace. Withdrawing American investments, both public and private, from Sudan will help to ensure that we get that government's attention.

On August 1, 2005, my home State of New Jersey became the first State to divest from Sudan. Earlier that year, Representative DON PAYNE and I had sent a joint letter to State leaders encouraging this action. Our NJ law directs the State Treasury to divest State pension funds from foreign companies doing business with Sudan until the Sudanese government stops the genocide that is ravaging that country. Eighteen other States have since followed New Jersey's lead and have adopted divestment policies.

Mr. Speaker, as the Chairman of the Subcommittee on Africa, Global Human Rights and International Operations, I advocated forcefully for divestment provisions in the Darfur Peace and Accountability Act of 2006. Unfortunately, the Senate removed those provisions prior to final passage of the bill. I am pleased that H.R. 180 revisits the divestiture issue and builds on those initial efforts in several important ways.

H.R. 180 requires that the Secretary of the Treasury publish every six months a list of companies that have a direct investment or are conducting business operations in Sudan's power, mineral, oil or military equipment industries. The bill excludes several important categories of companies, including those that are dealing directly with the government of southern Sudan or that are helping the marginalized populations.

Companies that are on the Treasury list will not be able to enter into or renew contracts with the United States Government. State and local governments may also authorize prohibitions for those governments to enter into or renew contracts with these companies. The bill further authorizes State and local governments to divest based either on this list created by the Treasury or on a list that they create on their own, without risking a lawsuit by doing so.

Perhaps most importantly, H.R. 180 provides a safe harbor for mutual and pension funds by allowing them to divest from companies on the Treasury list without risk of a lawsuit alleging that they are failing to invest in a manner that brings about the highest yield. All of these measures will provide the practical and legal foundation for our country to do what is in our national tradition—to place the dignity of the human person and the well-being of our brothers and sisters, regardless of where they live or their national or ethnic identity, above financial and commercial interests.

Promoting fundamental human rights and removing financial support from those who subsidize an abusive regime in Darfur is clearly in the best interests of the Sudanese people as well as our U.S. foreign policy. I urge my colleagues to support The Darfur Accountability and Divestment Act.

Mr. PAUL. Mr. Speaker, H.R. 180 is premised on the assumption that. divestment, sanctions, and other punitive measures are effective in influencing repressive regimes, when in fact nothing could be further from the truth. Proponents of such methods fail to remember that where goods cannot cross borders, troops will. Sanctions against Cuba, Iraq, and numerous other countries failed to topple their governments. Rather than weakening dictators, these sanctions strengthened their hold on power and led to more suffering on the part of the Cuban and Iraqi people. To the extent that divestment effected change in South Africa, it was brought about by private individuals working through the market to influence others.

No one denies that the humanitarian situation in Darfur is dire, but the United States Government has no business entangling itself in this situation, nor in forcing divestment on unwilling parties. Any further divestment action should be undertaken through voluntary means and not by government fiat.

H.R. 180 is an interventionist piece of legislation which will extend the power of the Federal Government over American businesses, force this country into yet another foreign policy debacle, and do nothing to alleviate the suffering of the residents of Darfur. By allowing State and local governments to label pension and retirement funds as State assets, the Federal Government is giving the go-ahead for State and local governments to play politics with the savings upon which millions of Americans depend for security in their old age. The safe harbor provision opens another dangerous loophole, allowing fund managers to escape responsibility for any potential financial mismanagement, and it sets a dangerous precedent. Would the Congress offer the same safe harbor provision to fund managers who wish to divest from firms offering fatty foods, growing tobacco, or doing business in Europe?

This bill would fail in its aim of influencing the Government of the Sudan, and would likely result in the exact opposite of its intended effects. The regime in Khartoum would see no loss of oil revenues, and the civil conflict will eventually flare up again. The unintended consequences of this bill on American workers, investors, and companies need to be considered as well. Forcing American workers to divest from companies which may only be tangentially related to supporting the Sudanese government could have serious economic repercussions which need to be taken into account.

Mr. GOODLATTE. Mr. Speaker, earlier this year, I had the opportunity to travel as part of a bipartisan Congressional Delegation to the war-torn nation of Sudan and see first-hand one of the worst humanitarian crises in recent times. As a nation dedicated to freedom and the rights of the individual, the United States has a responsibility to speak out when those rights are violated, whether at home or abroad.

Last week I traveled with the same bipartisan delegation to the United Nations (U.N.) to press U.N. Secretary-General Ban Ki-moon for immediate U.N. action in Darfur. It is apparent that the U.N. is not moving fast enough in ending this genocide. The entire world is watching the U.N. actions in Darfur. In the past, the U.N. has not adequately handled genocide in other countries, most recently in Rwanda, but this is an opportunity for the U.N. to aid millions of people and bring about a real and lasting change.

Many people share frustration with me that the U.N. is not more effectively working to end the genocide in Darfur. These people, who, like me, are deeply concerned and troubled by the deplorable situation in Darfur, want to know what we can do to make a change in Darfur.

This legislation gives us the tools to apply economic leverage against Sudan to encourage them to end the crisis in Darfur. H.R. 180, The Darfur Accountability and Divestment Act establishes a list of companies whose business in Sudan is deemed to directly or indirectly support the genocide. Furthermore this legislation bans federal contracts with such companies. This ensures that no federal dollars—hard earned tax dollars of American families—go to support one of the worst humanitarian crises in recent history.

Private citizens can also look at the list of companies whose business supports the genocide, and use this list to make investment decisions in their private lives. These people can then be assured that none of their money, whether through tax dollars or personal investments, is being used to support the genocide in Darfur.

Many States, including Virginia, have also looked at legislation to divest from these companies. H.R. 180 allows States and localities to divest from these companies without fear of lawsuits charging that States are regulating foreign policy. This will protect several States that have already taken the lead in divesting in such companies, and States like mine that are still considering this option on a State level will know they can do so without fear of legal charges.

This legislation is fairly balanced and does not require individuals or States to take action, but protects them if they so choose. Furthermore this legislation would sunset these sanctions when the genocide ends. I am proud to be a cosponsor of this legislation, and I urge my colleagues to vote in favor of this bill.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is providing is helping millions of people in desperate circumstances. But we must continue to do more, and we must urge the international community to join with us to bring an end to the genocide. Mr. Speaker, I look forward to continuing to work with my colleagues to bring an end to this international crisis.

Mr. HOYER. Mr. Speaker, the United States has many tools in its national security arsenal. And one that is too often overlooked and under-utilized—despite the fact that it works—is economic leverage.

Today, it is long past time that the United States—and the international community—exert maximum pressure on the Sudanese government to stop the suffering in Darfur, where an estimated 200,000 to 400,000 civilians have been slaughtered and 2.5 million more have been driven from their homes.

The United Nations has identified the situation in Darfur as the worst humanitarian and human rights crisis in the world today The United States has labeled the killings there as genocide.

We must not turn a blind eye to this horrific human suffering, which shocks our collective conscience. Thus, the United States must lead the international community in turning up the pressure on the Sudanese government through an effective divestment campaign similar to the one employed against South Africa three decades ago.

The Darfur Accountability and Divestment Act—introduced by a leader on this important issue, Congresswoman LEE—seeks to utilize targeted divestment to exert further pressure on the Bashir government in Khartoum.

This legislation requires the Treasury Secretary to establish a list of companies whose business activities in Sudan directly support the genocidal practices of the Bashir regime in Khartoum. The measure also authorizes State and local governments which choose to divest their pension fund holdings from companies on the list, and it contains "safe harbor" provisions for managers of mutual funds and corporate pension managers who choose to do the same even though their charters may mandate that they seek to maximize gains.

Furthermore, the bill would ban U.S. Government procurement contracts with companies on the Treasury list and authorizes the prohibition of these types of contracts at the State and local level.

The fact is, while the United States currently prohibits companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting Bashir's government by investing in foreign companies that conduct business operations there.

According to the Sudan Divestment Task Force, the Khartoum regime "relies heavily on foreign investment to fund its military and the brutal militias seeking to eliminate the non-Arab population of Darfur." In fact, it is estimated that as much as 70 to 80 percent of oil revenue in Sudan is funneled directly into the military.

Given our experience in South Africa, we know that increasing economic pressure through targeted divestment can work. We have been talking with the Bashir government for years now—with little effect. It is time to leverage our dollars in an attempt to stop the suffering in Darfur.

Ms. WATERS. Mr. Speaker, I strongly support H.R. 180, the Darfur Accountability and Divestment Act. I am proud to be a cosponsor of H.R. 180 and a member of the Financial Services Committee, which passed this bill last week.

The ongoing genocide in the Darfur region of Sudan already is believed to have caused the deaths of almost half a million people. More than 200,000 people have been killed by Sudanese government forces and armed militias since 2003, and another 200,000 people have died as a result of the deliberate destruction of homes, crops and water supplies and the resulting conditions of famine and disease. More than 2.5 million people have been displaced.

According to a recent United Nations report, attacks against humanitarian aid workers have increased 150 percent in the past year. There are currently 13,000 humanitarian aid workers in Darfur, providing aid to more than 4 million people, and violence limits their ability to reach people in need. In June, approximately one in six humanitarian convoys leaving the capitals of Darfur provinces were ambushed by armed groups. About two-thirds of the population of Darfur is dependent upon these courageous aid workers and the aid they bring.

Early in 2006, I visited the Darfur region with my good friend from California, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. That was over a year ago, and yet this genocide has been allowed to continue.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The Darfur Accountability and Divestment Act is a concrete proposal to impose sanctions on the Government of Sudan and on corporations that continue to do business with this genocidal regime. I urge all of my colleagues to support this bill, and I hope that it will be enacted and implemented in time to save lives, allow humanitarian aid to continue, and force the Government of Sudan to stop this genocide.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Divestment and Accountability Act. This measure supports State, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. H.R. 180 works toward a goal of ending a travesty that has resonated with people all over the world.

My home State of Rhode Island has been active on this tragic issue for many years, with Providence becoming the first U.S. city to divest from companies tied to the Sudanese Government in 2006. Just this past month, Rhode Island passed Sudan divestment into law. These actions would not have been possible without our very active student population, and I would like to take this opportunity to thank them for their persistent advocacy.

Like my constituents, I am deeply concerned over the ongoing violence and humanitarian disaster in the Darfur region. It is truly a tragedy that we have not learned from our mistakes in the past regarding genocide, but it is not too late to change the situation in Sudan. It is our duty to end this human suffering, and as a member of the Sudan Caucus, I will continue to work with my colleagues to stop this conflict and promote peace in Sudan. Passing H.R. 180 is an important and necessary step for Congress to take as we work to achieve this goal.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 180, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IRAN SANCTIONS ENABLING ACT OF 2007

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2347) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Sanctions Enabling Act of 2007".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Convention on the Prevention and Punishment of the Crime of Genocide, completed at Paris, December 9, 1948 (commonly referred to as the "Genocide Convention") defines genocide as, among other things, the act of killing members of a national, ethnic, racial, or religious group with the intent to destroy, in whole or in part, the targeted group. In addition, the Genocide Convention also prohibits conspiracy to commit genocide, as well as "direct and public incitement to commit genocide".

(2) 133 member states of the United Nations have ratified the Genocide Convention and thereby pledged to prosecute individuals who violate the Genocide Convention's prohibition on incitement to commit genocide, as well as those individuals who commit genocide directly.

(3) On October 27, 2005, at the World Without Zionism Conference in Tehran, Iran, the President of Iran, Mahmoud Ahmadinejad, called for Israel to be "wiped off the map," described Israel as "a disgraceful blot [on] the face of the Islamic world," and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury." President Ahmadinejad has subsequently made similar types of comments, and the Government of Iran has displayed inflammatory symbols that express similar intent.

(4) On December 23, 2006, the United Nations Security Council unanimously approved Resolution 1737, which bans the supply of nuclear technology and equipment to Iran and freezes the assets of certain organizations and individuals involved in Iran's nuclear program, until Iran suspends its enrichment of uranium, as verified by the International Atomic Energy Agency.

(5) Following Iran's failure to comply with Resolution 1737, on March 24, 2007, the United Nations Security Council unanimously approved Resolution 1747, to tighten sanctions on Iran, imposing a ban on arms sales and expanding the freeze on assets, in response to the country's uranium-enrichment activities.

(6) There are now signs of domestic discontent within Iran, and targeted financial and economic measures could produce further political pressure within Iran. According to the Economist Intelligence Unit, the nuclear crisis "is imposing a heavy opportunity cost on Iran's economic development, slowing down investment in the oil, gas, and petrochemical sectors, as well as in critical infrastructure projects, including electricity".

(7) Targeted financial measures represent one of the strongest non-military tools available to convince Tehran that it can no longer afford to engage in dangerous, destabilizing activities such as its nuclear weapons program and its support for terrorism.

(8) Foreign persons that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have provided additional financial means for Iran's activities in these areas, and many United States persons have unknowingly invested in those same foreign persons.

(9) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that directly or indirectly support the Government of Iran's efforts to achieve a nuclear weapons capability.

(10) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) List of Persons Investing in Iran Energy Sector or Selling arms to the Government of Iran.—

(1) Publication of list.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the President or a designee of the President shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has an investment of more than $20,000,000 in the energy sector in Iran, sells arms to the Government of Iran, or is a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more. To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) Prior notice to persons.—The President or a designee of the President shall, at least 30 days before the list is published under paragraph (1), notify each person that the President or the designee, as the case may be, intends to include on the list.

(3) Delay in including persons on the list.—After notifying a person under paragraph (2), the the President or a designee of the President may delay including that person on the list for up to 60 days if the President or the designee determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (2).

(4) Removal of persons from the list.—The President or a designee of the President may remove a person from the list before the next publication of the list under paragraph (1) if the President or the designee determines that the person does not have an investment of more than $20,000,000 in the energy sector in Iran, does not sell arms to the Government of Iran, and is not a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more.

(b) Publication on Website.—The President or a designee of the President shall ensure that the list is published on an appropriate government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(4).

(c) Definition.—In this section, the term "investment" has the meaning given that term in section 14(9) of the Iran Sanctions Act (50 U.S.C. 1701 App.).

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES INVESTED IN IRAN'S ENERGY SECTOR.

(a) Statement of Policy.—It is the policy of the United States to support the decision of State governments, local governments, and educational institutions to divest from, and to prohibit the investment of assets they control in, persons that have investments of more than $20,000,000 in Iran's energy sector, persons that sell arms to the Government of Iran, and financial institutions that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more.

(b) Authority to Divest.—

(1) In general.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(A) persons that are included on the list most recently published under section 3(a)(1), as modified under section 3(a)(4);

(B) persons that sell arms to the Government of Iran;

(C) financial institutions that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more; and

(D) persons that are included on any list of entities with investments in Iran, entities doing business in Iran, or entities doing business with the Government of Iran, which is issued pursuant to a law that—

(i) authorizes a State or local government to divest from, or prohibits a State or local government from investing assets in, the persons; and

(ii) is enacted by a State or local government on or before the first publication of a list under section 3.

(2) Definitions.—In this subsection:

(A) Investment.—The "investment" of assets includes—

(i) a commitment or contribution of assets; and

(ii) a loan or other extension of credit of assets.

(B) Assets.—The term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled, directly or indirectly, by a State or local government.

(c) Preemption.—A measure of a State or local government that is authorized by subsection (b) is not preempted by any Federal law or regulation.

SEC. 5. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY MUTUAL FUNDS.

Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following new subsection:

"(c) Safe Harbor for Changes in Investment Policies.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by companies that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act of 2007, as modified under section 3(b) of that Act. For purposes of this subsection the term 'person' shall include the Federal government, and any State or political subdivision of a State.".

SEC. 6. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

"(n) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title, and no action may be brought under this section against any person, for divesting plan assets from, or avoiding investing plan assets in, persons that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act, as modified under section 3(a)(4) of such Act.".

SEC. 7. RULE OF INTERPRETATION.

Nothing in this Act shall be interpreted to limit the authority of any person to divest, or avoid investment in, any asset, or to adopt or enforce any measure to do so.

SEC. 8. DEFINITIONS.

In this Act:

(1) Iran.—the term "Iran" includes any agency or instrumentality of Iran.

(2) Energy sector.—The term "energy sector" refers to activities to develop petroleum or natural gas resources, or nuclear power.

(3) Person.—The term "person" means—

(A) a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act); and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(4) State.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) State or local government.—

(A) In general.—The term "State or local government" includes—

(i) any State and any agency or instrumentality thereof;

(ii) any local government within a State, and any agency or instrumentality thereof;

(iii) any other governmental instrumentality; and

(iv) any public institution of higher education.

(B) Public institution of higher education.—The term "public institution of higher education" means a public institution of higher education within the meaning of the Higher Education Act of 1965.

SEC. 9. SUNSET.

This Act shall terminate 30 days after the date on which the President has certified to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law; and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. SHERMAN) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, at Natans, the centrifuges are turning. Iran is perhaps half a decade away from a nuclear weapon. Iran, however, is not without its Achilles heels. The mullahs have mismanaged the economy to the point where they are rationing gasoline in Tehran. Iran has a vibrant political culture in which the behavior of the elites and the behavior of the people can indeed be influenced by outside information. The key is to be able to broadcast into Iran on RadioFarda a message. That message is that Iran will be diplomatically and economically isolated around the world, and especially from the United States, unless it drops its nuclear weapons program. The problem is, I can't lie that well in Farsi. The fact is we have not yet begun to use the economic and diplomatic levers available to the United States. And it is not yet true that Iran's nuclear program subjects it to the possibility of economic and diplomatic isolation.

The bad news, Mr. Speaker, is that we have not had the political will to reach into our economic and diplomatic tool box. The good news is we've still got a lot of tools lying there in the tool box. One of the best is divestiture. Divestiture needs to be part of a bigger economic and diplomatic strategy to isolate the government in Tehran. If we can dry up, however, Iran's access to foreign investment, if we can sever the ties between the multinational corporations and the government of Iran, we may be able to increase the cost of Iran's behavior and put enough pressure on that regime so either it decides, or its people insist, that it abandon its nuclear program.

Now, the key is to change the behavior of these multinational corporations, and the best way to do that is with American policies that make them choose between the benefits of doing business with the American people, American investors on the one hand, and the so-called benefits they might get from doing business with Tehran on the other.

So what does this bill do to begin and continue the divestment process? The bill mandates nothing except for the creation of a list by the administration, which I will get to in just a second. It provides a clear authorization from Congress for States to divest from companies conducting the certain identified activities in Iran, and it would shield both private pension plan managers, mutual funds and public sector pension plan managers from harassing lawsuits should they decide on their own initiative to divest from those companies carrying out certain activities in Iran. In doing so, this bill sweeps away an excuse from those investment managers who, up until now, haven't wanted to be bothered to divest, even though their beneficiaries are demanding it.

This bill also provides some standards. I mentioned this in the discussion of the Sudan bill. First, people want to know what activities should cause them to divest. Now, I have more than sympathy with those who say one penny of activity, sell one candy bar in Tehran and I don't want my money invested in your company. That's a purist approach. That's an approach some may choose to take. I think the better harnessing of America's economic power and the power of individual investors, individual decisionmakers, pension plans, mutual funds, et cetera, is to focus on three activities, and that is what this bill does.

It requires that 6 months after enactment, the U.S. Government, the administration, probably the Treasury Department but whichever department is identified by the President, produce a list of those international corporations that engage in any one of these three activities. The first is to invest $20 million in the energy sector of Iran. That is a standard we have adhered to for a long time since the adoption of what was then called the Iran and Libya Sanctions Act, now the Iran Sanctions Act.

□ 1330

The second are those firms selling munitions to the government in Tehran. And the third are those who extend credit of $20 million or more to the Iranian Government.

And at this point, let me pause, because the question arises, what is it to extend credit to the Iranian Government when the Iranian Government issues a long-term bond?

Is it just the company that buys the bond or the financial institution that buys the bond, or is it directly from the Iranian Government, or is it those that provide a secondary market by buying those bonds from the original purchaser?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for making this point. The gentleman from California is a very careful student of the intertwined legal and economic issues, and the point he is making now is very important. We expect this to be subjected to a sensible economic analysis; that is, if you are providing real value to that government, then you are covered. Clearly, if you have a secondary market for bonds, you've enhanced the value of the initial instrument. So people who support a secondary market for a particular instrument are clearly investing in the underlying issuer. They know that. It is a conscious act. No one is going to be trapped.

So the gentleman is making a very important point, and we want to be very clear. We will be expecting the administration, in preparing this list, to use the same kind of economic analysis we would use in any other case. If an activity, a purchase, an investment, a loan, any financial activity is contributing to the financial enhancement of the Iranian Government, then it triggers, we would believe, this bill.

Mr. SHERMAN. I thank the gentleman and agree with him completely. This bill is designed to cause the list prepared by the administration to include those who invest in bonds issued by the Government of Iran.

I should point out that in identifying the three activities that are going to cause multinational corporations to be listed, that we are paralleling what we did just last week when this Congress passed the bill dealing with the Overseas Private Investment Corporation, which also focused on pretty much the same standards and said those multinational corporations engaged in those activities with the Government of Iran would not be able to be partners of OPIC in its activities around the world.

Now, the bill also provides that any State statute enacted prior to the publication of the first list of firms by the administration would be grandfathered. States do not have to wait and should not wait for the publication of this list by the administration.

States such as Florida, Ohio and California, which are proceeding with divestment measures, and any other States which might consider a divestment program need not wait for the Federal list, and whatever they choose to do will be grandfathered in this legislation.

Now, this bill states explicitly what I think was clearly true of both the Sudan bill we just discussed and this bill, and that is it provides a safe harbor but does not imply that that which lies outside the safe harbor is somehow forbidden. Section 7 of this bill would make it clear that the authorization that's been provided by this bill is just that, a safe harbor, that this bill in no way implicitly restricts or takes away whatever authorities the States, the pension managers and mutual funds already have.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman once again for helping clarify a point. Sometimes when we do legislation I wish we had a clause that we could automatically print out that says "this bill does not do what this bill does not do," because people are forever reading into legislation things that aren't there.

We have some people who have claimed that they do not now have the legal authority to do the divestment. When this bill becomes law, as I hope it will be, and its companion bill, that argument won't be able to be made at all.

I agree with the gentleman from California. I don't think it's a good argument now. But we do want to make clear, in absolutely nailing this down, we in no way want to give any support to the argument that, in the absence of this bill, the authority isn't there. So I thank the gentleman for once again helping us be very clear about what we're doing.

Mr. SHERMAN. I thank the gentleman and agree with him completely.

I believe that divestment is already clearly authorized in the terms of the fiduciary trying to meet their fiduciary obligation. Investing in terror is bad business for States. I don't think they have an obligation to, in making their own investment policy, to conform to some Federal foreign policy. But if they do, Federal foreign policy for a long time has been very clear: don't invest in Iran. That's why we've had the Iran-Libya Sanctions Act, now the Iran Sanctions Act for quite some time.

So this bill will eliminate an excuse for those who do not want to, that have not yet, divested. It will provide a safe harbor, and it will provide guidance for those who want to use their investments to get multinational corporations to take the actions that will be most effective.

It provides a list of companies not to invest in, and it provides a standard to define what particularly it is we want the business community worldwide to desist from doing.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SHERMAN. I'll yield to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. Let me quickly thank you for your leadership and thank the ranking member of our Committee on Foreign Affairs, who I know is involved in this action.

And let me applaud the approach. That's what I want to reaffirm. Diplomatic and economic sanctions have not been used effectively against Iran. And with the more publicized National Intelligence Estimates that indicates that terrorism is franchising around the world, the troubling activities of Iran with Iraq and the actions that seem to be moving Iran toward nuclear creativity, if you will, warrants a strong statement by the United States. And it also is warranted because of the active middle class who wants a democratic and free Iran.

This is a right way to go. It is a different approach from a military strike and the representations of this administration about attacking Iran militarily. The American people want to see us act, and I believe that this legislation dealing with a list of those investing and giving guidance to the economic sector is the right direction to take.

And I am also grateful that this does not preempt State law and States that have already gone further in divestment.

So I thank the gentleman for yielding, and I hope my colleagues will support this legislation.

Mr. SHERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I also thank again the distinguished chairman of the committee for bringing this important legislation to the floor. I yield myself such time as I may consume.

I rise today in support of H.R. 2347, the Iran Sanctions Enabling Act. The radical hard-line Islamic leadership of Iran presents one of the most serious threats today to peace and stability throughout the world. First, their quest to acquire nuclear weapons technology, when you combine that with comments by the Iranian President such that the Nation of Israel should be "wiped off the map," make it clear that the Iranian leadership is unpredictable and dangerous.

The Iranian President has gone even farther by speculating that the collateral damage of attacking Israel with nuclear weapons would be worth the cost to the Muslim world. So for a regime that is developing nuclear capabilities, these are truly extraordinary words, and the world must take notice.

The Iranian President and the Ayatollah's supreme wish is the destruction of Israel and all of her people. They have not tried to mask their goal. They doubt that the Holocaust ever occurred in the past, and now they're making plans for the Holocaust of the future. And there is no doubt about it. Their fresh Holocaust will stretch far beyond the borders of Israel. They will encompass all whom they consider a threat to their values and to their plans. So to confront Iran now is not only in the national interest, it is also in our interest because the U.S. will surely sometime be a target itself.

There is much talk at the U.N. about preventing wars and genocide, but, unfortunately, there is so too little action. The world should not ignore these words now of aggression. Because of the lack of success the U.N. has had in keeping the nuclear technology out of the hands of these radicals, the United States must now take the appropriate measures and work directly with all of our allies to do everything in our power to prevent Iran from obtaining those weapons.

And so that is why I'm here today. I am pleased with H.R. 2347, for this act will do several important measures. First, as indicated, it permits, permits, not mandates, the divestiture from companies with investments of $20 million or more in Iran's energy sector.

Secondly, it directs the Federal Government to produce a list of such companies that qualify for such investment.

Thirdly, it authorizes State governments, local governments and public educational institutions to divest even their pension fund assets from companies on that list.

Fourthly, it permits private investment and pension plan managers to divest from companies listed, as the chairman states, without breaching their fiduciary responsibilities.

As the committee report herein notes, companies based in the U.S. are already barred from doing business with Iran. But these trade investment sanctions do not extend to foreign companies which operate legally. Foreign persons that invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have provided additional financial means for Iran's activities in these areas, and many United States persons have unknowingly invested in those same persons.

So Mr. Speaker, in conclusion, it is my hope that by allowing U.S. companies to divest their financial interests from any foreign-owned companies doing business with Iran, we will continue to put that pressure on that radical Iranian leadership to end their stated goals of acquiring nuclear weapons and encourage other countries to bolster their trade and economic restrictions on Iran as well.

So I urge my colleagues to support this small but very important step in reining in this extremist regime.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, again, I want to thank the bipartisan leadership and staff of both committees, because the Foreign Affairs Committee, under the leadership of the gentleman from California and the gentlewoman from Florida, have worked on this.

I, in my remarks on the Darfur bill, really spoke about both bills. Let me just reiterate, this is a chance for us to make very clear the overwhelming opposition, staunch opposition of the

American people to the nuclear weapons plans of the regime in Iran and other aspects of that regime.

And I hope that we will, I'm told it will be tomorrow, have two overwhelming rollcalls in this House which will be, in themselves, an expression of the American people's views on both the genocide in Darfur and the nuclearization of the Iranian military, and that will then be followed by a widespread demonstration across this country of people's determination as Americans that we will do what we can to stop both of those. So I think this is a very good day for the bipartisan legislative process.

I submit the following correspondence.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 27, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2347, the Darfur Accountability and Divestment Act.

As you know, Section 7 of H.R. 2347 amends the Employee Retirement Income Security Act of 1974 to provide a safe harbor for changes of investment policies. I am writing to confirm that this provision falls within the jurisdiction of the Committee on Education and Labor.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in H.R. 2347 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Sincerely,
GEORGE MILLER,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.
Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your recent letter regarding the consideration of H.R. 2347, the Iran Sanctions Enabling Act of 2007. I agree that the amendment to the Employee Retirement Income Security Act of 1974 to provide a safe harbor for changes of investment policies falls within the jurisdiction of the Committee on Education and Labor.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and Labor.

Sincerely,
BARNEY FRANK,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 27, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2347, the Iran Sanctions Enabling Act of 2007.

As you know, on May 23, 2007, the Committee on Financial Services ordered H.R. 2347 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 2347 that fall within the Oversight Committee's jurisdiction, including matters related to the federal workforce.

In the interest of expediting consideration of H.R. 2347, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 2347 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R. 2347 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,
HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.
Hon. HENRY WAXMAN,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 2347, the "Iran Sanctions Enabling Act," which the Committee on Financial Services has ordered reported. The bill was also referred to the Committee on Oversight and Government Reform. This legislation will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill, I am pleased that our committees have reached an agreement regarding matters within the jurisdiction of the Oversight Committee, specifically those involving the federal workforce. I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees in the event of a House-Senate conference.

I will include this exchange of correspondence in the Committee report and in the Congressional Record during the consideration of the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. GARRETT of New Jersey. I now yield such time as she may consume to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I also rise in support of the bill before us, H.R. 2347, the Iran Sanctions Enabling Act, introduced by the distinguished chairman of the Financial Services Committee, Mr. BARNEY FRANK of Massachusetts.

And I'm proud to cosponsor this bill, Mr. Speaker, because it's based on language that I drafted, and was adopted by the House last Congresses past as part of the Iran Freedom Support Act.

As all of us have heard from the great discussions this morning, Iran's rogue regime has sworn to destroy us, has sworn to destroy Israel, and has throughout decades. It's demonstrated the will and the capacity to do so. It has a long record of pursuing nuclear capabilities and of supporting the extreme elements of Islam, including Hamas, Hezbollah and those who kill and maim Americans in Iraq.

In fact, some have reported that Iran is providing the deep-buried IEDs that are indeed increasing the carnage in Iraq.

No amount of handholding, no amount of dialogue will be able to deter Tehran.

As part of an effort to prevent foreign funds from going to the Iranian regime, the bill before us authorizes State and local governments to direct divestiture and prevent investment in companies with investment of $20 million or more in Iran's energy sector.

And furthermore, the bill requires that a list of those companies that have invested $20 million or more be published biannually.

Furthermore, it protects investment companies and managers from being sued for divesting from companies included in the published list.

And although I fully support this bill, Mr. Speaker, and I commend Chairman FRANK for his efforts on this critical issue, as well as Mr. SHERMAN, who's been a leader on all the bills related to Iran, I'm concerned that this bill merely authorizes divestment from companies investing in Iran, rather than making divestment from those companies mandatory.

☐ 1345

H.R. 1357, a bill I introduced earlier this year, along with Minority Whip ROY BLUNT, would require divestment of all government pension plans or Thrift Savings Plans. Moreover, H.R. 1357 prohibits all future investments of government and private pension plans.

I strongly believe that we must increase the pressure aimed at isolating Iran's extremist regime, and the bill authored by Chairman FRANK is an important step toward achieving this goal, and I commend him for it.

There are currently, also, Mr. Speaker, multiple measures dealing with putting further pressure on Iran including the Iran Counter-Proliferation Act, authored by Congressman TOM LANTOS, the chairman of our Foreign Affairs Committee; and we have got to work to have those bills passed and build upon them in order to derail the dangerous ambitions of Iran.

So I urge my colleagues to support this measure. It is part of the effort of many of us to prevent U.S. dollars from enabling and facilitating the murderous efforts of radical extremists who intend to destroy us and our allies.

I thank the gentleman from New Jersey for yielding me the time, and I thank the chairman, Mr. FRANK of Massachusetts, for this bill.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding and for his work on this legislation and the ranking member of the Foreign Affairs Committee for her work, and, clearly, Chairman BARNEY FRANK and TOM LANTOS.

I rise in strong support of H.R. 2347 and am grateful to have worked on this legislation with Congressman TOM LANTOS and BARNEY FRANK as the chief Republican sponsor.

This legislation will require the U.S. Government to publish a list of companies with investments of more than $20 million in Iran's energy sector and will authorize State and local governments to divest the assets of their pension funds and other funds under their control from any company on the list.

In addition, H.R. 2347 provides safe harbor from litigation by shareholders for pension fund managers, managers of mutual funds, and corporate pension funds who divest from companies on this list.

When Americans invest, it seems to me they want to know their dollars are not going to prop up the regime in Tehran, a sponsor of terrorism and an avowed enemy of American interests. By allowing State pension funds and mutual funds to more easily divest from energy companies doing business in Iran, this legislation will give investors more choice in directing their investments.

Because I believe military action against Iran, while not off the table, must be an absolute last resort, it is critical our government utilize the tools at our disposal including economic sanctions and a divestment campaign to deter the threat Iran poses to global security.

Iran is pursuing nuclear capabilities and is one of the world's most egregious exporters of terrorism. The seriousness of these facts was made clear when Iran's President threatened to "wipe Israel off the map."

In addition, last April Ayatollah Khamenei told another of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology. He stated: "The Islamic Republic of Iran is prepared to transfer the experience, knowledge, and technology of its scientists."

The bottom line is, in defiance of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions and the financial support they require.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding.

And I again want to emphasize that we are taking a monumental step forward in getting America's foreign policy on record opposing the actions in Iran. I would say almost irresponsible actions by the government.

I wanted to rise and thank Chairman FRANK and Mr. SHERMAN, whose leadership on both the Financial Services Committee and Foreign Affairs Committee is well evident, this commitment to a free and democratic Iran.

But I speak to the Iranian community here in the United States, who, every day that I see them in my own community, want this peaceful and democratic Iran. We have to join with them, and I think these sanctions raise the ante on the economic divestiture and also the opportunity for diplomacy.

Mr. Speaker, I rise today in strong support of H.R. 2347, the Iran Sanctions Enabling Act of 2007. I would like to thank my colleague, Chairman FRANKS, for introducing this important legislation, as well as for his leadership on the Financial Services Committee.

According to the Administration's "National Security Strategy" document released on March 16, 2006, the United States "may face no greater challenge from a single country than Iran." I find Iran's support of terrorist organizations, pursuit of nuclear weapons, and dismal human rights record to be extremely worrisome. I have long been an advocate of a free, independent, and democratic Iran. I believe in an Iran that holds free elections, follows the rule of law, and is home to a vibrant civil society; an Iran that is a responsible member of the community, particularly with respect to the proliferation of nuclear weapons. An Iran that, unfortunately, we do not see today.

This legislation is a very important step because it uses diplomacy and economic tools effectively. We must not move to join the representation of the Bush Administration to begin another non-declared war. The President should work diplomatically and economically without provoking war or an offensive attack without the constitutional authority.

Mr. Speaker, this bipartisan bill authorizes state and local governments, as well as educational institutions, to divest from companies which invest in Iran's energy sector. Because estimates indicate that these companies account for 80 percent of Iran's hard currency, they directly allow Iran to fund its illicit nuclear weapons program.

The Iran Sanctions Enabling Act of 2007 directs the Secretary of the Treasury to publish biannually in the Federal Register a list of each person, whether within or outside of the United States, that has an investment of more than $20 million in the energy sector in Iran and to maintain on the Web site of the Department of the Treasury the names of the persons on such list. It shields any registered investment company from civil, criminal, or administrative action based upon its divesting from, or avoiding investing in, securities issued by companies included on such most recent list.

Additionally, this legislation expresses the sense of Congress that the Federal Retirement Thrift Investment Board should initiate efforts to provide a terror-free international investment option among the funds of the Thrift Savings Fund. Federal employees should have the opportunity to prevent their retirement savings from being invested in companies that support terrorism.

Mr. Speaker, Iran cannot be permitted to develop nuclear bombs. Although most experts believe that Iran is at least several years away from developing a nuclear weapon, the fact that Iran has begun the process is a very clear and disturbing signal. The United States must recognize that it is dangerous to do nothing. But it is equally dangerous to take actions that are rash, unwise, or ineffective.

We have ignored the inflammatory rhetoric of President Mahmoud Ahmadinejad. But we cannot ignore Iran's breaking of the U.N. seals on its uranium-enriching facilities in January. The U.S. government immediately understood the severity of the situation. This is not just a minor diplomatic nuisance—this is a serious security threat. The safety of the Iranian people, the safety of the Middle East, and even our own security is at risk. I firmly believe that we must utilize multilateral diplomatic channels to persuade Iran that it is not in its best interest to pursue nuclear weapons programs. I strongly support economic and diplomatic efforts to reign in Tehran, and I believe that we can work to resolve this crisis without resorting to the use of force.

I strongly support this important legislation, and I urge my colleagues to do the same.

Let me just add, in my final comments, my support for H.R. 180, and I thank Congresswoman BARBARA LEE and Chairman FRANK for raising to the level of prominence the importance of divestiture in Sudan. There is not one day when we are not accounting for the numbers who die, the numbers who are suffering in Chad, and I want to rise to thank my State, the State of Texas, for being one of those States that has approved legislation that has divested our State funds from Sudan.

As I close, let me say as Secretary Paulson makes his way to China, I am hoping that he will have on his agenda the divestiture by China out of Iran and out of Sudan. It is, I believe, an international embarrassment but, more importantly, lives are being lost. And I think it is an important diplomatic, if you will, crisis that China continues to support Sudan through its energy purchases. I hope that is a discussion, and I ask my colleagues to support both bills.

Mr. GARRETT of New Jersey. Mr. Speaker, I commend the gentleman and gentlewoman on the other side of the aisle for their efforts on this legislation.

Mr. HOYER. Mr. Speaker, I strongly support this legislation, the Iran Sanctions Enabling Act of 2007 (H.R. 2347), which would authorize state and local governments to direct divestiture from and prevent investment in entities with investments of $20 million or more in Iran's energy sector.

As Iran continues to pursue its nuclear agenda—in defiance of UN sanctions and international pressure—the United States must leverage not only its diplomatic resources but its economic influence when it comes to Iran. Simply put, we must act aggressively to ensure that we are not providing Iran with money to develop nuclear weapons.

This legislation will help us do that.

Among other things, this bill would require the publication of entities, both inside and outside the United States, that have an investment of more than $20 million in Iran's energy sector. Any entity designated on this list could delay publication of its name if it demonstrates that it is taking steps to divest from Iran.

Furthermore, the bill provides a safe harbor for investment and pension fund managers from lawsuits alleging that divestment would lower a fund's profits.

Mr. Speaker, Iran's support for terrorist groups such as Hezbollah is well known and it is listed as a state sponsor of terrorism by our State Department.

In addition, the President of Iran, Mahmoud Ahmadinejad, has made repeated outrageous statements toward the United States and our ally, Israel, even calling in October 2005 for Israel to be "wiped off the map."

Given Iran's continued hostility and defiance of the international community, it is imperative that we use all the tools in our national security arsenal to attempt to change Iran's behavior. And, state-level divestment campaigns are an essential way for state officials to prevent retirement funds from helping Iran pursue nuclear weapons and fund terrorism.

Although U.S. companies have been barred from directly investing in Iran since 1996, there are investment avenues not covered by those restrictions. This bill would close some of the loopholes in previous legislation and executive orders by prohibiting public pension funds from investing in foreign companies that do more than $20 million in business in Iran's oil and gas sector.

Iran is already struggling with domestic instability, gas rationing and falling foreign investment. This legislation provides a useful diplomatic and economic tool to further push Iran toward complying with international pressure, both to stop its nuclear activities and to cease its sponsorship of terrorist groups.

I urge my colleagues to support this bill.

Mr. LANTOS. Mr. Speaker, I commend the Chairman of the Financial Services Committee, my good friend Congressman BARNEY FRANK of Massachusetts, for authoring this critical piece of legislation, of which I am proud to be a principal cosponsor. This bill, H.R. 2347 the Iran Sanctions Enabling Act of 2007, is a critical element in a network of efforts intended to prevent the realization of a nightmare, a nuclear-armed Iran.

Several of us in this body have been working ceaselessly to achieve—by peaceful means—an end to Iran's quest for nuclear status. We have produced several pieces of legislation to achieve that end. The goal of all of this legislation is to deprive Iran, insofar as possible, of the benefit of its cash-cow, oil sales. And the means of doing this is to deter foreign investment in Iran's energy industry.

Mr. Speaker, the primary purpose of this bill, H.R. 2347, is to allow state and local governments to contribute to this effort by divesting their pension plans of any foreign entity that invests in Iran. This legislation does not require them to divest, but it would certainly seem to be a wise course for them to choose, since foreign entities that invest in Iran's energy industry are subject to U.S. sanctions and therefore liable to lose a significant part of whatever their prior value may have been.

Iran's bid for nuclear arms is the challenge of our age. Iran already seeks to dominate the Middle East through intimidation, including sponsorship of terrorist groups like Hezbollah and Hamas. If it achieves nuclear status, Tehran will greatly enlarge its sway in this volatile region and will likely touch off a regional nuclear arms race as well. Worse, at least one of Iran's leading political figures has intimated that Iran would be willing to use those arms to advance its well-known, reprehensible aims, and there is good reason to believe that other Iranian leaders subscribe to the same view.

H.R. 2347 helps to fortify the barrier we are trying to erect to deter all foreign investment in Iran's energy sector and therefore deprive Iran's theocratic regime of the funds it needs to pay for its horrific nuclear goals.

Mr. Speaker, I strongly support this legislation, and I urge all my colleagues to do likewise.

Mr. PAUL. Mr. Speaker, I strongly oppose any move to initiate further sanctions on Iran. Sanctions are acts of war, and expanding sanctions on Iran serves no purpose other than preparing the American people for an eventual attack on Iran. This is the same pattern we saw in the run up to the war on Iraq: Congress passes legislation calling for regime change, sanctions are imposed, and eventually we are told that only an attack will solve the problem. We should expect the same tragic result if we continue down this path. I urge my colleagues to reconsider.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, from Cuba to China to Iraq, we have failed to unseat despotic leaders or change their policies by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. History clearly shows that free and open trade does far more to liberalize oppressive governments than trade wars. Economic freedom and political freedom are inextricably linked—when people get a taste of goods and information from abroad, they are less likely to tolerate a closed society at home. So sanctions mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions simply hurt American industries, particularly agriculture. Every market we close to our nation's farmers is a market exploited by foreign farmers. China, Russia, the Middle East, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these areas.

We must keep in mind that Iran has still not been found in violation of the Non-Proliferation Treaty. Furthermore, much of the information regarding Iran's nuclear program is coming to us via thoroughly discredited sources like the MeK, a fanatical cult that is on our State Department's terror list. Additionally, the same discredited neo-conservatives who pushed us into the Iraq war are making similarly exaggerated claims against Iran. How often do these "experts" have to be proven wrong before we start to question their credibility?

It is said that we non-interventionists are somehow "isolationists" because we don't want to interfere in the affairs of foreign nations. But the real isolationists are those who demand that we isolate certain peoples overseas because we disagree with the policies of their leaders. The best way to avoid war, to promote American values, and to spread real freedom and liberty is to engage in trade and contacts with the rest of the world as broadly as possible.

I urge my colleagues to reconsider this counterproductive and dangerous move toward further sanctions on Iran.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of this legislation.

Iran presents a major problem for the United States on a number of levels. Its overt nuclear ambitions, its interference in the Israeli-Arab peace process, and its support for Hezbollah—which is second only to al Qaeda in the number of American lives it has claimed—as well as Hamas and other terrorist organizations all present challenges to stability in the region.

We must use our economic leverage, among other tools, to address this problem, and this legislation allows us to do that. First, it extends the threat of sanctions to foreign subsidiaries of American companies if the subsidiaries were acquired or created in order to evade existing prohibitions on trade with Iran. Second, the definition of Iran's petroleum sector is expanded to include petroleum by-products and liquefied natural gas. Third, it expands who may be sanctioned to include the underwriters of these investments in Iran's energy sector.

Iran's economy is heavily dependent on oil and gas windfall profits, and this money is also used to fund terrorism and its nuclear program. This bill is a crucial part of continuing sanctions efforts, both by the U.S. and the international community.

I urge my colleagues to join me in supporting this legislation.

Mr. GARRETT of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 2347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SHIRLEY A. CHISHOLM UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE ACT OF 2007

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 176) to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Shirley A. Chisholm United States-Caribbean Educational Exchange Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and statement of purpose.
Sec. 4. Shirley A. Chisholm United States-Caribbean Educational Exchange Program.
Sec. 5. Program to provide educational development assistance for CARICOM countries.
Sec. 6. Administrative provisions.
Sec. 7. Reporting requirements.
Sec. 8. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—Except as otherwise provided, the term "Administrator" means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) CARICOM COUNTRY.—The term "CARICOM country"—

(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

(i) a country having observer status in CARICOM; or

(ii) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(4) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of State.

(5) UNITED STATES COOPERATING AGENCY.—The term "United States cooperating agency" means—

(A) an accredited institution of higher education, including, to the maximum extent practicable, an historically Black college or university that is a part B institution (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))) or an Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

(C) a nongovernmental organization incorporated in the United States; or

(D) a consortium consisting of two or more such institutions, associations, or nongovernmental organizations.

SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The United States and CARICOM countries have enjoyed long-standing friendly relations.

(2) As an important regional partner for trade and democratic values, the Caribbean region constitutes a "Third Border" of the United States.

(3) The decrease in tourism revenue in the aftermath of the tragic terrorist attacks on September 11, 2001, had an adverse affect on the Caribbean region.

(4) According to a 2005 World Bank Report on the Caribbean region, high rates of unemployment, particularly youth unemployment, have had severe implications on poverty and income distributions, as well as drug trafficking and addiction.

(5) The 2005 World Bank Report also concludes that better synchronization is needed between curricula in CARICOM countries and the skills needed in evolving national and regional job markets and economies.

(6) Caribbean leaders have highlighted the need for increased educational opportunities for Caribbean students in fields that will contribute to and support an increasingly competitive regional economy.

(7) Enhancing United States cultural and educational exchange programs in CARICOM countries will expand human resources, provide opportunities that promote economic growth, and improve regional security.

(8) Many Caribbean leaders studied at the undergraduate or graduate level in the United States before returning to their respective countries to contribute toward the strengthening of democracy, the economy, or the provision of social services.

(9) From 2003 through 2005, 217 Caribbean leaders participated in exchange programs with the United States that focused on good governance, combating drug trafficking, anti-corruption, and other regional issues of concern.

(10) The Department of State currently administers public outreach programs that include cultural, academic, and citizen-exchange initiatives in CARICOM countries through the public affairs sections at United States embassies with support from the Office of Public Diplomacy in the Bureau of Western Hemisphere Affairs.

(11) The Caribbean Center for Excellence in Teacher Training (C-CETT), a Presidential Initiative funded by the United States Agency for International Development and implemented by the University of the West Indies, works to improve the quality of reading instruction by training classroom and student teachers in seven countries of the English-speaking Caribbean. Belize, Jamaica, Grenada, St. Lucia, Guyana, St. Vincent and the Grenadines, and Trinidad and Tobago have participated in the C-CETT as a means to reducing illiteracy in the most disadvantaged urban and remote rural areas.

(12) In Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, the Cayman Islands, the Dominican Republic, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago, the Bureau of Educational and Cultural Affairs of the Department of State sponsors educational advisors to promote study in the United States.

(13) In the 2004–2005 academic year, approximately 14,000 Caribbean students were enrolled in United States colleges and universities.

(14) Shirley Anita Chisholm, who served as a member of the United States House of Representatives from 1968 to 1983, had family roots in the Caribbean nation of Barbados, was a staunch advocate for educational opportunity and access, and increased support for historically Black colleges and universities and other minority-serving institutions in the United States.

(b) STATEMENT OF PURPOSE.—The purpose of this Act is to establish—

(1) an educational exchange program between the United States and CARICOM countries, to be known as the "Shirley A. Chisholm United States-Caribbean Educational Exchange Program", pursuant to section 4 of this Act to assist in educating promising students and scholars from CARICOM countries who will invest the knowledge and experiences they gain in the United States back into the community of CARICOM countries; and

(2) a program to provide educational development assistance for CARICOM countries pursuant to section 5 of this Act.

SEC. 4. SHIRLEY A. CHISHOLM UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish an educational exchange program between the United States and CARICOM countries, to be known as the "Shirley A. Chisholm United States-Caribbean Educational Exchange Program," under which—

(1) secondary school students from CARICOM countries will—

(A) attend a public or private secondary school in the United States;

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(C) have the option to live with a United States host family and experience life in a United States host community; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will—

(A) attend a public or private college or university, including a community college, in the United States;

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(C) have the option to live with a United States host family and experience life in a United States host community or live in an on-campus housing environment.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) shall meet the following requirements:

(1) The program will offer scholarships to students and scholars based on merit and need. It is the sense of Congress that scholarships should be offered under the program to students and scholars who evidence merit, achievement, and strong potential for the studies such students and scholars wish to undertake under the program and 40 percent of scholarships offered under the program should be based on financial need.

(2) The program will seek to achieve gender equality in granting scholarships under the program.

(3) The program will limit participation to—

(A) two years of study for secondary school students;

(B) four years of study for undergraduate students;

(C) 30 months of study for graduate students; and

(D) one year of study for post-graduate students and scholars.

(4) For a period of time equal to the period of time of participation in the program, but not to exceed 2 years, the program will require participants who are students and scholars described in subsection (a)(2) to—

(A) agree to return to live in a CARICOM country and maintain residence in such country, within 6 months of completion of academic studies; or

(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

(5) The Secretary of State shall have the discretion to waive, shorten the duration, or otherwise alter the requirements of paragraph (5) in limited circumstances of hardship, humanitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

(c) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with United States cooperating agencies in developing the program authorized under subsection (a) and shall make grants to United States cooperating agencies in carrying out the program authorized under subsection (a).

(d) MONITORING AND EVALUATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (a). In carrying out the system, the Secretary shall evaluate the program's positive or negative effects on brain drain from the participating CARICOM countries and suggest ways in which the program may be improved to promote the basic goal of alleviating brain-drain from the participating CARICOM countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall review on a regular basis—

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

(E) the percentage of participants who are students described in subsection (a)(1) who pursue higher education;

(F) the percentage of participants who return to their home country or another CARICOM country;

(G) the types of careers pursued by participants in the program and the extent to which such careers are linked to the political, economic, and social development needs of CARICOM countries; and

(H) the impact of gender, country of origin, financial need of students, and other relevant factors on the data collected under subparagraphs (D) through (G).

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should seek to work with CARICOM countries to establish an educational exchange program under which—

(1) secondary school students from the United States will attend a public or private equivalent school in CARICOM countries; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from the United States will attend a public or private college or university in CARICOM countries.

SEC. 5. PROGRAM TO PROVIDE EDUCATIONAL DEVELOPMENT ASSISTANCE FOR CARICOM COUNTRIES.

(a) PROGRAM AUTHORIZED.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to establish a program to provide educational development assistance for CARICOM countries.

(b) PURPOSE OF PROGRAM.—The purpose of the program authorized under subsection (a) is to improve primary and secondary education in CARICOM countries by enhancing teacher training, strengthening curriculum and instructional materials, and assisting improvements in school management and public administration of education.

(c) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) shall extend and expand upon existing primary and secondary school programs in CARICOM countries to provide—

(1) teacher-training methods and training in subject area studies;

(2) classroom and school management;

(3) development and modernization of curriculum and instructional materials;

(4) increased community involvement in school activities; and

(5) local, regional, and national government policy planning on the elements described in paragraphs (1) through (4).

(d) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with the Secretary of Education and United States cooperating agencies in developing the program authorized under subsection (a) and shall make grants to United States cooperating agencies in carrying out the program authorized under subsection (a).

(e) MONITORING AND EVALUATION OF PROGRAM.—The Secretary shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (a).

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should seek to work with CARICOM countries to establish an educational development program under which education in the CARICOM countries is improved and access to quality education for children in CARICOM countries is increased.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) FUNDING FROM PRIVATE SOURCES AND PARTNERSHIPS WITH OTHER APPROPRIATE ENTITIES.—To the maximum extent practicable, the Secretary of State and the Administrator of the United States Agency for International Development should implement the programs authorized under sections 4 and 5 of this Act through utilization of funding from private sources to maximize the impact of United States funds under this Act, and through partnerships with appropriate United States organizations, institutions, and corporations.

(b) AVOIDANCE OF DUPLICATION.—The Secretary and the Administrator shall consult with the Secretary of Education to ensure that—

(1) activities under the programs authorized under sections 4 and 5 of this Act are not duplicative of other United Siates educational programs for CARICOM countries; and

(2) United States cooperating agencies and partner institutions in CARICOM countries are accredited by national or regional accrediting bodies.

(c) REPORTING UNDER SEVIS.—To the extent necessary, the Secretary shall provide support to United States cooperating agencies that are participating in the program authorized under section 4 of this Act in order to fulfill the requirements for student data reporting under the Student and Exchange Visitor Information System (SEVIS).

SEC. 7. REPORTING REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on plans to implement the programs authorized under sections 4 and 5 of this Act.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) with respect to implementation of the program authorized under section 4—

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

(B) a timeline for selecting United States cooperating agencies that will assist in implementing the program;

(C) a financial plan that—

(i) identifies budget plans for each educational level under the program; and

(ii) identifies plans or systems to ensure that the costs to public school, college, and university education under the program and the costs to private school, college, and university education under the program are reasonably allocated; and

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and nongovernmental organizations in both the United States and CARICOM countries for implementation of the program; and

(2) a plan outlining implementation of the program authorized under section 5, identifying the initial countries in which the program will be implemented and a timeline for implementation.

(c) UPDATES OF REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees updates of the report required by subsection (a) for each fiscal year for which amounts are appropriated pursuant to the authorization of appropriations under section 8 of this Act.

(2) MATTERS TO BE INCLUDED.—Such updates shall include the following:

(A) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under sections 4 and 5 of this Act.

(B) An analysis of the positive and negative impacts the program authorized under section 4 will have or is having on brain drain from the participating CARICOM countries.

(C) A description of efforts made by the Secretary of State, acting through the Administrator of the United States Agency for International Development, to implement the program authorized under section 5.

(D) A description of the programs established in each CARICOM country receiving assistance *under the program authorized under section 5 that provides a detailed explanation of the extent to which the program and the assistance provided are contributing to the purpose of the program described in section 5(b) in the CARICOM country.*

(E) An evaluation of additional educational development goals in CARICOM countries, identifying those goals that could be maximized or achieved with United States assistance through the program authorized under section 5. In addition to standard or necessary areas of education review, the evaluation should give attention to factors affecting academic achievement, attrition, and graduation rates in CARICOM countries. The evaluation should suggest ways in which United States assistance can maximize success factors and address factors contributing to poor achievement.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012. Amounts appropriated pursuant to the authorization of appropriations under this section are in addition to amounts otherwise available for such purposes.

Amend the title so as to read: "A bill to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

I would first like to thank my colleague, the distinguished gentlewoman from California (Ms. LEE), for introducing this important legislation and garnering the bipartisanship sponsors that it deserves. And certainly I want to thank the chairman of the Western Hemisphere Subcommittee, the gentleman from New York (Mr. ENGEL), for his tireless efforts in pushing forward this initiative.

Mr. Speaker, nearly four decades ago, history was made in the voting booths of New York City. A young lady by the name of Shirley Chisholm became the first African American woman elected to the U.S. House of Representatives in the history of our great land. With her election, Congresswoman Shirley Chisholm broke the ground for African Americans, to be sure. Congresswoman Chisholm was also the child of immigrants from the Caribbean area, and today she remains a great heroine for Caribbean Americans throughout our Nation.

During her tenure in Congress, Congresswoman Chisholm was a staunch advocate for educational opportunity and access. She increased support for Historically Black Colleges and Universities and other institutions in the United States that serve minorities.

It is, therefore, entirely appropriate and fitting that the legislation before the House today is named after the late Congresswoman Shirley Chisholm from the great City of New York. This bill establishes a new and important educational exchange program between the United States and our friends in the Caribbean region.

This effort builds on a priority I have long promoted: fostering better educational and cultural ties between the United States and different regions of the world. Today's bill follows our recent historic passage of the Senator Paul Simon Study Abroad Foundation Act of 2007, a bill to vastly expand study abroad programs that overwhelmingly passed this House in a great example of bipartisan cooperation.

The United States and nations of the Caribbean have long enjoyed friendly relations. As an important regional partner for trade and a bastion of democratic values, our friends in the Caribbean region have been called the "third border" of the United States.

In talks with Members of Congress, Caribbean leaders have highlighted the need for educational opportunities for Caribbean students in fields that will allow them to contribute to an increasingly competitive regional economy. We aim to deliver on that request today.

Enhancing our cultural and educational exchange programs in the Caribbean will promote economic growth, improve regional security, and expand opportunities for the hardworking citizens of this region. This educational exchange program will enable secondary school, undergraduate, graduate, and post-graduate scholars from the Caribbean to attend schools, colleges, and universities in the United States. It will allow them to participate in activities designed to promote a greater understanding of the values and culture of the United States. And it will grant them the option either to live in the United States with a host family, enriching them with community and town life here, or to live in an on-campus housing environment.

Mr. Speaker, the late Congresswoman Shirley Chisholm was a great American leader who has inspired generations of African Americans and Caribbean Americans. With passage of this legislation, we honor her memory and ensure that a new generation of Caribbeans can play an even more constructive role in the political and economic developments not only of this region but to continue our friendly relations with this region.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recognize my good friend from California, Ms. BARBARA LEE, for her leadership in introducing this bill, which is intended to deepen our educational cooperation with our neighbors in the Caribbean.

H.R. 176 authorizes the creation of the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Program to help provide U.S. educational opportunities to qualified students from the countries of the Caribbean community.

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It also authorizes State and USAID to expand existing primary and secondary school initiatives in the Caribbean to provide programs on teacher training methods, school management, curriculum development, and increase community involvement in school activities.

Increasing the quality of educational opportunities available to our good neighbors in the Caribbean serves the interests of our entire region, and deepens the goodwill that already exists between the people of our countries.

I want to thank Congresswoman LEE and Chairman LANTOS for working with me at the committee level to incorporate language ensuring that state sponsors of terrorism do not receive the benefits provided under this bill. The committee also amended the text to authorize such sums as may be necessary rather than a sum certain for the new programs. This will help ensure that any new activities under the act will not disrupt those educational and exchange programs already being implemented in the region by the State Department and USAID.

Again, I thank my colleagues for their cooperation in preparing this bill for floor consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 30 seconds just to offer my compliments to my dear friend, the senior ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN, for her support and leadership in bringing this legislation to the floor.

Mr. Speaker, it is my honor now to give 5 minutes to my good friend and colleague, the prime sponsor of this legislation, the gentlelady from California (Ms. LEE) for her statement.

Ms. LEE. Mr. Speaker, first let me just say today is a good day. I'm very delighted to be able to rise in support of H.R. 176, the Shirley Chisholm U.S.-Caribbean Educational Exchange Act of 2007.

I would like to thank Congressman FALEOMAVAEGA from the American Samoa, the distinguished chairman of the subcommittee on Asia, the Pacific and the Global Environment, for yielding to me, for managing this bill on the floor, and for your assistance and for your leadership.

Also, to our ranking member, Congresswoman ILEANA ROS-LEHTINEN, thank you so much for your diligence and hard work and understanding and clarity of what we wanted to do and making sure that this was done in a bipartisan way. We appreciate so much your leadership.

I am very pleased, as I said, that the House will have an opportunity to discuss this bill today. I want to thank everyone who has helped with this very important piece of legislation. I would also like to thank my good friend, Congressman ELIOT ENGEL, who is the Chair of the Western Hemisphere Subcommittee, and my colleague, the distinguished chairman of the Committee on Foreign Affairs, Congressman TOM LANTOS.

Also, we couldn't have done with this without our staff, who have put in so many hours to ensure that this bill would have the most impact. Particularly, I would like to thank Jason Steinbaum of Mr. ENGEL's staff and Kristen Wells and Peter Quilter of Mr. LANTOS' staff. And let me acknowledge Miguel Ayala from my office for his very, very excellent work on this bill, and Jamila Thompson, formerly of my staff, who really initially worked on this legislation as well as the designation of June as Caribbean-American Heritage Month.

This legislation is so important because our neighbors in the Caribbean, sometimes called the "Third Border," they're often neglected when we consider matters that affect our hemisphere. My bill creates an educational exchange program whereby students in the Caribbean, including secondary school, undergraduate, graduate, postgraduate students and scholars can come abroad to study at United States institutions of higher education. These important programs will not only encourage diplomacy between our Nation and those in the Caribbean, but it will also prepare these students to return home to the Caribbean with the tools and the education they need to move their nations forward in the 21st century.

This legislation also encourages academic partnerships with Historically Black Colleges and Universities and Hispanic-serving institutions, when possible, and will ensure parity between males and females in the program. Furthermore, both merit and financial need will be considered for those exchange programs which we are authorizing today.

This bill also creates and provides educational development assistance for CARICOM nations. It will address the lack of access and the lack of quality education in some areas of the Caribbean by improving primary and secondary education through teacher training, strengthening curriculum, and improving administration and management of schools.

This bill is named after our former colleague, my dear friend, my mentor, the late Congresswoman Shirley Anita Chisholm, who I dearly loved and learned much from and who I deeply miss. She served in Congress from 1969 to 1983 and was of Caribbean descent. Her mother was from Barbados and her father was from Guyana. She represented the 12th District of New York, which to this day continues to have a significant Caribbean-American population.

Congresswoman Chisholm would have been so proud to know that this program will address the very disparities in education that the leaders of the CARICOM nations raised during the conference last month here in Washington, D.C. They met with the President, the Secretary of State, Speaker PELOSI, and also with our colleagues on the House Ways and Means Committee, the House Committee on Foreign Affairs, and the Congressional Black Caucus. And during those meetings with the House Committee on Foreign Affairs, many Members here in our own body heard about the lack of opportunities for students from the Caribbean to study in the United States.

It is clear to me that we need to do more to help our friends and neighbors in the Caribbean, and I hope this bill is just one step with regard to the many that we're looking at that will come forward to move us forward with closer ties to our regions.

Again, I would like to thank everyone who helped me make this bill come to fruition. It has taken a while. It has taken a long time, actually. I am delighted that we, today, will be sending a very clear message to our friends in the Caribbean that we are truly supportive.

You know, when you see other countries in the region providing scholarships for students from the Caribbean, such as Cuba, I think it is now up to the United States to step up to the plate and say we, too, can make sure that students from the Caribbean benefit from the wonderful educational opportunities present in the United States.

Thank you, again, Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I thank the gentlelady for a most eloquent statement.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge my colleagues to vote "aye" on this resolution, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the subcommittee and the manager of the bill. And let me thank the Honorable BARBARA LEE for her leadership and the ranking member for theirs.

Very quickly, it is my pleasure to rise and support this legislation, having had the opportunity to be associated with the Honorable Shirley Chisholm in New York and to see her enormous and challenging leadership. But the crux of this bill is an answer in response to our friends in the Caribbean. Through CARICOM and the leaders and heads of State, they represent the third border of the United States. They provide additional security through their homeland security efforts.

This opportunity for their skilled and talented young people to have an exchange program, to then go back to their own countries and provide the friendship, the alliance, and the security that we will need in the future is a key element of this legislation.

I ask my colleagues to support this legislation, and I congratulate all those responsible for it, and again, acknowledge the leadership of Shirley Chisholm.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 176, the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act of 2007 and urge my colleagues to support its adoption. As an original cosponsor of this important bill, I want to congratulate my friend and colleague, the Honorable BARBARA LEE for her hard work in getting the bill to the floor today.

Mr. Speaker, U.S.-Caribbean educational exchanges have been on the forefront of multilateral discussions in recent years. Many believe that education exchanges are an excellent means to developing and protecting democratic values. And while the U.S. has not particularly focused on educational advancement in the Caribbean, other nations have. Thousands of Caribbean students participate in exchange programs to distant parts of the globe, yet the U.S. has no specific exchange program for Caribbean scholars.

This legislation would establish in the State Department's Office of Public Diplomacy a U.S.-Caribbean educational exchange program for high school, undergraduate and graduate students, as well as scholars.

It would also enable the U.S. Agency for International Development to develop a regional strategy to expand existing early education initiatives. And the legislation would allow both State Department and USAID to use public-private partnerships to implement the program.

The State Department has repeatedly advocated educational exchanges as one of the best means of public diplomacy. For decades, the Caribbean, our "Third Border," has been one of the U.S. staunchest allies with strong democratic traditions. We've seen how critical the adherence to these democratic ideals has been given how quickly the governments of the region were able to maintain order and rebuild in the wake of the recent devastating hurricane seasons. Furthermore, the leadership in these affected countries was cultivated right here in the U.S.

In fact many of today's Caribbean leaders have received post-secondary education in the United States, and have used their different fields of training to strengthen Caribbean democracy and community involvement. From 2003–2005, 217 Caribbean leaders participated in U.S. exchange programs that centered on innovative ways to fight drug trafficking, anticorruption and good governance policies. We should continue these efforts and expand them to include the future leaders of the Caribbean.

As the only member in Congress whose district is in the English speaking Caribbean, I am well aware of the exciting possibilities that H.R. 176 holds.

Mr. Speaker, our Caribbean neighbors are among the most stable democracies in the world and some of our oldest friends. Too often we take them for granted though and don't give to them as much as we demand from them. While it will not solve all of the problems with our relationship of late, H.R. 176 will serve as a meaningful gesture of good faith and friendship going forward. I urge my colleagues to support passage of H.R. 176.

Ms. WATERS. Mr. Speaker, I strongly support H.R. 176; the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act. I am proud to be a cosponsor of this bill.

The Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act creates an educational exchange program to enable students from the countries of the Caribbean Community to come to the U.S. and study at an American college or university. The bill requires program participants to return to a Caribbean country or work for the growth, progress and development of the Caribbean Community after they complete their studies. The bill also creates a program to improve primary and secondary education in the Caribbean Community through teacher training, strengthening curriculum, and improving administration and management of schools.

Many Caribbean leaders have received post-secondary education in the U.S. and have used their education to strengthen Caribbean democracy and benefit Caribbean people. For example, from 2003 through 2005, a total of 217 Caribbean leaders participated in U.S. exchange programs dealing with counternarcotics, anticorruption and good governance policies. The Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act would expand these efforts to include future Caribbean leaders.

It is entirely appropriate that this legislation is named after our former colleague, Congresswoman Shirley Chisholm. Congresswoman Chisholm was of Caribbean heritage and was a strong advocate for quality education. She graduated from Brooklyn College in 1946, received a Masters in Elementary Education from the Teachers College at Columbia University in 1952, and went on to work as a teacher. In 1968, she became the first African-American woman elected to Congress, where she served with distinction from 1969 to 1983. In 1972, Congresswoman Shirley Chisholm ran for president in the Democratic primaries. As a Member of Congress, Shirley Chisholm served on the influential Education and Labor Committee and rose to be its third-highest ranking member.

I urge all of my colleagues to honor Congresswoman Shirley Chisholm and support educational exchange opportunities for Caribbean students by voting in favor of the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the Shirley Chisholm U.S.-Caribbean Educational Exchange Act of 2007. I would like to thank Congresswoman BARBARA LEE and her continued commitment to the Caribbean and education. This legislation helps bridge the educational gap in the Caribbean by creating an educational exchange program for Caribbean students to study in the United States.

Caribbean Nations suffer from high poverty rates, high unemployment rates, and low literacy rates. These conditions have left most Caribbean students faced with the hard choice of education or work; and most are forced to choose work in order to provide for themselves and their families. Educational exchange programs allow Caribbean students to provide opportunities to learn necessary skills for leadership and career success, explore cultural issues, and promotes dialogue of community and/or social relevance. Education is the building block that creates a sound foundation for success and develops strong democratic values. These exchange programs allow students to return to their native homes to contribute to the success of their nation.

This bill also creates new programs to improve primary and secondary education through teacher training. Teacher preparedness and education management is vital to any education system. Providing high quality teachers in critical subject areas is the most important components in building a strong educational structure.

Many Caribbean leaders have received education in the United States, and have used their education to strengthen Caribbean democracy and community involvement. This legislation will help to continue strengthen U.S.-Caribbean relations, I strongly urge my colleagues support in passage this bill.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 176, the Shirley A. Chisholm United States-Caribbean Education Exchange Program. I would like to pay tribute to our colleague, BARBARA LEE, for introducing this excellent legislation and for the work of Chairman LANTOS in moving H.R. 176 forward.

Representative LEE and I have traveled to the Caribbean together, and we have seen through our site visits, including to St. George's University in Grenada and an education program at an orphanage in Haiti, the tremendous need for expanded educational cooperation between the United States and the Caribbean. In fact, Prime Minister Keith Mitchell of Grenada listed cooperation on education as among the most important issues for his country's citizens.

As such, H.R. 176 creates an educational exchange program between the United States and CARICOM countries, called the Shirley A. Chisholm United States-Caribbean Educational Exchange Program, and provides educational-related assistance for the nations in the CARICOM region. Education is an area in which the United States has a clear advantage—one which we should use to help our neighbors in the Caribbean.

As chair of the House Foreign Affairs Subcommittee on the Western Hemisphere, it has been a priority of mine to help promote good relations between the United States and CARICOM countries. Just last month, the Presidents and Prime Ministers of 14 Caribbean countries met with members of the House Committee on Foreign Affairs as part of the historic Conference on the Caribbean and discussed how we could expand relations. During our meeting, I told the Caribbean leaders that we would pass a U.S.-Caribbean Education Exchange Act soon and hold a hearing on deportees. With today's passage of the Caribbean education legislation and last week's hearing, I am proud to say that we have lived up to our promises.

Mr. Speaker, this bill is aptly named for Shirley Anita Chisholm, a former member of the United States House of Representatives from 1968 to 1983 who had family roots in the Caribbean nation of Barbados. I am glad that we honor her service with this important educational exchange program, and I urge my colleagues to support H.R. 176.

Mr. RANGEL. Mr. Speaker, I stand before you today to express praise and support for H.R. 176, introduced by Representative BARBARA LEE.

This bill would provide financial assistance for an educational exchange program for U.S. and Caribbean students and enhance training for Caribbean educators. A program such as this would enable students from the U.S. and the Caribbean to gain a wealth of academic and cultural knowledge. Further, it would contribute to enhancing the relationship the U.S. has with its Caribbean neighbors.

This past June, heads of state from the Caribbean visited Washington, DC for a week long conference. I attended meetings with them to learn more about the needs of their countries and to begin a dialogue that would foster closer diplomatic relations. I learned more about the Caribbean nations difficult challenges with widespread poverty, crime, and drug addiction.

While I and others in the executive and legislative branches of government worked towards strengthening our government-to-government ties, non-governmental organizations and ordinary citizens meet in seminars organized to foster closer people-to-people ties.

I am particularly concerned about trade, economic growth, and national security, all of which have a connection to the social challenges in some Caribbean nations.

Due to globalization and other advances in technology, the world is getting smaller and thus competition in the marketplace will be more rigorous. In order for people of the Caribbean to compete in the future marketplace, they will need an education in the characteristics of globalization.

It is clear that education is a key ingredient to resolving poverty, not only in the U.S., but in the Caribbean as well. The lack of opportunities to receive an education has far reaching implications. This bill offers some help with addressing the social issues that are threatening the health and stability of the Caribbean, which has a direct connection to limited educational opportunities. It is important for the U.S. to play a role in uplifting the people of the Caribbean.

I applaud Representative LEE for introducing this bill and highlighting the need for the U.S. to create strong educational exchange programs with the Caribbean. I urge my colleagues to support this bill. Supporting this bill will affirm the U.S. interest in building relationships with the Caribbean, which strengthen the ties between our people and have a lasting beneficial impact upon the region.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 176, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IRAN SANCTIONS ACT OF 1996 AMENDMENTS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 957) to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(B)(i) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization;

"(ii) any foreign subsidiary of any entity described in clause (i); and

"(iii) any governmental entity operating as a business enterprise, such as an export credit agency; and".

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after "petroleum" the second place it appears the following: ", petroleum refining capacity, liquefied natural gas,".

(c) CONSTRUCTION.—The amendments made by this section shall not be construed to require the imposition of any measure under section 5 of the Iran Sanctions Act of 1996 against any natural person or other entity that is not specifically described in section 14(13) of that Act, as amended by this section.

SEC. 2. APPLICATION TO SUBSIDIARIES.

(a) IN GENERAL.—Except as provided in subsection (b), in any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order No. 12959 of May 6, 1995, Executive Order No. 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) EXCEPTION.—Subsection (a) shall not apply to any act carried out under a contract or other obligation of any entity if—

(1) the contract or obligation existed on May 22, 2007, unless such contract or obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of the contract or other obligation as it existed on May 22, 2007; or

(2) the parent company acquired that entity not knowing, and not having reason to know, that such contract or other obligation existed, unless such contract or other obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of such contract or other obligation as it existed at the time of such acquisition.

(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the issuance of regulations, orders, directives, or licenses under the Executive orders described in subsection (a) or as being inconsistent with the authorities under the International Emergency Economic Powers Act.

(d) DEFINITIONS.—In this section—

(1) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(2) an entity is a "parent company" of another entity if it controls, directly or indirectly, that other entity and is a United States person; and

(3) the term "United States person" means any United States citizen, any alien lawfully admitted for permanent residence to the United States, any entity organized under the laws of the United States, or any person in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I want to thank the distinguished chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS) and our distinguished senior ranking member, Ms. ROS-LEHTINEN, for their sponsorship of this bipartisan measure and for their leadership on the issue of Iran.

The dangerous Iranian regime presents us with the overriding long-term issue facing the entire Middle East. The scoundrel, Mahmoud Ahmadinejad, and his theocratic cohorts are working to destabilize security worldwide with their nuclear weapons program. They are targeting Israel specifically through sponsorship of terror groups. And according to Tehran's own claims, several batteries of missiles.

So the most important foreign policy security aim of the United States Government must be to prevent nuclear weapons from ever falling into the hands of Iran. It would destabilize the entire world. That is why the Foreign Affairs Committee has repeatedly passed bills to choke the regime in Tehran so it never gets to that point.

If there is one long-term lesson of the Iraq war, Mr. Speaker, it is that all other means must be exhausted before military use is employed. This is what we aim to do in the Iran issue, tough sanctions, cooperation with our allies, and diplomacy.

The amendment to the Iran Sanctions Act before the House today restores text that was in the original version of the Iran Sanctions legislation passed overwhelmingly by the House last session. Unfortunately, following White House negotiations with the Republican majority at the time, this provision was removed from a subsequent version of the bill that actually became law.

This amendment plugs critical loopholes, actual and potential, for the current legislation that could allow Iran to conduct an end-around on our sanctions. The legislation is intended to truly and fully deprive Iran of revenue it needs to fuel its nuclear weapons program.

The bill before us would fortify current law and enhance the ability of our government to deter foreign investment in Iran's energy industry. It expands the definition used to apply to businesses so that we may restrict anyone and everyone intending to help fuel Iran's sham of an energy industry.

It is more than lamentable that the administration, in fact, has never once availed itself of the potent tools that the Iran Sanctions Act offers to deter such investment. But the administration can rest assured that we will hold its feet to the fire in this session.

For the sake of U.S. interests and for world peace, both the executive branch and the Congress must do everything in its power to prevent the emergence of a nuclear-armed Iran. Congress cannot do it alone. So it is for these reasons that I again commend my dear friend, the ranking member, Ms. ROS-LEHTINEN, for her cosponsorship of this bipartisan legislation and her leadership in the noble effort to prevent a fanatical regime from acquiring nuclear weapons has been outstanding.

As a member of the Foreign Affairs Committee, I am proud to be part of that effort. I strongly support this legislation, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

All of us know, Mr. Speaker, that Iran is a growing threat to the region and to U.S. national security interests.

Iran's record for supporting Islamic extremists is dangerously supplemented by its continued violation of its nonproliferation obligations, its mockery of the International Atomic Energy Agency process, and its continued defiance of the United Nations Security Council's demands to halt its nuclear enrichment and reprocessing program.

Just last week, Iran's chief nuclear negotiator, Ali Larijani, told Britain's newspapers, the Independent and the Guardian, that uranium enrichment was "like breathing" for his country, and that Iran would not halt the spinning centrifuges at its main enrichment plant at Natanz, even if the Bush administration offered security guarantees.

We could just wait for further action from the United Nations to counter the Iranian threat, but even the Iranian regime is aware of the influence of Russia and China at the U.N. Security Council and the refusal of some of our European and Asian allies to sacrifice commercial interests for the sake of nonproliferation.

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Just last Wednesday, Iranian leader Ahmadinejad said that U.N. resolutions could not prevent Iran from obtaining nuclear technology. He stated, "Let's say that they issue Resolution Number 300. What will happen? It should be remembered that Iran is obtaining nuclear technology. They will have to eventually accept that."

Well, for almost 5 years, Mr. Speaker, Iran has been manipulating the so-called international community buying time to expand, to strengthen and to hide its nuclear activities. In fact, recent public reports further document the construction of a major tunnel complex inside the mountain near the Iranian facility at Natans, near the fortified buildings where the Iranian uranium is reportedly being processed.

This clearly illustrates the frenetic and advanced nature of that regime's nuclear weapon pursuit and should increase our sense of urgency. But the regime's pursuit of these destructive policies has one weakness: Iran's energy infrastructure. Iran's economy and its ability to influence events is heavily dependent on the revenues derived from energy exports. As such, recent U.S. efforts to prevent Iran from acquiring weapons of mass destruction have focused on deterring and prohibiting investments in Iran's petroleum sector.

U.S. law prohibits American firms from investing in Iran. In addition, the Iran Sanctions Act seeks to influence responsible nations to stop their investment in Iran's energy sector, that is the economic lifeline of the regime, by calling for sanctions on those entities. Unfortunately, due to lack of enforcement, lack of commitment from some of our allies, foreign entities which fall outside of the jurisdiction of our country continue to invest in Iran, helping to fill the coffers, enabling the regime in Tehran to pursue not just a nuclear capability, but a chemical and biological program, long-range ballistic missiles and, as all of us know, they are a state sponsor of global Islamic extremism and terrorism.

As part of their effort to isolate Iran and deprive it of its revenues, it needs to fund its nuclear weapons program. My distinguished colleague, Chairman LANTOS, and I introduced the Iran Freedom Support Act, which was enacted into law in September of last year. This legislation strengthens sanctions against those who invest in Iran's petroleum sector, the economic lifeline of the Iranian regime. However, the final version of the law did not include language that would make export credit agencies, insurers and other financial institutions subject to sanctions for their facilitation of investments in Iran's oil industry.

The bill before us, Mr. Speaker, H.R. 957 seeks to close this loophole. The imminent need to close this loophole and to compel responsible nations to do the right thing was clearly articulated in February of this year by Ambassador George Schulte, the chief U.S. representative to the International Atomic Energy Agency. Ambassador Schulte called on European governments to stop giving credits to subsidize exports to Iran and to take more measures to discourage investment and financial investment with Iran.

It is my hope that, despite the clarifications included in the suspension text at the request of other committees, that H.R. 957 is applied vigorously against those governments that claim to support our efforts to stop Iran's nuclear pursuit but fail to take tangible actions to deny the regime the resources to continue along this destructive and dangerous path.

H.R. 957 also seeks to expand the activities covered under the law to include petrochemicals and liquefied natural gas. Concerns were raised that existing law required the clarification that sanctions under the ISA should apply to certain foreign subsidiaries of U.S. companies; therefore, H.R. 957 expands and extends the applications to U.S. foreign subsidiaries as defined in the bill.

This is a straightforward bill with a simple purpose: to enhance our ability to deprive Iran of the revenue it needs to fund its nuclear weapons and to secure greater cooperation from European, Asian, Russian and other allies to cut off the flow of funds to Iran. Responsible nations must immediately stop their multi-million, and in some cases billion, dollar investments in Iran's energy sector.

Mr. Speaker, I strongly urge my colleagues to support this critical bipartisan measure to confront the Iranian threat.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from California (Mr. SHERMAN), one of the senior members of the House Foreign Affairs Committee and the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. SHERMAN. Mr. Speaker, we talked earlier today about the Iran Sanctions Enabling Act. The purpose of that bill and the purpose of this bill is to change the behavior of multinational corporations so as to change the behavior of the Iranian Government.

This effort began perhaps with the Iran-Libya Sanctions Act over a decade ago. It worked so well vis-a-vis Libya, that we have renamed it the Iran Sanctions Act, as Libya has, indeed, changed its behavior. It is important that we clarify the law. The sponsor of the bill, the gentlelady from Florida indicated that this bill makes a number of important improvements to the Iran Sanctions Act.

The first is to indicate that it covers financial institutions, insurers, LLCs and other business entities; second, that when we talk about investments in the petroleum sector, that term includes refining petroleum and it includes development of liquefied natural gas.

Finally, I want to thank the gentlelady from Florida for including language in this bill that I had previously gotten into the Iran Freedom Support Act that was passed last year but which was dropped in conference. I want to thank her for putting it in this bill. That language deals with subsidiaries of U.S.-based multinationals. We currently have a ban on U.S. companies doing business with Iran, a ban on most transactions and investments. But some U.S.-based multinationals have used as a loophole through those regulations, through existing law, their foreign subsidiaries. What this bill would do is apply basic U.S. sanctions to all the entities controlled by multinational corporations based in the United States.

As to contracts existing on May 22, 2007, those contacts would have to be wound up at the earliest opportunity and could not be extended to cover additional activities. We then face the issue of what happens when a U.S.-based multinational buys a company that is incorporated abroad and that company already has preexisting contracts with or in Iran.

The activities of such subsidiaries would have to be wound up at their earlier possible opportunity, but furthermore, the U.S. buyer could not even buy that foreign company if the U.S. buyer knew that the company had contracts with the Government of Iran.

The message is clear: If you are building a company abroad and you think you might want to sell it to a U.S.-based multinational, do not have that company do business with Iran; otherwise, it will not be a company that can be easily acquired by a U.S.-based multinational.

This bill is an important part of an overall effort to put economic pressure on the Government of Iran and to let the Iranian elites and people know that they need to desist from their nuclear weapons program.

Also coming before this Congress, I hope soon, will be H.R. 1400, the Iran Counterproliferation Act, which also strengthens the Iran Sanctions Act and whose sponsor is sitting right here with us, the chairman of the Foreign Affairs Committee, Mr. LANTOS.

We have to call upon the administration to actually enforce the Iran Sanctions Act. Since 1998, despite overwhelming evidence, no company has been identified by the United States Department of State as having $20 million of investment in the Iranian oil sector which triggers the Iran Sanctions Act. It is time for the administration to stop ignoring existing law. It is time to strengthen existing law.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to my good friend from New Mexico (Mr. PEARCE), a member of the Financial Services Committee.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from Florida for yielding, and the gentleman, the chairman, for his work on this important bill.

Mr. Speaker, I would tell you that political pressure is one level of magnitude. But financial and business pressures are of another magnitude if we cannot get the attention of Iran in any other way when we should exert every means possible, but beginning with business pressures, they are certainly ones that we should consider.

I was in Israel earlier this year, and an Israeli said, frankly and point-blankly, this was the minority party and the majority party both, separately, each said, the world needs to take care of the Iranian problem. They said that Iran, late in the summer, was going to pass points in their nuclear program that could not be gone back past, that once they passed those, then they have the capability to strike. They expressed deep reservations and deep concern about the inactivity of the entire world and urged us to come back and do things.

It is, again, a very great bipartisan effort that we begin to ratchet the pressure up on the Iranian Government to say that you cannot act like this in the current world, it will just not be tolerated, and that the pressures will be extreme, we will increase those pressures. But I thank both the gentlewoman from Florida and the gentleman for their work on this important issue.

Mr. Speaker, I urge all my colleagues to vote for this particular bill.

Mr. HERGER. Mr. Speaker, I rise in support of H.R. 957.

On May 23, 2007, the International Atomic Energy Agency, IAEA, reported that Iran is continuing to enrich uranium in blatant defiance of three U.N. resolutions. The IAEA also concluded that Iran could develop nuclear weapons in as few as three years. Iran's President has called for Israel to be, and I quote, "wiped off the map." The prospect of this extreme regime developing nuclear arms represents a grave threat to the United States and its allies in the Middle East, Europe, and globally.

I believe the international community must stand united against Iran. We and our allies must do everything possible on a multilateral basis—diplomatically, politically, and economically—to prevent Iran from acquiring nuclear arms capability. The United Nations, in particular, must adopt additional, stronger measures to stop this hostile regime dead in its tracks.

Although I question the effectiveness of unilateral sanctions, I believe that drafted correctly, they can occasionally provide a useful supplement to multilateral efforts. H.R. 957 is one such occasion, as it maintains the President's discretion under IEEPA to consider on a situation-by-situation basis whether the imposition of unilateral sanctions would be the wisest course.

For these reasons, I urge support of H.R. 957.

Mr. LANTOS. Mr. Speaker, I ask that the following letters on the bill H.R. 957 from the Committee on Ways and Means, the Committee on Financial Services, and the Committee on Foreign Affairs be included during the debate on H.R. 957.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 13, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 957, to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed. This bill was introduced on February 8, 2007, and was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others. The bill has been reported by the Committee on Foreign Affairs.

There have been some very productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 957 that we believe help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please place this letter in the CONGRESSIONAL RECORD when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

BARNEY FRANK,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 27, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 957—to amend the Iran Sanctions Act of 1996, to expand and clarify the entities against which sanctions may be imposed—which was reported by the House Foreign Affairs Committee on May 22, 2007, and is expected to be on the suspension calendar next week.

As you know, the Committee on Ways & Means has jurisdiction over import matters, such as the import ban and restrictions on imports imposed by the Iran Sanctions Act and the International Emergency Powers Act. Accordingly, the provisions of H.R. 957 fall under the Committee's jurisdiction.

There have been some very productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 957 that I believe help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 957, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

I look forward to the bill's consideration on the floor and hope that it will command the broadest possible support.

Sincerely,

CHARLES B. RANGEL,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 27, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 957, which amends the Iran Sanctions Act to expand and clarify the entities against which sanctions may be imposed, and for other purposes.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this on this or similar legislation in the future.

I will ensure that our exchange of letters be included the CONGRESSIONAL RECORD.

Cordially,

TOM LANTOS,
Chairman.

Mr. BLUMENAUER. Mr. Speaker, I opposed this bill, much as I opposed the "Iran Freedom Support Act" last year, because it threatens the united international diplomatic front that's needed to block Iran's nuclear weapons program. Instead of sanctioning Iran, this bill will sanction allies in Europe and Asia.

I do not object to efforts to punish "sham" subsidiaries that are set up specifically to evade U.S. sanctions on Iran. However, the U.S. government already has this authority under the International Emergency Economic Powers Act and the language in H.R. 957 is clearly meant to extend sanctions to overseas subsidiaries that are legally and legitimately incorporated outside of the United States. Passage of this bill will set back our diplomatic efforts with regards to Iran and only serve to diminish our global influence on this very important issue.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I want to commend the gentlewoman from Florida as the author of this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 957, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING HIGH LEVEL VISITS BY OFFICIALS OF TAIWAN

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 136) expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows

H. CON. RES. 136

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, DC;

Whereas these restrictions deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas whenever high-level visitors from Taiwan, including the President, seek to come to the United States, their request results in a period of complex, lengthy and humiliating negotiations;

Whereas lifting these restrictions will help bring a United States friend and ally out of its isolation, which will be beneficial to peace and stability in the Asia-Pacific region;

Whereas in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet and communicate directly with the democratically-elected officials of Taiwan;

Whereas since the Taiwan Strait is one of the flashpoints in the world, it is essential that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington, DC, at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level with the Government of Taiwan, in order to strengthen a policy dialogue with Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected officials of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

□ 1430

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, and I would first like to commend the gentleman from Ohio (Mr. CHABOT) for introducing this important resolution.

Mr. Speaker, Taiwan was once a politically backward, authoritarian state living under the cloud of martial law and serious human rights abuses. In the matter of a few short decades, it has transformed itself into a thriving and energetic democracy that is a shining beacon for human rights all over the Asian-Pacific region.

Based on our mutual commitment to freedom and democracy, the U.S.-Taiwan relationship has blossomed in step with Taiwan's own revolution. Our two nations now share a complex web of economic, political and strategic ties that only deepen over time.

A fundamental element of our burgeoning relationship is our people-to-people ties. With open arms, we have welcomed Taiwan's businessmen, its students, its scientists, and its artists. My recollection is over 90,000 students from Taiwan attend our colleges and universities throughout our country.

But when it comes to Taiwan's democratically elected leaders, the United States, under both Democratic and Republican administrations, has repeatedly slammed the door in their face. Why, when the Government of Taiwan is a key player in the Asia-Pacific region, do we prevent their highest-level decision makers from even traveling to the United States?

This ill-considered policy toward Taiwan's democratically elected leadership is due to one simple fact: Our policymakers in the White House and State Department cringe in fear that Beijing or the People's Republic of China will be upset if we welcome Taiwan's leaders to our Nation.

To say that this reasoning is wrongheaded is an understatement. Welcoming Taiwanese officials does not mean that we have abandoned the One China Policy nor recognize or endorse Taiwan's secession from China. It is simply an acknowledgement that Taiwan is a democracy, and we treat democratically elected officials with respect.

High-level visits also advance our policy of maintaining peace in the Taiwan Strait through diplomacy and negotiation. Taiwan's leaders need to hear firsthand that the American people strongly support Taiwan and hope for a peaceful, mutually acceptable outcome to the tensions across the Taiwan Strait.

The current, antiquated policy cuts us from valuable opportunities to gather information and exchange views on matters of critical importance to the United States; it reduces the ability of both the Taiwanese and the American people to strengthen economic and cultural ties; and it limits American access to world leaders who play a direct role in the interest of the United States. Perhaps most profoundly, Mr. Speaker, our outdated policy is profoundly disrespectful to the leadership of a democratic friend of the United States.

This resolution expresses the sense of Congress that the restriction on travel for high-level elected and appointed officials from Taiwan to the United States should be lifted so we can strengthen our crucial relationship.

I recall years ago when Taiwan's first elected President, Mr. Lee, was invited by his alma mater, Cornell University, where he obtain his doctorate degree in agricultural science. There was a whole bunch of problems created due to the fact that an elected leader from Taiwan wanted to visit his alma mater, Cornell University, and he was prohibited simply because he was an elected official.

Mr. Speaker, this is a commonsense resolution which I strongly support and urge my colleagues to support.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sponsor of this resolution, Mr. CHABOT, is unfortunately delayed due to airport difficulties, but his statement will be included for the RECORD.

Confucius once declared that "greeting an old friend from afar is one of life's greatest pleasures." Well, the purpose of this resolution is to carry out this wise saying of Confucius, for the leaders and people of Taiwan have been among the most steadfast friends of the United States in the Asia-Pacific region. From the dark days of the Korean War and the Taiwan Strait crisis of the late 1950s, the people of Taiwan and the people of the United States have stood together against the threat of communist tyranny.

A half century of friendship has developed, with deepening commercial ties, and in more recent years, a shared love of democratic values. It is only natural, as Confucius noted, to warmly welcome the leaders of such close friends to Washington.

But the restrictions placed on travel to our country by democratically elected officials in Taiwan, adopted by a series of U.S. administrations, is a self-inflicted wound. The often-quoted Shanghai communique issued in 1972 contains no such restriction. Nor is there any limitation spelled out in the Taiwan Relations Act. In this regard, the intentions of Congress in the Taiwan Relations Act are clear: "To promote the foreign policy of the United States by authorizing the continuation of commercial, cultural and other relations between the people of the United States and the people of Taiwan." How can such relations be promoted without direct communications between officials of the United States and Taiwan?

No one likes being told whom they can or cannot invite to their own home. Americans consider their home to be "their castle," with a sacred right to decide their own affairs within. No outsider should dictate rules and regulations within the American home.

So let's put out the welcome mat for our friends, the democratically elected officials from Taiwan, by giving overwhelming support to this long overdue resolution. I thank the gentleman from Ohio (Mr. CHABOT) for authoring it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her kind remarks, and I commend the gentleman from Ohio (Mr. CHABOT) who could not make it because of travel problems. Quoting also from the words of Confucius, there are many acquaintances but very few friends, and I believe we are one of the few friends Taiwan has, and we should continue that relationship.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I would again say thanks to the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their work on this issue and for the time that they are yielding.

I first became acquainted with Taiwan when I flew there. I was stationed in Southeast Asia in the military Air Force, and we had missions in and out of Taipei and other airfields, and I began to have a love for the Chinese people there in Taiwan.

After I came back to the United States, I met a good friend who had come from Taiwan and opened a small restaurant in my hometown of Hobbs, New Mexico. Joe Ye and his wife and their son have been long friends of our family. We have had many deep discussions about the future of Taiwan.

So it was with some alarm that I went to Beijing and heard meeting after meeting where the leadership of that country began to say that Taiwan needs to understand that they should voluntarily admit to being part of mainland China. And then the question arose, What if they don't voluntarily do that? The response was always a very unanimous, straightforward, Then we will do it for them militarily.

Those things began to alert me that we have in the future very difficult questions that we need to answer among ourselves here about our old friendships. If we do not have the internal strength, the internal courage, if we do not have the political will to stand by those countries that have stood by us, to remember those old friends from afar, then this Nation will indeed begin to undercut the basis of friendship for many countries, because each one of us is measured by how we live our lives and how we act. And our government, no less, is measured by the way it responds. If we respond to old friends by walking away, by turning our back, by not letting them come here to visit, it is one of the most insensible and insensitive things that we can do.

I really appreciate the work of both parties. Again, this is a good bipartisan effort to express the sense of this Congress that we will remember our friendships and that we will honor those relationships, that we do understand the importance of the future and the past as we consider who we will spend our time with. And we as a Nation must understand that our government's actions are reflecting every day a value system. Those value systems should reflect what we, the American people, would have, not what seems politically correct or convenient at the moment.

That is not the way I want to be judged, and I don't think it is the way that people in this House want to be judged. I urge all Members to support this resolution to send a loud message to our friends in Taiwan that we do remember you and we do welcome you.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman from New Mexico (Mr. PEARCE) for his eloquent statement in support of this resolution.

Mr. TANCREDO. Mr. Speaker, I rise in support of House Concurrent Resolution 136. ...

This common-sense legislation is long overdue.

This resolution will help open the lines of communication between government leaders in Taiwan, and their counterparts here in the United States.

The resolution makes it clear once again that the U.S. Department of State that they should not take actions to prevent high level exchanges between the government of Taiwan and the government of the United States. I say "again" because Federal law already makes it clear that high ranking Taiwanese officials are already explicitly authorized to visit the United States.

Public Law 103–416 says that the President of Taiwan or any other high-level should be admitted for discussions with U.S. government officials about important policy issues unless he or she is excludable under the immigration laws of the United States.

Unfortunately, like so many other laws this Congress has passed, is simply ignored by the State Department. The Department seems more interested in complying with communist China's demands than in following the laws made by this democratically elected Congress.

As a result of this defiance, it has become nearly impossible for President Chen, Vice President Annette Lu and other high ranking Taiwanese officials travel to Washington, DC even for routine meetings with administration officials. Instead, these officials are often confined to cities far from the Nation's Capital, and often only then as a point of transit en route to another country. This is unconscionable.

Mr. Speaker, we host all kinds of foreign leaders in Washington because a two-way dialogue is important for maintaining and improving our cultural, economic—and yes—security interests around the world. Keeping an open channel with our democratic allies in Taiwan is part of that process.

I am pleased that my friend Mr. CHABOT has worked so hard to bring this bill to the floor today. And I strongly support his efforts to help improve our communication with our friends and allies in Taiwan.

Mr. CHABOT. Mr. Speaker, it's very unfortunate that we have to come back year after year to urge that restrictions should be lifted for high-level visits by appointed and democratically elected leaders of Taiwan.

Our misguided Taiwan policy is nothing new. The so-called "One China" policy is a bipartisan mistake—begun in the Nixon-Kissinger era and exacerbated by President Carter's abrogation of our Mutual Defense Treaty in 1980. It continues to this day.

Just last week, dozens of Members of Congress welcomed Taiwan's Democrat Progressive Party's nominee for the Presidency, Mr. Frank Hsieh, to our Nation's Capitol. There was a little gallows humor at the gathering because, in fact, if Mr. Hsieh wins the election next year, he will no longer be able to come to visit with his friends in Washington, D.C.

Our insulting policy toward our democratic friend and ally should be cast aside to reflect the reality of our strong relationship with Taiwan. Taiwan is a vibrant democracy of some 23,000,000. It is our 8th largest trading partner and the world's 18th largest economy. The Taiwanese people enjoy a full range of freedoms not enjoyed on the other side of the Taiwan Strait—freedom of religion, freedom of the press, and freedom to elect all of their leaders.

Taiwan is a model for young democracies and a great friend to the United States. We should recognize that friendship by abandoning our insulting policy on high level visits and welcoming our Taiwanese friends with open arms. It is the right thing to do.

I urge support of the resolution.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 136 which expresses the sense of Congress that restrictions on visits to the United States by high-level elected officials from Taiwan—including the President of Taiwan—should be lifted. And I thank my friend, Mr. CHABOT of Ohio, for introducing this important resolution.

Taiwan is without a doubt one of the most important allies of the United States in the Asia Pacific region. Taiwan is a rising economic power and has consistently ranked as one of the top ten U.S. export markets. In 2005, U.S.—Taiwan bilateral trade totaled $57 billion. In addition, our political ties with Taiwan have become ever more important in a world where China is increasing its global reach.

I am the Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere. In Central America and the Caribbean, I have seen China continue to expand its presence while Taiwan becomes increasingly isolated. Given these realities in our own hemisphere, I believe that we must work closely with Taiwan to increase its global visibility and membership in international organizations when it is strategically and politically feasible.

Given our strong political and economic relationship, it would seem inconceivable that we would place restrictions on high-level elected officials of Taiwan during their visits to the United States. Taiwan is a key U.S. ally which is trying hard to maintain its international position, and we should give Taiwan our strong support. I commend Mr. CHABOT for introducing this important resolution and hope that Congress can work closely with the Bush Administration to ensure that these restrictions are actually removed.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT JAPAN SHOULD APOLOGIZE FOR ITS IMPERIAL ARMED FORCES' COERCION OF YOUNG WOMEN INTO SEXUAL SLAVERY

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as "comfort women", during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 121

Whereas the Government of Japan, during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II, officially commissioned the acquisition of young women for the sole purpose of sexual servitude to its Imperial Armed Forces, who became known to the world as *ianfu* or "comfort women";

Whereas the "comfort women" system of forced military prostitution by the Government of Japan, considered unprecedented in its cruelty and magnitude, included gang rape, forced abortions, humiliation, and sexual violence resulting in mutilation, death, or eventual suicide in one of the largest cases of human trafficking in the 20th century;

Whereas some new textbooks used in Japanese schools seek to downplay the "comfort women" tragedy and other Japanese war crimes during World War II;

Whereas Japanese public and private officials have recently expressed a desire to dilute or rescind the 1993 statement by Chief Cabinet Secretary Yohei Kono on the "comfort women", which expressed the Government's sincere apologies and remorse for their ordeal;

Whereas the Government of Japan did sign the 1921 International Convention for the Suppression of the Traffic in Women and Children and supported the 2000 United Nations Security Council Resolution 1325 on Women, Peace, and Security which recognized the unique impact on women of armed conflict;

Whereas the House of Representatives commends Japan's efforts to promote human security, human rights, democratic values, and rule of law, as well as for being a supporter of Security Council Resolution 1325;

Whereas the United States-Japan alliance is the cornerstone of United States security interests in Asia and the Pacific and is fundamental to regional stability and prosperity;

Whereas, despite the changes in the post-cold war strategic landscape, the United States-Japan alliance continues to be based on shared vital interests and values in the Asia-Pacific region, including the preservation and promotion of political and economic freedoms, support for human rights and democratic institutions, and the securing of prosperity for the people of both countries and the international community;

Whereas the House of Representatives commends those Japanese officials and private citizens whose hard work and compassion resulted in the establishment in 1995 of Japan's private Asian Women's Fund;

Whereas the Asian Women's Fund has raised $5,700,000 to extend "atonement" from the Japanese people to the comfort women; and

Whereas the mandate of the Asian Women's Fund, a government-initiated and largely government-funded private foundation whose purpose was the carrying out of programs and projects with the aim of atonement for the maltreatment and suffering of the "comfort women", came to an end on March 31, 2007, and the Fund has been disbanded as of that date: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of Japan—

(1) should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as "comfort women", during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II;

(2) would help to resolve recurring questions about the sincerity and status of prior statements if the Prime Minister of Japan were to make such an apology as a public statement in his official capacity;

(3) should clearly and publicly refute any claims that the sexual enslavement and trafficking of the "comfort women" for the Japanese Imperial Armed Forces never occurred; and

(4) should educate current and future generations about this horrible crime while following the recommendations of the international community with respect to the "comfort women".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, let me first commend my good friend and our distinguished colleague, the gentleman from California (Mr. HONDA), for introducing this very important resolution and for all his hard work to give voice to the so-called "comfort women."

Mr. Speaker, the true strength of a nation is tested when it is forced to confront the darkest chapters in its history. Will it have the courage to face up to the truth of its own past, or will it run from that truth in the foolish hope that truth will fade with time.

The Government of Japan's unwillingness to offer a formal and unequivocal apology to the women forced by its Army to be sex slaves during World War II stands in stark contrast to Japan's positive role in the world today. Japan is a proud global leader and a valued ally of the United States, which makes its unwillingness to account honestly for this part of its past all the more perplexing.

The U.S.-Japan relationship, Mr. Speaker, is the bedrock of peace and stability in the Asia-Pacific region. Our reliance and friendship are based on mutual respect and admiration. And together, we have helped promote our shared values of democracy, economic opportunity and human rights throughout Asia. Yet Japan's refusal to make an official government apology once and for all to the women who suffered as so-called "comfort women" is disturbing to everyone who values the U.S.-Japan relationship.

No nation can disregard its own past, neither the actions of a few nor the actions of many. Inhumane deeds should be fully acknowledged, a spotlight shined on the whole truth. This is essential to national reconciliation, and it helps the victims to heal. Withholding that acknowledgment only compounds the cruelty.

□ 1445

Post-war Germany, with the most horrendous crimes in its history, made the right choice. Japan, on the other hand, has actively promoted historical amnesia.

The facts, Mr. Speaker, are plain. There can be no denying that the Japanese Imperial military coerced thousands upon thousands of Asian women, primarily Chinese and Koreans, into sexual slavery during the Second World War.

The continued efforts by some in Japan to distort and deny history and play a game of blame-the-victim are nauseating. Those who posit that all of the "comfort women" were happily complicit and acting of their own accord simply don't understand the meaning of the word "rape."

On June 14, members of the Japanese Government took out a shocking advertisement in The Washington Post that attempted to smear the survivors of the comfort women system, including those who bravely testified before our own House Foreign Affairs Committee. The ad suggested that these women, who were forcibly and repeatedly raped by soldiers, were engaged in "licensed prostitution that was commonplace around the world at the time." This is a ludicrous and infuriating assertion.

Our resolution calls on the Government of Japan officially to acknowledge and to apologize for the appalling acts that Imperial Japan committed against the so-called "comfort women." It seeks admission of an appalling truth. Failure to do so would signal to others around the globe that such horrors can be perpetrated again and treated just as cavalierly as they have been in this case.

But most importantly, Mr. Speaker, it speaks out for the victims of this monstrous system who were terrorized and brutalized by men at war. It gives voice to these courageous women whom others have tried to silence through shame, bigotry, and threats of further violence.

It is appropriate that this House stand up for these women who ask only that the truth be honored. The world awaits a full reckoning of history from the Japanese Government.

I strongly support this resolution, and I urge all of my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of this resolution, which strikes an important balance, protecting the integrity of history and recognizing present-day reality. It also addresses an issue of great significance for the peoples of the Asia Pacific region.

The tragedy of the "comfort women," the thousands of Asian and European women forced into sexual slavery by the Imperial Japanese Army during the first half of the 20th century, was a horrific crime. For the surviving "comfort women" these issues are not historical; they are profoundly personal. Some of them were in our Foreign Affairs Committee when this bill was marked up. Attempts to deny or minimize these facts are a disservice to future generations.

The case of Darfur, which we spoke about earlier today, Mr. Speaker, reminds us all that the issue of the use of military force to abuse women, to abuse children through rape and exploitation is one which we need to look at and one which unfortunately continues to this very day.

At the same time, the resolution makes clear that Japan has been a vital ally of the United States and a generous benefactor of the international community through several decades. It has been a strong ally of the United States on issues relating to, for example, nonproliferation.

It was recently reported that three Japanese banks have stopped engaging in any new business with Iran and that Japanese financial institutions are restricting loans and rejecting an Iranian request to pay for oil imports in currency other than dollars.

So we are proud of the U.S.-Japan alliance and grateful for the friendship of the people of Japan. At the same time, we should also recognize that the issue of unresolved historic grievances from the Pacific war is one that cannot be ignored. It is through reconciliation of these issues that our Asian allies can work constructively together, as is the case with our European allies, and the achievement of regional harmony is in America's vital national security interests.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to my good friend and our distinguished colleague from California (Mr. HONDA), the principal author of this important resolution.

Mr. HONDA. Mr. Speaker, I rise today to express my unconditional and heartfelt support for those euphemistically known to the world as "comfort women."

Let me at the outset thank Chairman LANTOS; the vice chair of the subcommittee, ENI FALEOMAVAEGA; and the ranking member, ILEANA ROS-LEHTINEN. I really appreciate your support and your strong, clear statements.

Today, the House will make history as we consider the passage of H. Res. 121, a resolution I introduced which seeks an official apology for what the "comfort women" endured under Japan's Imperial Armed Forces during World War II.

On this day, I must recognize my good friend and mentor and former colleague, Representative Lane Evans, whose irreproachable character gave these women hope. The legacy of his spirit has remained with me throughout this incredible journey, during which it has been my personal honor to have carried this torch, and I know that his spirit is with me today too. If he is watching, I would like to thank him for his unparalleled courage and tireless efforts to bring justice and the restoration of dignity to the "comfort women" survivors. Lane, semper fi.

I would also like to recognize Ms. Lee Yong-Soo, a survivor of the comfort stations who is here today with us. Ms. Lee has been a stalwart and passionate advocate for herself and her fellow survivors.

On February 15 of this year, Ms. Lee was joined by Ms. Jan Ruff-O'Herne and Ms. Kim Koon-Ja as witnesses in a hearing before the Asia, the Pacific and Global Environment Subcommittee, chaired by my good friend ENI FALEOMAVAEGA. I would also like to thank him and Chairman TOM LANTOS for their outspoken support for these women.

The survivors' riveting and gut-wrenching testimony about the horrors they endured as former "comfort women" brought us all to tears and impacted me profoundly. Their courage and indomitable spirit will continue to inspire me every day.

Mr. Speaker, today the House will send a message to the Government of Japan that it should deliver an official, unequivocal, unambiguous apology for the indignity the "comfort women" suffered.

Too many times we've seen women victimized by war and conflict. The experience of these women is a vivid reminder that the human rights of women around the world are never fully secure. We know that rape, sexual abuse and sometimes murder of women and girls in war are still committed by armies in various countries. One thinks of Darfur, Bosnia, and East Timor.

We must teach future generations that we cannot allow this to happen.

Mr. Speaker, encouraging our good friend and ally, the Government of Japan, to officially and unequivocally apologize is, in my mind, my heart and the minds and hearts of all those concerned about protecting human rights, the right thing to do.

I have always believed that reconciliation is the first step in the healing process, and I am proud to be here today on this truly historic occasion to continue to advocate with every fabric of my being for that principle.

I urge my colleagues to join me in support of protecting and defending the human rights of "comfort women" by voting "yes" on H. Res. 121.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 121. I want to thank Mr. HONDA, the chief sponsor for this legislation, Chairman LANTOS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA and others who have helped bring this to the floor.

This resolution is long overdue. I'm a proud cosponsor of this resolution because it is time for these women to tell their story to the world. It is time for the world to know how horribly humans can treat other humans in times of war and conflict, and it is time for the Government of Japan to own up to the wrongs that it committed toward these women.

During World War II, between 100,000 and 200,000 women were abducted from their homes in Japan and occupied lands, including Korea and China and the Philippines, and forced into the sex trade for the benefit of the Japanese Army. To deny this tragedy is to allow it to happen again. We prevent history from repeating itself only when we actually learn from history, not when we try to deny and obfuscate the truth.

When the U.S. Government placed Americans of Japanese descent into internment camps in World War II, we were wrong; and we have since apologized to the families of those victims. This is the measure of responsible leadership. When we implore our friends across the Pacific to apologize for their many mistakes, we ask for no more than what we as Americans are willing to do ourselves.

Japan has been a strong ally of the United States for years, and I believe both countries have benefited greatly from that relationship. However, it is a true friend that will tell another when it is wrong, and I believe the United States has an obligation as an ally to Japan to stand up against this atrocity and to reveal to the world in appropriate fashion.

It is time for the stories of the "comfort women" to be told. It is because these courageous women are speaking out and refusing to be silenced that the United States and the world can finally learn why this issue is so important and why we must never allow it to be repeated ever again on this planet.

I urge support for this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to my good friend, the distinguished chairman of the Subcommittee of Asia, the Pacific and the Global Environment, ENI FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the distinguished chairman of our House Foreign Affairs Committee, my good friend and chairman, TOM LANTOS, and also our senior ranking member, Ms. ROS-LEHTINEN, for their leadership and efforts in bringing H. Res. 121 to the floor today.

I also want to thank our colleagues, and the gentleman from California especially as the chief sponsor of this legislation, which has the support of some 146 Members, both Republicans and Democrats, fully supporting the provisions of this resolution.

I also want to note, this resolution was previously passed by the International Relations Committee in the last Congress, under the able leadership of our previous chairman, the gentleman from Illinois, Mr. Hyde.

And I would be remiss if I did not also mention the name of another gentleman from Illinois, my good friend Mr. Lane Evans, who was also a champion of this legislation.

Mr. Speaker, H. Res. 121 seeks to express the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces coercion of teenage girls and young women into a sexual slavery, euphemistically known as "comfort women," system during its colonial and wartime occupation of Asia and the Pacific islands from the late 1930s throughout the duration of World War II.

On February 7 of this year, the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment held a hearing on H. Res. 121, the first time ever in the history of the United States Congress that three surviving "comfort women" testified for the record.

□ 1500

Ms. Lee Yong-Soo is with us today, and I want to especially commend her and Ms. Koon Kim Lee and Ms. Jan Ruff O'Herne for their courage and their faith and their belief that one day their story would be told and, in part, their suffering would be set right.

I encourage the world to read their moving testimony, which has brought us to this moment when the United States of America will stand arm in arm with these noble women in demanding an official apology from the Government of Japan.

The comfort women system organized, managed and administered by the Imperial Army of Japan is considered one of the 20th century's most extensive cases of human trafficking and ignored violations of human rights. It was unprecedented in its cruelty and magnitude as teenage girls and young women were raped, systematically beaten, tortured, drugged, mutilated and sometimes even murdered.

According to the United Nations Commission on Human Rights, soldiers of the Japanese Imperial Army abducted and forced some 200,000 young teenage girls and young women from Korea, from China, from the Philippines, from Indonesia, from the Dutch Indies, and other women, forced them into sexual enslavement and abuse.

Today the Government of Japan contends that it has apologized and accepted responsibility for its atrocities. But it wasn't until 1980s and the 1990s that major publications in Japan began to describe the details of the comfort women, and it also wasn't until 1992 in response to these developments that Japan's Chief Secretary, cabinet secretary, Yahei Kono, issued an official statement. After a 2-year period, the foreign ministry of Japan conducted this research, and it did make the admission.

I would include for the RECORD the full statement of Chief Secretary Kono regarding the 2-year study by the Ministry of Foreign Affairs.

In 1993, after a 2-year study by the Ministry of Foreign Affairs, under the supervision of the Chief Secretary of Cabinet, an equivalent to the Chief-of-Staff of the White House, Mr. Yahei Kon stated:

> The Government of Japan has been conducting a study on the issue of wartime "comfort women" since December 1991. I wish to announce the findings as a result of that study.
>
> As a result of the study which indicates that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women. Comfort stations were operated in response to the request of the military authorities of the day. The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. The recruitment of the comfort women was conducted mainly by private recruiters who acted in response to the request of the military. The Government study has revealed that in many cases they were recruited against their own will, through coaxing coercion, etc., and that, at times, administrative/military personnel directly took part in the recruitments. They lived in misery at comfort stations under a coercive atmosphere.
>
> As to the origin of those comfort women who were transferred to the war areas, excluding those from Japan, those from the Korean Peninsula accounted for a large part. The Korean Peninsula was under Japanese rule in those days, and their recruitment, transfer, control, etc., were conducted generally against their will, through coaxing, coercion, etc.
>
> Undeniably, this was an act, with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.
>
> It is incumbent upon us, the Government of Japan, to continue to consider seriously, while listening to the views of learned circles, how best we can express this sentiment.
>
> We shall face squarely the historical facts as described above instead of evading them, and take them to heart as lessons of history. We hereby reiterated our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.
>
> As actions have been brought to court in Japan and interests have been shown in this issue outside Japan, the Government of Japan shall continue to pay full attention to this matter, including private research related thereto.

The Kono statement is often cited as Japan's official apology, although it was never endorsed officially by any of Japan's prime ministers and members of cabinets. At the time the chief cabinet secretary was considered part press secretary, part chief of staff but never an official member of cabinet, nor can he ever present himself as an acting prime minister.

In 2001, Prime Minister Koizumi issued a statement. However, only statements approved by the cabinet and not the prime minister, are a definitive expression of government policy in Japan. Without the approval of the cabinet, all declarations of contrition are considered only personal views.

I want to close my statement and to say this: Someone once said, "The greatness of a nation is not necessarily measured by its accomplishments, by its ability, but by its ability to face honestly its mistakes of the past and then take appropriate action to correct them."

I sincerely hope that this will be taken seriously by our good friends and the leadership of the Government of Japan.

I urge my colleagues to support this resolution.

Mr. Speaker, I want to thank Chairman TOM LANTOS of the Committee on Foreign Affairs and our Senior Ranking Member, Ms. ROS-LEHTINEN, for their leadership and efforts in bringing H. Res. 121 to the floor today. I also want to thank our colleague, the gentleman from California, Mr. HONDA, for his sponsorship of this bill which has the bipartisan support of some 146 Members of the U.S. House of Representatives.

I also want to make note that this resolution was previously passed by the International Relations Committee in the last Congress under the able leadership of our previous Chairman, the gentleman from Illinois, Mr. Henry Hyde. I would be remiss if I did not also mention the name of our former colleague and friend, Mr. Lane Evans also from Illinois, who championed this bill for years.

Mr. Speaker, H. Res. 121 seeks to express the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of teenage girls and young women into sexual slavery, euphemistically known as the "comfort women" system, during its colonial and wartime occupation of Asia and the Pacific Islands from 1930s and through the duration of World War II.

On February 15, 2007, the Foreign Affairs' Subcommittee on Asia, the Pacific and Global Environment held a hearing on H. Res. 121, and, for the first time ever in the history of the U.S. Congress, three surviving comfort women testified for the record.

Ms. Young Soo Lee is with us today and I want to especially commend her and Ms. Koon Kim and Ms. Jan Ruff O'Herne for their courage and their faith and their belief that one day their story would be told and, in part, their suffering would be set right. I encourage the world to read their moving testimony which has brought us to this moment when the United States of America will stand arm in arm with these noble women in demanding an official apology from the Government of Japan.

The "comfort women" system, organized, managed and administered by the Imperial Army of Japan, is considered to be one of the 20th century's most extensive cases of human trafficking and ignored violations of human rights. It was unprecedented in its cruelty and magnitude as teen-age girls and young women were systematically raped, beaten, tortured, drugged, mutilated, and sometimes murdered. According to the United Nations Commission on Human Rights, soldiers of the Japanese Imperial Army, abducted and forced some 200,000 young teenage girls and young women from Korea, China, the Philippines, Indonesian, Dutch, and other women—forced them into sexual enslavement and abuse.

Today, the Government of Japan contends that it has apologized and accepted responsibility for its atrocities. But it wasn't until the 1980s and 1990s that major publications in Japan began to describe the details of the "comfort women" system and that countries occupied by Japan also began to speak out about it. I wasn't until 1992, in response to these developments, that Japan's Chief Cabinet Secretary Yohei Kono issued a statement.

This "Kono Statement" is often cited as Japan's official apology although it was never endorsed officially by any of Japan's prime ministers and their cabinets. At the time, the Chief Cabinet Secretary was considered part Press Secretary, part Chief of Staff, and never an official member of Cabinet, nor can he ever present himself as an Acting Prime Minister.

In 2001, Prime Minister Koizumi issued a statement. However, only statements approved by the Cabinet, not the Prime Minister, are a definitive expression of government policy in Japan. Without the approval of the Cabinet, all declarations of contrition are considered only personal views.

Interestingly, as this topic has gained widespread attention as result of February's hearing, both the Japanese government and press have ignored the fact that Members of Congress now understand both Japan's legislative system and history of the Comfort Women tragedy. We are not ignorant, as some reporters have suggested. We know what does and does not constitute an official apology. We are also aware of the propaganda being churned out by the Japanese press intent on revising history by denying the validity of the "Comfort Women" controversy.

This year, Prime Minister Abe denied the existence of sexual slave camps. Then he retracted his statement because of pressure from leaders of the Asia-Pacific region. Now he says that he "respects" the finding of the Kono Report of 1993. What does this mean?

I have a special love and affinity for the people of Japan. But more sacred to me is our obligation to emphasize the fact a systematic abduction and raping and abuse of women as a weapon of war is totally unacceptable, and I believe the people of Japan agree. In fact, it can be argued that H. Res. 121 reflects the will of the Japanese people. In the only survey that the Japanese press appears to have published on the Comfort Women issue, in 2001, Fuji TV's Hodo asked respondents if they thought Japan has apologized sufficiently. 43.8 percent answered no, 37.2 percent answered yes.

Some may say the past is the past and that the U.S. is also an offender and violator of human rights. Maybe this is so. But nowhere in recorded history has the U.S. military command as a matter of policy issued a directives allowing for the coercion of teenage girls and young women into sexual slavery or forced prostitution. On the other hand, this is exactly what the Japanese military high command did and it is an affront to truth for any government to downplay its history.

Civilized society cannot allow history to be revised or denied under any circumstances. Regardless of what bearing this, or any other issue, may have on bilateral relations, or U.S. foreign policy, civilized society has a moral obligation to remember, to give voice to those who have suffered, to pay living tribute to victims past and present, to defend human rights. Otherwise we run the risk of holocaust.

Today, I want to commend my colleagues for their support and to call upon the Prime Minister of Japan and his Cabinet to issue a formal apology. No amount of money, not even payments set up by private Japanese contributions or the Asian Women's Fund, can atone for the suffering of the thousands of women victimized at the hands of Japan's Imperial Forces before and during, World War II.

While I support any woman's right to lay claim to these funds, I do not believe the Japanese government should suggest that a monetary payment can make right a moral wrong. So, for me, any and all discussions about the Asian Women's Fund sufficing as an act of apology falls short of what is relevant.

What is relevant is that Japan acknowledge, apologize, and accept historical responsibility for its Imperial Armed Force's coercion of teenage girls and young women into sexual slavery during its occupation of Asia and the Pacific Islands during WWII.

Mr. Speaker, I want to conclude by sharing with my colleagues this statement—someone once said that, "The greatness of a nation is not necessarily measured by its accomplishments, but by its ability to face honestly its mistakes of the past, and then take appropriate action to correct them."

Again, Mr. Speaker, I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentlelady from Florida for yielding time and also thank Mr. LANTOS.

Mr. Speaker, we have to ask ourselves exactly why would we be interested in this particular thing today. Some might claim that it's an old circumstance, that it existed too far in the past. Others might say that it simply is not our right, not our position, to enter into the discussion.

As far as it being too far in the past, many times I go into the district of New Mexico, the Second District of New Mexico, and I bump into people from the Vietnam era, people my age. I was there in the 1970s, I flew in Vietnam. Many, many have hearts broken by the way a Nation treated them, and just a word of encouragement, just a word of saying welcome home, brother, brings tears that flow down men and women's cheeks from long ago past.

We have a responsibility to impact those circumstances which were not right, which were not just, and no better person than Mr. LANTOS to be talking about this today, because he understands that. He's a steady, quiet voice for reason. Regarding Ms. LEE, who is with us today, I would remember the words of Aleksandr Solzhenitsyn, who said that the simple step of a courageous individual is not to take part in the lie. One word of truth outweighs the entire world.

He went on in that same talk to say that one person of truth impacts the whole world. So I think that we are called to quietly visit with our friends, the Japanese, and I think they are very good friends. I think that we, as good friends, should quietly say, Friend, it's time to acknowledge; it's time to apologize; it's time to speak. Because the healing just doesn't occur on the recipient's part, on those persons who were wronged; the healing begins in the heart of those who have perpetrated the actions. Admission brings a certain humbleness that each one of us begins to recognize that we are not above righteousness, we are not above rightness, that we are not above justice, truth. No single one of us is.

So if we find ourselves at this curious point saying to a long-time trusted friend, It's time to acknowledge; it's time to apologize; it's time to recognize what we have done and to change, it's not a very harsh statement. It's not one taken in anger, but it is one taken with the noblest of objectives, and that is the recognition and the healing of a long-overdue act.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished colleague from California (Ms. WOOLSEY), a member of the Foreign Affairs Committee.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of House Resolution 121, and I thank my colleague, MIKE HONDA, for his leadership on this issue.

I particularly thank Representative Lane Evans, who was with us up until this year, and I hope he is watching today, because he was right when he first introduced this legislation, and his reasons and his legislation remains correct and right today.

Many may claim that the exploitation of the comfort women should be left in the past. That could not be further from the truth. Anyone who has met these brave women knows that they live with the haunting memories in the present every single day. The sexual exploitation, some would say enslavement, must be marked, and it must be remembered. The acts of violence the comfort women faced were inhuman, and it cannot be erased.

This should not be a day of sadness. Today is about accountability and hope for the future. We will remember that those who did not live to see this day and, yet, are still celebrated for their courage. In their honor, we will speak for all of the world here: Never again.

The lesson will be learned. Women are not prizes of war. This has been a long time coming, but there is no statute of limitations on courage and on dignity, and that is what we honor today. We honor the perseverance of comfort women. We call on governments worldwide to accept responsibility for past deeds and work towards a just future.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Texas (Ms. JACKSON-LEE), a distinguished member of the Foreign Affairs Committee.

Ms. JACKSON-LEE of Texas. I thank you, Mr. Chairman, and I thank the ranking member of this committee for creating the forum to recognize atrocities that many have tried to forget.

Let me thank Mr. HONDA, the moving force of this legislation and the chairman of the Subcommittee on Asia, for his leadership, and I am so glad we have all mentioned Lane Evans because of the spirit and the enthusiasm and the determination in which he authored this legislation earlier before he left Congress.

Let me also speak to Ms. LEE, who remains as a steadfast anchor for all the women who cannot speak for themselves.

Mr. Speaker, I want to take a different approach. I hope that people do not take lightly what acknowledgment, apologies and accepting historical responsibility means. This is about sexual slavery.

I ask my colleagues to just think that if we were addressing the question today, which we have done in our Foreign Affairs Committee on sexual slavery, the holding of women, the debasing of women, the degrading of women, would most of us be rushing to the floor of the House to be able to condemn those actions that might be around us and around the world?

This is no less degrading, and its historical perspective does not diminish the responsibility of Japan and of this Congress to be able to say to these comfort women, women who were sexual slaves, that we apologize or ask Japan to apologize and hold the nation historically accountable for those actions.

Do you know that today textbooks in Japan, many of them diminish the actions of Japan and the activities that held the comfort women? These were women engaged in sexual activities allegedly to give comfort to the military.

So I would simply say, having gone through a number of debates about apologies regarding slavery in America, that apologies do count. It means something for those who have suffered in a way that they can never, never find an expression for.

So I rise today to support H. Res. 121 and place it in a historical context but in the context of today. We know that if any of those issues arise before us, we would stand here in condemnation. The comfort women's plight is no less deserving of our Nation, and, of course, a recognition by Japan that an apology, accountability, will go a long way in soothing the deeply embedded pain for those who no longer live but for those who live and suffer.

I ask my colleagues to support H. Res. 121.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 121, which calls on the Government of Japan to formally acknowledge, apologize, and accept historical responsibility for its role in the coercion of young women and girls, euphemistically known to the world as 'comfort women', to serve as sex slaves in Japanese military comfort stations from the 1930s through World War II.

I would especially like to thank Mr. HONDA for his leadership on the issue of 'comfort women' and for his expression of solidarity with these exploited women and urge each and everyone of my colleagues to support this resolution.

Mr. Speaker, as you well know, the friendship and alliance that exists between the United States and Japan establishes stability and prosperity in Asia and the Pacific and is essential to our security interests in that region. This resolution calls on the Government of Japan to strengthen that tie by acknowledging the facts forever enshrined in history and by publicly denouncing these past heinous human rights abuses in one of the largest cases of human trafficking in the 20th century.

Only in recent years have these victims of Imperial Japanese brutality relayed their stories to the world. In fact, just this year, on February 15, 2007, three women who knew firsthand the unequivocal pain, suffering and horror of sexual servitude at the hands of the Japanese military testified at a subcommittee hearing chaired by Mr. FALEOMAVAEGA. These women relayed heartbreaking real life accounts of years of torment, disease, and separation from their families. These women are still plagued today by the physical and emotional scars of the horrendous human rights abuses committed against them.

On April 26 of this year, my good friend and the former chairman of the Foreign Affairs Committee, Henry Hyde and I co-authored an op-ed in the Washington Times urging 'the Japanese people to courageously acknowledge and redress the wrongs perpetuated by Imperial Japan' on these women and 'to come to grips' with the history of their past. In light of Japan's recent wavering on the accuracy of historical fact regarding comfort women, I stand with my colleagues in urging the Japanese Government to very clearly acknowledge, apologize, and accept historical responsibility in a clear, unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery.

Ms. JACKSON-LEE of Texas. Mr Speaker, I rise today in support of H. Res. 121, which calls on the Government of Japan to accept formal historical responsibility for one of the darkest chapters of World War II history in Asia and the Pacific, the Japanese military's use of "comfort women", the practice of coercion of young women into sexual slavery.

I would first like to acknowledge our distinguished colleague, Mr. HONDA of California, for introducing this important resolution and for his persistent efforts in giving voice to the victims of these crimes against humanity.

Japan, a loyal ally and one of U.S.' closest partners, plays a critical role in maintaining the geopolitical balance in a still volatile region. The Japanese government's refusal to acknowledge the despicable war-time practice of its Imperial Army known as "comfort women" stands in stark contrasts to the courageous humanitarian stand the Japanese government has taken in a number of humanitarian crises around the world and to its role as guarantor for peace in the region.

Facing up to one of the darkest chapters of its history is a genuine test for the maturity of a nation. In the aftermath of World War II, the German nation and its government found the courage to account for war crimes that the Third Reich committed during the war and occupation.

There can be no denying that the Japanese military committed those crimes involving thousands of women, mostly of Chinese and Koreans descent. It is particularly disturbing that some in Japan are still trying to distort the historical record and are denying that these crimes took place. The same parties are going even a step further and blaming the victims for engaging into prostitution.

It is up to this House to call for the Japanese government to set the record straight, not just for the sake of the past, but also because rape has been used across the globe today as a weapon of war. By supporting this resolution we send a strong and unambiguous signal to the Japanese Government to acknowledge its historical responsibility. We will also state Congress' strong condemnation of rape as a weapon of war.

While support of the resolution will finally give voice of the numerous victims of these despicable crimes, the Congress' intent is to assure our ally Japan that the resolution aims at forging the process of healing by facing certain historical experience and is not intended as retribution against a partner and ally.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Res. 121, the Comfort Women Resolution—a resolution that I have supported since its initial introduction in the 109th Congress.

Beginning in the 1930s, the Imperial Government of Japan orchestrated the enslavement of up to 200,000 young Korean women. Many were abducted from their homes and sent to Japanese military brothels. Others were lured from their homes under the false pretense of employment. In what was one of the worst cases of human trafficking of the 20th century, the trauma that these women suffered drove many to conceal their past, either too embarrassed or scared to speak of it. The surviving victims deserve the recognition that they so desire.

To this day, Japan maintains that this issue is closed and the sufferings of individuals inflicted in the war have already been dealt by treaties normalizing its ties with other Asian countries. Some have pointed to Prime Minister Abe's April 27th statement as a formal apology, yet both the Prime Minister himself and Japan's Foreign Ministry went on record to disavow any alleged apology. It is important that the Japanese government confronts this dark part of Japanese history.

This resolution is as much about today as it is about yesterday. The world's strength to oppose killing today is made greater by accountability, for actions present, but also past. It's weakened by denial of accountability and obfuscation of past acts. History is a continuum that affects today and tomorrow. It's much harder to get tomorrow right if we get yesterday wrong.

I urge my colleagues to support this important resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased that the House today is considering H. Res. 121 which rightly recognizes the plight of Korean comfort women during the 1930s and World War II. I was proud to cosponsor this resolution which calls on the nation of Japan to formally recognize and apologize for these crimes.

After the Japanese occupation of Korea in the 1930s, the army forced young women to work in brothels. In some cases kidnapped women were transported overseas for sexual servitude. At the end of World War II, these women were left scarred and in many cases far from home with no resources.

Sadly, there are some in Japan who still insist that the army was not formally involved with these crimes or that the women chose to become involved in prostitution. The evidence clearly demonstrates that this was not the case. It is far past time for the Japanese government to recognize the role the army played in these crimes.

Today, we call on them to apologize to the few women who continue to live with the shame of the crimes committed against them. While the relationship between Korea and Japan has improved as both countries turned into thriving democracies, the issue of the comfort women continues to come between them. I hope that this resolution will promote reconciliation so that both countries can move together into a future of cooperation and friendship.

Mr. LARSON of Connecticut. Mr. Speaker, as a cosponsor of the underlying bill, I rise in strong support of H. Res. 121. This resolution calls on the Government of Japan to finally acknowledge, apologize, and accept historical responsibility for the coercion of over 200,000 young girls and women into sexual slavery during World War II and the colonial occupation of Asia in the 1930s and '40s.

Known to the world as "Comfort Women," these women suffered unimaginable dehumanization. These women deserve a justice that is long overdue. While the facts of these crimes are incontrovertible, Japan has not officially accepted responsibility for these atrocities. The Japanese government needs to recognize these injustices so that wounds of these women can begin to heal.

With less than 300 "comfort women" alive today, we can no longer turn a blind eye to these women's stories and sacrifices. It is our moral obligation to urge Japan to restore the dignity that was stolen from so many women over 50 years ago.

I commend Representative HONDA for his deep commitment to this issue and for championing the meaningful underlying legislation. The history of the comfort women is the history of the world, and I urge my colleagues to join me in supporting this bill.

Mr. WU. Mr. Speaker, I rise today in support of H. Res. 121 to call on the Japanese government to formally and unequivocally acknowledge, apologize, and accept historical responsibility for its Imperial Army's coercion of young women, known as "comfort women," into sexual slavery during the World War II era.

I would first like to commend my distinguished colleague, Mr. HONDA, for introducing this important resolution and for his leadership and hard work on this critical matter. I further want to recognize the extraordinary friendship between Japan and the United States, a friendship which has spanned at least half a century.

This resolution is being considered today so that the truth about comfort women will remain in the history books.

An estimated 200,000 women were sexually exploited by the Japanese armed forces during Japan's military expansion and wartime occupation of Asia and the Pacific Islands from the 1930s through World War II. Although Koreans made up the majority of these euphemistically termed "comfort women," Chinese, Taiwanese, Filipino, Dutch, and Indonesian women also were victimized.

Comfort women were used for recreational sex by Japanese soldiers as a military strategy to increase the soldiers' efficiency. These women were mentally and physically dehumanized and subject to extreme sexual violence. Only a few hundred of these courageous survivors of the World War II horror are still alive today.

Undoubtedly, today's Japan is a world leader and a valued ally to the United States. It is not the intent of Congress to punish Japan, but to help Japan acknowledge comfort women as part of its wartime history. An official, unambiguous apology from the Japanese government for its wartime atrocities is vital for historical record, emotional healing, and the education of future generations.

I support this resolution, and I urge my colleagues to do the same.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Res. 121, of which I am a cosponsor, which expresses the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as "comfort women," during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

As a co-chair of the Human Trafficking Caucus, I am all too familiar with the terrible problem of sexual slavery. H. Res. 121 reminds us that women throughout history have faced this type of inhumane treatment. According to the resolution, some textbooks used in Japanese schools downplay this tragedy, and public and private officials wish to rescind a 1993 statement by Chief Cabinet Secretary Yohei Kono, which expressed the Government of Japan's sincere apologies and remorse for the ordeal faced by the "comfort women." I believe that if we are going to successfully combat this problem worldwide, nations must come to terms with their pasts so that such practices do not happen again in the future.

Human trafficking is a $10 billion worldwide industry and one of the largest organized crime rings in history. According to the State Department, approximately 800,000 people are trafficked across international borders for labor and commercial sex purposes each year; the number is in the millions when trafficking within borders is counted. While we have a lot of work ahead of us to end human trafficking, I believe that through our collective efforts, we can make a difference.

I want to commend Representative HONDA for sponsoring this legislation and for his tireless efforts to get this bill to the floor today. I am committed to ending modern-day slavery, and I urge all of my colleagues to support this legislation.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as a cosponsor I rise in strong support of H. Res. 121. This resolution expresses the sense of Congress that the Government of Japan should formally apologize for and acknowledge the role that some in the Japanese Government played in forcing women into sexual slavery during World War II.

To date, the Government of Japan has failed to do this. This is a human rights issue that the gentleman from California, Mr. HONDA, has championed for years. Along with other Members of this body I am truly proud to stand with him today in support of this resolution.

Throughout the world's history, including World War II, cultures and societies have abused women, raped and enslaved them, and subjected them to forced sexual acts. The United States is not without its past atrocities and abuses, including the internment of Japanese Americans during World War II. However, if we recognize and acknowledge our mistakes as human beings we can learn from the past and reduce the occurrence of horrible acts. H. Res. 121 looks to provide recognition of past human rights abuses against the "comfort women" so Japan can move forward knowing it will never commit these acts again.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of H. Res. 121, which expresses the sense of the House of Representatives that the Government of Japan should formally apologize and accept historical responsibility for its Imperial Armed Forces' coercion of young women into sexual slavery during its occupation of Asia and the Pacific Islands from the 1930s through the end of World War II.

During this time period, the government of Japan created a system of forced military prostitution where young females were used as involuntary sexual servants or "comfort women" in one of the largest cases of human trafficking in the 20th century. Over 200,000 women are believed to have been coerced into these government sanctioned programs, and only an estimated 25 percent survived this horrible and painstaking ordeal. Although the government of Japan has made some efforts to address these past grievances, they have repeatedly undermined the sincerity of their own statements by engaging in questionable practices to disregard these unfortunate events. Some Japanese textbooks have attempted to downplay the existence of "comfort women," and several officials have tried to dilute or retract previously expressed apologies.

The nation of Japan has long been a valuable friend and ally of the United States, and I understand their desire to look forward to the future, but that should not come at the expense of ignoring the horrible events of the past. In light of its historical shortcomings, the Japanese government must be willing to publicly accept responsibility for its past sins and offer a sincere and formal apology if they wish to be forgiven by the international community. They should also discourage any efforts to refute the existence of "comfort women." It is important for future generations to be aware of these events in order to ensure that these tragedies will not be repeated. There is no greater enemy than ignorance of the past.

Mr. Speaker, I urge my colleagues to support the many women and families that were affected by these terrible crimes. Please join me in voting for H. Res. 121 so that we can ensure that this tragedy is properly addressed and acknowledged.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time and yield back the balance of our time.

The SPEAKER pro tempore (Mr. HINOJOSA). The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 121, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as 'comfort women', during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.".

A motion to reconsider was laid on the table.

URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 427) urging the Government of Canada to end the commercial seal hunt.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 427

Whereas on November 15, 2006, the Government of Canada opened a commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas more than 1,000,000 seals have been killed over the past 3 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 95 percent of the seals killed over the past 5 years were pups between just 12 days and 12 weeks of age, many of which had not yet eaten their first solid meal or taken their first swim;

Whereas a report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is a commercial slaughter carried out almost entirely by non-Native people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas two Canadian government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the House of Representatives urges the Government of Canada to end the commercial hunt on seals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, we are all familiar with National Geographic images of fluffy white baby seals nestled next to their mothers. We stare at them on our TV screens or in our magazines and reflexively remark about how adorable they are. But now imagine, if you can, the brutal death that awaits hundreds of thousands of these baby seals every single year. With stunning barbarism, Canadian hunters swoop in with heavy clubs and stun guns to immobilize these little innocent creatures. They are then skinned alive simply so that their soft white fur can adorn winter coats, coats that could be composed of different materials without torturing animals.

These gruesome images are sadly commonplace in the Canadian Northwest. The Canadian Government estimates that over 1 million seals have been killed in the most recent 3-year period. Public outcry over this barbarism led to a ban of all seal products in the United States and in the European Union in 1983. Unfortunately, the public seems to have forgotten that the grisly practices of commercial seal hunters still go on, and international pressure on Canada to end the hunt has abated.

My resolution brings the focus of the United States Congress back to this heinous yearly slaughter. It urges the Canadian Government to cease this gruesome practice and bring Canadian policy in line with that of the United States and the European Union.

Mr. Speaker, let me note that this annual seal slaughter, enacted for mere vanity and vulgar consumerism, is also having deleterious effects on the ecosystem. Nature's careful balance is being thrown off by the depletion of the seal population. The barbaric seal hunt disturbs the food chain, hurting the fishing industry, which is now suffering in Canada.

Ending the commercial seal hunt is not simply a matter of saving beautiful and innocent animals that tug at our hearts. It is a matter of intelligent ecomanagement, prevention of cruelty against animals, and helping our friends to the north restore their otherwise pristine international reputation. Killing baby seals echoes the torture and cruel killing of so many other animals around the world. As cochairman of the Congressional Friends of Animals Caucus, I will continue to bring the world's attention to such practices wherever they exist. I urge all of my colleagues to support this important and humane resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Harp seals, which live off of Canada's east coast, are sought for their pelts. Canadian hunters, who are regulated by Canada's Department of Fisheries and Oceans, have killed almost a million seals in the past 3 years. The government set a quota of 270,000 seals for the season of 2007, which is lower than the limit of 335,000 seals set in last year's season. The quota is determined annually by the department and is set based on estimates of the current seal population. Many concerned citizens are quite upset that these seals are killed in an inhumane way, since many are beaten unconscious and then skinned while they are still alive.

An independent group of veterinarians, invited by the International Fund for Animal Welfare to observe the seal hunt, concluded that the seal hunt was out of compliance with basic animal welfare regulations in Canada. Also, 95 percent of the seals are less than a year old.

This resolution urges Canada to end the commercial seal hunt. Our Canadian friends are good allies and partners in many areas of common interest, and we hope that they will take this important step. Many have raised alarm about this, including our distinguished chairman of our committee, Mr. LANTOS, and I thank him for his many years of leadership on the plight of people who have been abused, but also animals who have been mistreated.

I rise in strong support of this resolution, and I urge my colleagues to do the same.

Mr. SHAYS. Mr. Speaker, I rise in strong support of House Resolution 427, urging the Government of Canada to end its commercial seal hunts. While many countries have banned the importation of seal products, seal hunting in Canada has grown steadily in size over the past six years.

The Canadian commercial seal hunt is said to have killed approximately 350,000 seals this year—a huge increase from the 67,500 average number of seal deaths during the late 1980s and early 1990s. The seals are either clubbed to death or shot with high-powered rifles so as not to bloody their fur.

Last year the Canadian Government claimed the seal killings brought in $16 million. I question the number and believe even if it is accurate $16 million does not come close to justifying this brutality.

Sixteen million dollars is a mere fraction of the $3 billion that Canada receives from seafood exports. In addition, commercial seal hunting amounts to less than three percent of the annual incomes of commercial fishermen. Furthermore, the market for seal meat is limited. It is generally considered to be inedible and only a few nations import it for human consumption, additional proof of how wasteful seal hunting truly is.

Canada allows the seal hunt because it allegedly helps provide jobs for the region. Newfoundland experiences unemployment rates of up to 40 percent in winter because of its reliance on seafaring jobs and the collapse of the cod fishing industry. While I am sensitive to these concerns, how can this justify the cruel hunting methods employed during seal hunts. Eyewitness reports indicate numerous violations of Canada's marine mammal hunting regulations, such as baby seals being culled, animals being skinned alive, and injured animals being left behind to die slowly.

H. Res. 427 urges the Canadian government to end commercial seal hunting, putting a stop to this cruel practice. I strongly urge its passage.

Mr. BROWN of South Carolina. Mr. Speaker, I would like to submit for the RECORD a letter from Canadian Ambassador Michael Wilson in regards to H. Res. 427 the bill introduced by Mr. LANTOS from California urging the Government of Canada to end the commercial seal hunt.

CANADIAN EMBASSY,
Washington, DC, June 25, 2007.

Hon. TOM LANTOS,
Chairman, Foreign Affairs Committee, House of Representatives, 2170 Rayburn House Office Building, Washington, DC.
Hon. ILEANA ROS-LEHTINEN,
Ranking Member, Foreign Affairs Committee, House of Representatives, B–360 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LANTOS AND RANKING MEMBER ROS-LEHTINEN: I am writing regarding House Resolution 427, urging the Government of Canada to end the commercial seal hunt, scheduled for mark up by the Foreign Affairs Committee on Tuesday, June 26, 2007. As outlined below, Canada pursues a sustainable and humane harvest of the seal herds. In this context, I would ask that the Committee on Foreign Affairs reconsider proceeding with this resolution.

The Government of Canada takes its role as steward of the environment and wildlife seriously and is committed to the sustainable management of its renewable resources. The Canadian seal hunt is a sustainable, economically viable activity based on sound conservation principles.

Canada sets quotas at levels that ensure the health and abundance of seal herds. The harp seal population, approximately 5.8 million animals based on a 2004 survey, is nearly triple what it was in the 1970s. In no way can seals—and harp seals in particular—be considered "endangered species". Fisheries and Oceans Canada manages the seal hunt and has put in place a five-year management plan for 2006–2010. In 2007 the total allowable catch was reduced considerably to ensure the resource remains sustainable.

The Canadian commercial quota is unrelated to groundfish stock levels. Several factors have contributed to the lack of recovery of Atlantic cod stocks, such as fishing effort, poor growth and physical condition of the fish, and environmental changes. In addition, there are many uncertainties in the estimates of the amount of fish consumed by seals.

The Government of Canada makes every effort to ensure the seal hunt is conducted in a safe and humane manner. The seal hunt is closely monitored and tightly regulated. Fisheries and Oceans Canada officers monitor catches, ensure humane harvesting practices, and enforce regulations and licence conditions. The hunting of harp seal pups (whitecoats) and hooded seal pups (bluebacks) is illegal—and has been since 1987. Penalties are substantial and can include court-imposed fines and orders to forfeit catches, gear, boats and licenses.

In September 2002 veterinarians from the Canadian Veterinary Medical Association (CVMA) issued a Special Report on Animal Welfare and the Harp Seal Hunt in Atlantic Canada. In independent observations of the seal hunt, the study concluded that 98 percent of seals taken during the hunt were harvested in an acceptably humane manner, contrary to the reference in tile resolution. Harvesting methods used for the seal hunt have also been studied and approved by the Royal Commission on Seals and Sealing.

An Independent Veterinarians' Working Group formed in 2005, with representatives from the United States and four other countries, made observations and recommendations to further improve management and hunting practices. Fisheries and Oceans Canada is currently working to adopt these and other recommendations including improved enforcement and sealer training. Neither of the above groups called for a ban on the hunt.

Seals are a valuable natural resource that provides 25–30 percent of an annual income to thousands of Canadians in many remote coastal communities. This is a significant income when average annual incomes may be only $17,OOOUSD a year and unemployment rates are far above the national average. Sealing and fishing are also time-honoured traditions that allow people to provide for their families through knowledge of the marine environment and hard work.

In light of this clarification on the sustainable management and humane harvest of the seal herds in Canada, I would ask that the Committee on Foreign Affairs reconsider whether proceeding with this resolution is warranted.

I have included a fact sheet that provides more information on the seal harvest in Canada. The Embassy staff remain available to meet with your staff to discuss these issues further.

Yours sincerely,
MICHAEL WILSON,
Ambassador.

Ms. ROS-LEHTINEN. With that, Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 427.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 188

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to the terrorist group Hezbollah, which is based in Lebanon, supported by Syria, and sponsored by Iran;

Whereas on October 25, 2006, the State Prosecutor of Argentina, an office created by the current Government of Argentina, concluded that the AMIA bombing was "decided and organized by the highest leaders of the former government of ... Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah";

Whereas on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses "terrorism as a mechanism of its foreign policy" in support of "its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime";

Whereas on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue a capture notice (commonly known as a "red notice") for Rafsanjani;

Whereas on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezai, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires, Ahmed Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas on March 5, 2007, the Executive Committee of INTERPOL supported the issuance of red notices for Hezbollah operative Imad Moughnieh and five Iranian officials noted above for whom Argentine Judge Rodolfo Canicoba Corral issued arrest warrants;

Whereas Iran has appealed the INTERPOL Executive Committee's decision, and the General Assembly of INTERPOL will issue a final ruling on the red notices when it meets in Morocco in November 2007;

Whereas the inability to reach suspected Islamist militants and Iranian officials has debilitated the efforts of the Government of Argentina to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas the current Government of Argentina has made significant advances in the AMIA investigation; and

Whereas Argentina recently approved anti-terrorist legislation which seeks to criminalize financing, fund-raising, and money laundering activities of groups linked to terrorism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited 13 years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) applauds the current Government of Argentina for increasing the pace of the AMIA bombing investigation, as well as on its recently approved anti-terrorism legislation;

(4) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to bring those responsible to justice;

(5) calls upon the General Assembly of INTERPOL to uphold, issue and implement the red notices supported by the Executive Committee of INTERPOL in March 2007; and

(6) calls upon responsible nations to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any of the Iranian officials and former officials, Hezbollah operatives, and Islamist militants against whom Argentine or international arrest warrants are pending in connection with the AMIA case.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, 13 years ago this month, 85 innocent people lost their lives in the bombing of a Jewish cultural center in Buenos Aires. Today we commemorate the profound pain of the families who had their loved ones brutally taken from them. We also recall the shock felt in Jewish communities throughout the world at this ferocious attack on innocent lives in a city where Jewish people had previously felt secure. But with consideration of this resolution today, we not only commemorate but we demand justice. It is absolutely imperative that the international community push ahead with the critical investigation to bring the perpetrators to justice.

Mr. Speaker, just last fall the state prosecutor of Argentina concluded that the attack had been approved in advance by Iran's Supreme Leader and by the highest officials of the Iranian Government. The former Iranian Ambassador to Argentina actually provided key information in planning to carry out this vicious attack.

There is a new leader in Tehran these days. He is no less anti-Semitic and no less menacing, but he threatens to develop infinitely more dangerous weapons than those used to perpetrate the slaughter in Argentina.

Mr. Speaker, the United States cannot and will not allow the reckless Iranian leader Ahmadinejad to obtain nuclear capabilities. There is also little doubt that the Iranian masterminds in 1994 called upon their Hezbollah thugs to execute their nefarious plans. We also know that the Hezbollah terrorist cell that carried out the attack received financial and logistical support from sympathizers in the tri-border region between Paraguay, Argentina, and Brazil. The suicide bomber himself may have entered South America and traveled to the Argentina capital through this lawless frontier.

Mr. Speaker, although nothing like the bombing has been replicated in South America since 1994, supporters and facilitators of Islamic terrorist organizations have gathered in scattered outposts throughout the western hemisphere. Operating from hard-to-reach areas in Chile, Colombia, Venezuela and Panama, these individuals lend financial and logistical assistance to terrorist organizations in the Middle East.

Mr. Speaker, although these isolated communities have yet to grow into operational cells of Islamic terrorists, the threat to regional security remains strong and requires constant vigilance. We must redouble our efforts to root out terrorist fund-raising networks in the western hemisphere and to unearth the growing web of links between terrorist financiers and narcotic traffickers.

This important resolution encourages the Government of Argentina to continue its pursuit of the criminals in the bombing, and it calls upon the General Assembly of INTERPOL to uphold and implement international arrest warrants recently issued for the Hezbollah and Iranian operatives.

Mr. Speaker, only by taking the investigation of the AMIA bombing to its ultimate conclusion, the capture and punishment of those who planned it, will we show Iran, Hezbollah, and those who support terrorism that we are serious about combating it. International terrorists have demonstrated that they will not rest in pursuit of their villainy. This resolution once again puts them on notice that they will fail whether they are in the Middle East or in the Americas.

I strongly urge my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 188.

Mr. Speaker, 13 years ago, on July 18, a radical Islamist with ties to the terrorist group Hezbollah bombed the AMIA Jewish Community Center in Buenos Aires, Argentina, the heart and soul of the largest Jewish community in South America, killing 85 innocent people. From the beginning of the investigation into this horrific act of anti-Semitism and mass murder, the evidence pointed to the involvement of Hezbollah and its state sponsor, Iran. Moreover, the AMIA bombing opened our eyes, 7 years before 9/11, to the growing threat of radical Islam and Islamic extremists and terrorists in the western hemisphere, our own backyard.

The tri-border area, where Brazil, Paraguay and Argentina meet, continues to be a lawless zone where Islamist terrorist groups meet and engage in arms, drug dealing and contraband smuggling that finances their deadly deeds and aims. It could easily become a base of operations to carry out further terrorist attacks that could even strike on U.S. soil. Therefore, to address this threat to our interests and national security, the United States and our allies must bring to justice those responsible for past acts of terror. We must vigilantly combat radical Islamic terrorist groups before they strike again.

Sadly, Mr. Speaker, for over a decade those responsible for the atrocity at AMIA have not been captured and prosecuted, causing our enemies to be emboldened to strike again. Nonetheless, despite numerous obstacles, the wheels of justice have started to gain momentum.

Last October, the state prosecutor of Argentina concluded that the AMIA bombing was, in his words, "decided and organized by the highest leaders of the former Government of Iran whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah."

Last March, acting on the state prosecutor's conclusions, INTERPOL's executive committee recommended the issuance of red notices for five Iranian officials and one Hezbollah operative in connection with the bombing.

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Iran, still determined to act with impunity, has appealed the Executive Committee's decision to INTERPOL's General Assembly, which will meet upcoming this November.

It is vital, vital, Mr. Speaker, that INTERPOL's General Assembly uphold the recommendation of the Executive Committee and issue the red notices, which could lead to the arrest of these individuals.

To successfully prosecute this case, Argentina must be able to arrest and extradite the named Islamic militant and Iranian officials.

It is important to note that at least one of the five indicted Iranian officials worked for the Iranian embassy in Buenos Aires at the time of the AMIA bombing.

The evidence appears to indicate that Iran used officials who have diplomatic immunity to help support and plan the attack, and that Iran has used its embassies abroad to further its terrorist plots and radical Islamic goals.

Indeed, all signs show that Iran is vigorously increasing its diplomatic presence in the western hemisphere, seeking to increase its power, to spread its radical Islamic ideology, to undermine the United States, and to wreak havoc throughout the region. These dangerous efforts must be addressed, Mr. Speaker.

Many nations in the hemisphere have joined with the United States and regional organizations to fight the growing threat of Islamic extremists that has become evident since the AMIA bombing. For example, several nations participate in joint counterterrorism training and simulations and have joined counterterrorist protocols and agreements.

Argentina deserves particular commendation. In addition to its significant progress in the AMIA investigation during the past year, Argentina recently approved legislation which criminalizes financing, fund-raising, and money laundering by groups linked to terror.

Mr. Speaker, these nations deserve our continued support and encouragement. However, there is much left to be done.

H. Con. Res. 188, which I introduced with the distinguished chairman of the Foreign Affairs Committee, Mr. LANTOS, seeks to address a number of issues that we have raised. The resolution condemns the AMIA attacks, honors the victims, and, thirdly, expresses our sympathy to their long-suffering families.

It also calls upon the General Assembly of INTERPOL to issue and implement the red notices supported by INTERPOL Executive Committee, and calls upon responsible nations to cooperate fully with the AMIA investigation.

Mr. Speaker, for years, Chairman LANTOS and I have spoken in this Chamber calling for justice to be served in the AMIA case. Finally, those responsible for this atrocity are running scared, recognizing that they may not escape the consequences of their crime, that we are determined to prevent history from repeating itself.

Justice may be delayed, but it must be denied. Therefore, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to commend my good friend, the gentlelady, as the prime sponsor of this resolution.

Ms. ROS-LEHTINEN. If I could ask the gentleman to yield for a request.

Mr. FALEOMAVAEGA. I yield.

Ms. ROS-LEHTINEN. I have to go to another meeting, and if you would allow me, I would like to yield the balance of our time to Mr. BOOZMAN, a member of the Subcommittee on Terrorism, Nonproliferation and Trade on the Foreign Affairs Committee.

Mr. FALEOMAVAEGA. I have no problem with that, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas (Mr. BOOZMAN) will control the balance of the gentlewoman's time.

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to my good friend, my colleague from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, 3 years ago this Congress passed H. Con. Res. 469, which condemned the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and expressed the concern of the United States regarding the continuing decades-long delay in the resolution of the case. I voted for that resolution because I believe that justice deferred is justice denied, and all those who are responsible certainly must be brought to justice.

I joined my colleagues in saying that we don't condone terrorist actions or military posturing by any nation, nor have I seen any evidence that suggests that those who have been accused are innocent.

But responsible foreign policy means thoughtful and insightful discussion between nations that reflects a desire for both peace and security here at home, in the Middle East, and around the world.

In the 110th Congress, the House of Representatives has passed several bills calling into question the actions of either the country of Iran or the leaders of Iran with respect to their foreign or domestic policy. Today, this Congress has brought up, under suspension of the rules, an additional three bills designed with the same intent.

This continuous renewal of U.S. objections to Iran's and foreign domestic policy can easily have the effect, intended or not, to beat the drum for war against Iran. I mean, isn't this very familiar?

The U.S. House of Representatives treats these resolutions today as being uncontroversial. Let this Congress be warned that the Bush administration can use these resolutions against this body and declare the passage of these resolutions as a green light to engage in aggression against Iran, and Iran could then be the next Iraq.

I believe this House is better served by demanding sensible and responsible diplomatic foreign policy initiatives from the Bush administration; that we should demand that the administration engage immediately in high-level diplomatic negotiations.

By continuing to neglect this duty and engaging in the ongoing condemnation of Iran, without opening of diplomatic channels, what we're doing is systematically destroying every available route to restoring peace and security in the Middle East.

We know that Iran is guilty of belligerent statements. We need to look no further than the second in command, President Ahmadinejad, to recognize the escalation of rhetoric and escalation of provocation between Iran and other nations.

But we also need to look at what's happening in our own country, with the actions of our Vice President, to know that the U.S. Government hasn't been exactly clean on these matters. On March 7, 2006 in reference to Iran, Mr. CHENEY stated: "For our part, the United States is keeping all options on the table in addressing the irresponsible conduct of the regime, and we join other nations in sending that regime a clear message. We will not allow Iran to have nuclear weapons."

Now when he said that, it's very clear and unambiguous what that means. When you say all options on the table, you mean a military attack included, including the use of nuclear weapons. This is widely understood to be what the context of that statement was.

So here we are talking about trying to take a direction in foreign policy that would protect this country, and at the same time, we're jeopardizing our very troops in Iraq by rattling the sabers of war against Iran.

And so I think you cannot look at these resolutions apart from the context of administration policy. The same sentiments regarding Iran are reiterated by the Vice President on February 24 at a press briefing in Australia where he said, "I've also made the point, the President made the point, all options are still on the table."

Now I think that we have to be careful that this House isn't really acting as a pawn of the administration or emulating irresponsible examples when it comes to our Nation's foreign policy.

Last week the administration announced plans to sell $20 billion worth of U.S. weapons to Saudi Arabia and five other Middle Eastern countries. Arms groups, as well as human rights groups, question this decision, as well they should. The distribution of more weapons in the region when the United States purports to desire peace in the Middle East is counterproductive and counterintuitive.

So we really have to look at this doctrine that we're operating under, and I think this Congress has to demand responsible foreign policy initiatives, whether it's in regard to the Middle East or any other part of the world.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I desire.

Obviously, there's nothing in the bill pertaining to any sort of aggressive action against Iran as far as military action. This, or a similar bill, has been introduced several times since the AMIA bombing, and so there's no way that this is being ginned up by the administration.

Last October, Argentina's state prosecutor concluded that the AMIA bombing was decided and organized, I quote, "decided and organized by the highest leaders of the former Government of Iran, whom at the same time entrusted its execution to the Lebanese group of Hezbollah."

Last March, acting on the state prosecutor's conclusions, INTERPOL's Executive Committee recommended the issuance of red notices for five Iranian officials and one Hezbollah operative in connection with the bombing.

This is about an effort to get justice. Delayed justice, as Mr. KUCINICH said, is justice that we certainly need to get done.

And, again, this is not about ginning up in an effort to support the President with some sort of military operation. This is about taking the actions that INTERPOL, taking the actions that the Argentineans want to take, and encouraging them with a sense of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 1 minute just to say that I do want to thank the gentleman from Ohio for his concerns about this proposed legislation. But as my good friend has stated, this is not in any way to suggest that this is giving more ammunition to the current administration to suggest that we're going to attack Iran in the near future.

I, for one, and I'm certain that every member of the House Foreign Affairs Committee, am going to scrutinize and screen this very, very carefully on any formal proposal coming from the administration as far as taking arms against Iran.

Mr. Speaker, I don't have any further speakers.

I reserve the balance of my time.

Mr. BOOZMAN. Having no further speakers either, I just want to thank the chairman for his hard work on this; thank Ms. ROS-LEHTINEN for introduction of the bill, and the staff for their hard work.

I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support, of H. Con: Res. 188, which condemns the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. This attack reduced the 7-story headquarters of the Argentinean Jewish community to rubble and resulted in 85 deaths and 300 wounded. Everyday, Jews around the world face the injustice of anti-Semitism, and many have lost their lives because of bigotry.

This resolution condemns the attacks but also applauds the government of Argentina for increasing the pace of the continuing investigation of this attack. It is important that we support this resolution to encourage Argentina to continue to provide the resources necessary for its judicial system and intelligence agencies to fully investigate the AMIA case and bring those responsible to justice.

When we as individuals or as a government allow intolerance and hatred to fester and flourish, we are faced with terrible consequences. Put simply, intolerance must not be tolerated.

I urge my colleagues to support this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, in 1994, a terrorist bomb destroyed the headquarters of the Argentine Jewish Mutual Association, known by its Spanish acronym, AMIA, killing 85 people and wounding 200. To this day, the attack on the AMIA remains the deadliest anti-Semitic incident since World War II, and as of yet, the perpetrators of this act have not been brought to justice.

I rise today in strong support of H. Con. Res. 188, which not only condemns this heinous attack, but also applauds the Government of Argentina for speeding the pace of this investigation and calls on other responsible nations to support Argentina in its efforts to finally bring this case to a close.

Substantial evidence attributes the attack on July 18, 1994, to the terrorist group Hezbollah, based in Lebanon and sponsored by Iran. Evidence indicates that the tri-border region where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the AMIA attack by terrorists linked with Iran. Regrettably, the scheming of international terrorist organizations, such as Hezbollah and al-Qaeda, are not confined to the tri-border region. In fact, much of the Western Hemisphere is ideal for international terrorist groups to establish bases due to the ill equipped and poorly trained security agencies across the region.

Almost daily, we hear reports of terrorist threats from organizations including Hezbollah and al-Qaeda. It is more important than ever to vigorously pursue and prosecute these criminals at every given opportunity. Unfortunately, while the AMIA case has been officially under investigation for over 13 years, the responsible parties have not yet been apprehended. Massive judicial and investigative irregularities, destruction of evidence, and cover-ups have already distorted the long-delayed trial. Make no mistake about it, failure to duly punish the culprits of the AMIA attack serves to reward terrorists and help spread terrorism.

I strongly applaud the recent efforts by the Government of Argentina to fulfill its international obligations and its promise to the Argentine people by aggressively pursuing the local and international connections to this act of terrorism, wherever they may lead, and to properly punish all those who are involved. However, if the last few years have taught us anything, it is that no nation can effectively combat terrorism on its own. While it is up to the Argentine government to conduct a thorough investigation, it is also the responsibility of the international community to cooperate fully in this effort.

Argentina owes it to itself, its people, and the human family to conduct an intense, fearless, and comprehensive investigation that will lead to the identification and prosecution of the principal criminals. We in the international community owe it to Argentina to cooperate with its efforts to bring this dark chapter of its history to a close.

H. Con. Res. 188 is not only a much needed reminder of this tragic event, but it is also a reminder of the truly international scope of the war on terror.

Mr. FALEOMAVAEGA. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from America Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 188, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE OREGON STATE UNIVERSITY BEAVERS BASEBALL TEAM FOR WINNING THE 2007 COLLEGE WORLD SERIES

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) congratulating the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas on June 24, 2007, before 25,012 fans at Rosenblatt Stadium in Omaha, Nebraska, the largest championship game crowd in College World Series history, the Oregon State University Beavers baseball team capped an improbable season, winning the 2007 National Collegiate Athletic Association Division I College World Series Championship by defeating the University of North Carolina Tar Heels, 2 games to none, in a best-of-3 championship series;

Whereas the 2007 College World Series Championship represents the second National Championship for the Beavers baseball team;

Whereas the 2007 Beaver baseball team became the first team in a decade to capture back-to-back national titles;

Whereas the 2007 Oregon State University Beaver baseball team became only the 5th team in College World Series history to repeat as national champions;

Whereas the Beavers won 49 games while losing only 18 in 2007;

Whereas the Beavers were undefeated in the 2007 College World Series;

Whereas the Beavers trailed for only 1 of 45 innings they played in the 2007 College World Series;

Whereas the Beavers became the first team to win 4 College World Series games by at least 6 runs;

Whereas the Beavers became the first No. 3 seed to ever win the College World Series since the current 64-team format was introduced;

Whereas the Beavers outscored their opponents 42–16 in the College World Series;

Whereas the Beavers ended their season with 10 straight NCAA tournament victories;

Whereas the Beavers were the only team to return to the 2007 College World Series for a 3rd consecutive year;

Whereas Oregon State University's appearance in the 2007 College World Series marked only the 4th time in the school's history;

Whereas the Beaver baseball team lost 7 starting position players and their top 3 pitchers from their 2006 National Championship team;

Whereas the Beavers are the first team ever to win a College World Series title after not having a winning record in conference play that season;

Whereas Darwin Barney's second inning 2-run home run set a new Beaver record for career hits with 237—eventually ending with 238 career hits;

Whereas freshman pitcher Jorge Reyes was awarded the College World Series Most Outstanding Player after going 2–0 in his 2 starts with a 2.92 ERA becoming only the 5th freshman to win the award in 58 College World Series tournaments;

Whereas the Beavers had 6 players named to the Men's College World Series All-Tournament Team, including pitcher Jorge Reyes, outfielder Scott Santschi, catcher Mitch Canham, second baseman Joey Wong, shortstop Darwin Barney, and designated hitter Mike Lissman;

Whereas undergraduate assistant coach Kurt Steele and his wife Kathy, traveled back from their Saturday wedding in Philomath, Oregon, to be with the team in Omaha on Sunday when it clinched the National Championship;

Whereas the Beavers have displayed great heart, outstanding dedication, resilience, character, and sportsmanship throughout the season in achieving the highest honor in collegiate baseball;

Whereas the students, alumni, and faculty of Oregon State University and other fans of Oregon State University have shown tremendous commitment to and support for the Beavers baseball program; and

Whereas the Beavers have brought pride to Oregon State University, the Corvallis community, the State of Oregon, and Beaver Nation: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series Championship for a 2nd consecutive year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

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GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent for Members to have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the Oregon State University Beavers for their win in the 2007 National Collegiate Association Division I College World Series.

On June 24, 2007, Oregon State University captured its second baseball national championship in as many years by defeating the University of North Carolina Tar Heels two games to none in the best of three series. College baseball fans, student athletes, and the general public were treated to an exciting College World Series.

I want to extend my congratulations to the student athletes and coaches for attaining back-to-back national championships.

I want to extend my congratulations to the University of North Carolina Tar Heels and their student athletes for a great season. The Tar Heels had a season record of 57 wins and 16 losses, and they were Atlantic Coast Conference champions.

Winning back-to-back championships has brought national acclaim to Oregon State University's outstanding athletic program, and I know the fans of that university will remember this very special moment for many, many years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of House Resolution 515 congratulating Oregon State University's baseball team for winning the 2007 National Collegiate Association Division I College World Series championship for the second consecutive year.

On June 24, 2007, the Beavers of Oregon State defeated the University of North Carolina Tar Heels by a score of 9–3, sweeping the best of three series, two games to none, to win the 2007 NCAA Division I College World Series championship. They became the first team in 10 years to win back-to-back College World Series championships.

Oregon State University dominated the finals of the College World Series, trailing for only one of the 45 innings they played. The Beavers of Oregon State outscored their opponents 42–16 during their remarkable run in the College World Series, becoming the first three-seed to ever win the tournament.

Much of this team's success is due to Head Coach Pat Casey. After starting the year with only 23 wins and only 3 losses, the team hit a bit of a slump in May, which nearly cost them a spot in the tournament. But Coach Casey kept the team motivated and focused to help lead the Beavers to a 49–18 record.

The 2007 World Series MVP, Jorge Reyes, a freshman, who went 2–0 with a 2.92 ERA during the College World Series, became only the fifth freshman to ever win the award in the 58-year history of the College World Series.

And while we commend the college athletics department today, we should also recognize Oregon State University as an excellent academic institution. Known for its geosciences programs, which rank sixth in the Nation, the university offers over 200 undergraduate programs and more than 80 graduate programs. The campus has a renowned library and exceptional research facilities as well as great internship and study abroad programs to offer its students.

I extend my congratulations to Head Coach Pat Casey, Athletics Director Bob De Carolis, President Dr. Edward Ray, and all of the hardworking players, the fans, and Oregon State University. I am happy to represent my good friend and colleague Representative HOOLEY in recognizing this exceptional team in all of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield 5 minutes to Congresswoman DARLENE HOOLEY.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I rise today supporting Resolution 515, congratulating the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series.

As a representative of Oregon's Fifth Congressional District, the home of Oregon State University, it is my privilege to offer this resolution on behalf of my constituents. As a graduate of Oregon State University, it is with personal pride that I now speak on its behalf.

Ours is an institution set in a small town far removed from the national stage. Yet for those who have ventured there, OSU has always been a source of inspiration. We do not have the tradition of championships upon which the better-known programs of the Pacific-10 Conference have built their reputations. What we do have is a sense of self and determination.

Titles have come rarely to our school. Prior to 2006 only once had a Beaver team claimed a crown, nearly 50 years having passed since then. And in that time we have had our successes, our share of All-Americans or individual champions in the Olympic sports. But such achievements all too often pass unnoticed. It is the team sports that register in our national consciousness. For us, that has been very elusive.

Our inspiration has not always come from championships. Our inspiration has come from the character and determination of our student athletes. It is in their perseverance that we have found the meaning of sport. Corvallis is a small town, shadowed by clouds and rain, set in the beautiful Willamette Valley. It is here these student athletes have quietly studied and trained, here they have known the same trials and tribulations as those who have come from programs lauded on the national stage, and it is here that generations have formed a community.

I cannot bring this resolution to the floor without first mentioning the community which the 2006 and 2007 NCAA Division I baseball champions call home. These championships were won by a single team, but these team championships were not won for themselves. These championships are for the community. They are for all the student athletes of Oregon State. They are for the University, for Corvallis. They are for Oregon. Indeed, they are for Beaver Nation and the tradition it supports.

On behalf of the whole of Beaver Nation, on behalf of all the student athletes at Oregon State, I congratulate and thank the 2006 and 2007 Beaver baseball team for being an inspiration to all of us.

Before Coach Pat Casey took the helm of Beaver baseball, there were questions about the ability of Corvallis to draw top baseball talent away from schools of the Sun Belt. There were questions, but these questions did not come from those that knew Oregon State and Corvallis. Under Coach Casey's tutelage, the Beavers have become the latest team to take their turn at the vanguard of the PAC–10 Conference, "The Conference of Champions." The Beavers are the third PAC–10 team to win consecutive national titles in baseball. To be sure, the Beavers have entered into an elite company as one of only five teams in the history of Division I baseball to win consecutive national titles.

The Beavers took their journey, as we knew they would, by virtue of the perseverance and the character that is so indicative of Oregon State. In 2005, the team entered the College World Series only to lose their first two games in the double-elimination tournament. In 2006, the team entered the College World Series to lose their first game and faced elimination in every game before starting anew in the championship series, where they won their first title, two games to one.

After losing seven of nine position players and the strength of their 2006 pitching staff, the Beavers had a strong preseason in 2007 but slumped in the intra-conference competition of the PAC–10. One of the last teams to be selected for the field of 64 by the committee, the defending national champions were unseeded and undaunted. The Beavers played their way through the regional tournament and the super regional tournament to earn a berth in the College World Series for a third consecutive year.

Returning to Omaha, this team had first known loss. This team had faced elimination before victory. This team was almost not selected for the tournament. This team won five straight games against the Nation's best, won their second straight title, and now enters the annals of the one of the great teams in college baseball history.

My colleagues, the Oregon State Beaver baseball team has written a storybook tale, inspiring all of us. I thank them for this, and I ask that you join with me in congratulating the 2007 Oregon State Beaver baseball team, your NCAA Division I collegiate baseball champions.

I ask my colleagues for their support.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 515.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF CALIFORNIA, IRVINE, FOR WINNING THE 2007 MEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 511) congratulating the men's volleyball team of the University of California, Irvine, for winning the 2007 NCAA Division I Men's Volleyball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 511

Whereas the men's volleyball team of the University of California, Irvine (UC Irvine), known as the Anteaters, achieved many historic accomplishments during the 2006–2007 season;

Whereas the UC Irvine men's volleyball team won the school's first ever National Collegiate Athletic Association (NCAA) Division I Men's Volleyball National Championship;

Whereas Matt Webber, a senior on the UC Irvine men's volleyball team, was selected as the tournament's most valuable player with 22 kills in the championship match;

Whereas UC Irvine men's volleyball players Brian Thornton, Jayson Jablonsky, and David Smith were named to the All-Tournament Team;

Whereas UC Irvine men's volleyball coach John Speraw is only the third coach in history to win a NCAA volleyball championship as both a player and as a head coach;

Whereas the UC Irvine men's volleyball team finished with 29 victories, the most victories in school history;

Whereas the UC Irvine men's volleyball team finished with the most wins in the Nation for the 2006–2007 season;

Whereas the UC Irvine men's volleyball team won the 2007 Mountain Pacific Sports Federation Men's Volleyball title;

Whereas the UC Irvine men's volleyball team had four players selected to the American Volleyball Coaches Association (AVCA) All-America Team, the most by any team in the Nation;

Whereas middle blocker David Smith earned first-team accolades on the AVCA All-America Team;

Whereas Matt Webber, Jayson Jablonsky, and Brian Thornton earned second-team accolades on the AVCA All-America Team;

Whereas the UC Irvine men's volleyball team started the season as the preseason favorite in the CSTV/AVCA Division I Men's Coaches Top 15 Poll;

Whereas the UC Irvine men's volleyball team finished first in the CSTV/AVCA Division I Men's Coaches Top 15 Poll, released May 7, 2007;

Whereas the UC Irvine men's volleyball team accomplished these feats while playing a difficult schedule in the Mountain Pacific Sports Federation;

Whereas the title is UC Irvine's first Division I title since 1989; and

Whereas UC Irvine, under the leadership of Chancellor Michael V. Drake, M.D., has continued to establish itself as a world-class research university, and as one of the top universities in the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the men's volleyball team of the University of California, Irvine, and its Chancellor, Michael V. Drake, M.D., for winning the 2007 NCAA Division I Men's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of California, Irvine, win the national title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent for all Members to have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the University of California, Irvine, for winning the NCAA Division I Men's Volleyball National Championship.

On May 5, 2007, the University of California, Irvine, won the 2007 NCAA Division I National Championship by defeating Indiana-Purdue University, Fort Wayne, known as IPFW in Columbus,' Ohio. I want to congratulate the student athletes and coaches on an excellent season. We all take great pride in these athletes.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, at this time I yield such time as he may consume to the bill's sponsor, Mr. CAMPBELL of California.

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from Delaware for yielding.

I rise today to congratulate the University of California, Irvine, men's volleyball team for winning the 2007 NCAA Division I Men's Volleyball National Championship, as was mentioned, on May 5, 2007. I am very proud of the Anteater volleyball team, who won the school's first men's volleyball national championship after finishing this 2006/2007 season with the most wins in the Nation.

I would like to especially honor the leadership of Coach John Speraw and the talent and effort of each athlete who performed all season long to win this championship.

I am proud today to celebrate the accomplishments of this team that represents a tradition of excellence at the University of California, Irvine. But, you know, it is not a very long tradition of excellence, because the University of California, Irvine, was only established in 1965. But already in just over 40 years, the school has grown accustomed to receiving accolades in both academics and in sports as well. So I would like to also extend my congratulations to Chancellor Michael Drake, who is continuing this, albeit short, but continuing tradition at UCI of excellence in both sports and in academic fields, particularly in the fields of science and technology.

So I urge my colleagues to join me in recognizing this achievement and supporting H. Res. 511.

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Mr. CASTLE. Mr. Speaker, I also would like to congratulate the University of California-Irvine for its tremendous victory and dominance in the Division I Men's Volleyball National Championship. And I congratulate the gentleman from California for his sponsorship honoring this team, which did such an extraordinary job.

Mr. Speaker, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 511.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM AUTHORIZATION ACT OF 2007

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2707) to reauthorize the Underground Railroad Educational and Cultural Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Education, in consultation and cooperation with the Secretary of the Interior, is authorized to make grants to one or more nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

(b) GRANT AGREEMENT.—Each nonprofit educational organization awarded a grant under this section shall enter into an agreement with the Secretary of Education. Each such agreement shall require the organization—

(1) to establish a facility to house, display, and interpret the artifacts related to the history of the Underground Railroad, and to make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree;

(2) to demonstrate substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility, which private entity shall provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government;

(3) to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility;

(4) to establish a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, if such satellite centers raise 80 percent of the funds required to establish the satellite centers from non-Federal public and private sources;

(5) to establish the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad; and

(6) to submit, for each fiscal year for which the organization receives funding under this section, a report to the Secretary of Education that contains—

(A) a description of the programs and activities supported by the funding;

(B) the audited financial statement of the organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported by the funding as the Secretary may require; and

(D) an evaluation of the programs and activities supported by the funding as the Secretary may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2008 through 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important legislation that will reauthorize a competitive grant program administered by the Department of Education to research, display, interpret and collect artifacts relating to the history of the Underground Railroad.

During one of the darkest eras of American history, a group of courageous Americans, both black and white as well as free and enslaved, bound together to form what would be known as the Underground Railroad. For example, the Father of our Nation, George Washington, complained in 1786 about how 1 of his runaway slaves was helped by a society of Quakers formed for such purposes.

The Underground Railroad was a decentralized network of people who helped fugitive slaves escape to the North. The railroad consisted of many individuals who knew only of the local efforts to aid fugitives, and none of the overall operation. Amazingly, the railroad effectively moved hundreds of slaves northward each year. According to one estimate, the South lost 100,000 slaves between 1810 and 1850.

This racially integrated movement to bring about social change has familiar heroes, such as Harriet Tubman, John Rankin and Susan B. Anthony; but there are thousands more who risked their lives to help others escape the clutches of slavery as they fled to the North.

For the slave, escaping to the North was anything but easy. The first step was to escape from the slaveholder. For many slaves, this meant taking great risks while relying on his or her own resources. The fugitives would move at night and travel between 10 and 20 miles to the next station, where they would rest and eat, hiding in barns and other out-of-the-way places. The journey was difficult, but the determination to gain freedom was immense.

The Underground Railroad Educational and Cultural Program Act of 2007 would provide competitive grants to nonprofit organizations around the United States to shed light on one of the most important and courageous social movements in our history, while preserving and interpreting artifacts found from this critical era.

Moreover, this important legislation would ensure a strong public/private partnership exists to supplement and leverage Federal resources along with funds collected at the State and local levels. Since 1999, over $15 million has been appropriated to seven different institutions. For example, in my home State of Ohio, the National Underground Railroad Freedom Center has delivered highly interactive learning experiences for over 130,000 school children from around the country. This is an important effort to educate citizens across the country and around the world about the Underground Railroad movement in America.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2707.

I would like to thank my colleague, Mr. KUCINICH, for introducing this bill to ensure that those organizations that work so hard to share the history of the Underground Railroad are able to continue their good works.

The Underground Railroad Educational and Cultural Program was created in the 1998 reauthorization of the Higher Education Act to provide grants to nonprofit organizations that provide education about and research into the Underground Railroad. In addition, grants could be used for organizations to collect, display or interpret artifacts relating to the history of the Underground Railroad. For example, the National Underground Railroad Freedom Center, located in Cincinnati, Ohio, houses eight permanent exhibits and hosts any number of temporary exhibits, including displays, musical programs, and group discussion.

Other grantees under this program host tours that try and recreate the journey taken by anyone brave enough to utilize the Underground Railroad and exhibits the detail of the development of the Underground Railroad.

I supported the reauthorization of this program when Republicans brought a complete reauthorization of the Higher Education Act to the House floor last Congress. I had hoped to support this program again in the context of a complete reauthorization of the Higher Education Act again this year. Even though this program is receiving the attention of the Congress now, I hope we can complete the HEA reauthorization bill when we return from the August recess.

I believe strongly in promoting programs and partnerships to commemorate this time in history and educating the public about the historical significance of the Underground Railroad. The Underground Railroad was very active in the State of Delaware, I might also add. We have many of our own tributes to that in my small State.

I urge my colleagues to support this bill.

Mrs. SCHMIDT. Mr. Speaker, I rise today in strong support of H.R 2707, the Underground Railroad Education and Culture Act of 2007. I thank my colleague from Ohio, Mr. KUCINICH as well as Education and Labor Chairman GEORGE MILLER for bringing this important bill to the floor today.

Mr. Speaker, this important bill will provide federal support to programs around the country that educate Americans about the courageous actions undertaken by ordinary people during one of the darkest eras in our history. During times of slavery, these courageous Americans, both Black and White as well as free and under slavery, bound together to form what would be known as the Underground Railroad. This racially integrated movement to bring about social change has familiar heroes such as Harriet Tubman, John Rankin and Susan B. Anthony, but there are thousands more who risked their lives to help others escape the clutches of slavery as they fled to the North.

The National Underground Railroad Freedom Center, located in my Congressional District in Cincinnati, Ohio has successfully competed for grants under this program to connect the lessons of the past to the struggles for freedom in the current day through an informative educational curricula.

Should the Congress authorize and appropriate funds for this important grant program, educational centers such as the Freedom Center in my District as well as other sites around the country would be eligible to apply for competitive grants to shed light on one of the most important and courageous social movements in our history while preserving and interpreting artifacts found from this critical era.

Moreover, this important legislation would ensure a strong public-private partnership exists to supplement and leverage federal resources along with funds collected at the state and local level.

Mr. Speaker, I want to again thank my colleague from Ohio, Mr. KUCINICH for his leadership in bringing this important bill to the floor. I ask my colleagues to support H.R. 2707.

Mr. RANGEL. Mr. Speaker, I rise today in support of H.R. 2707, Mr. KUCINICH's resolution to reauthorize the Underground Railroad Educational and Cultural Program. I praise the initiative contained in this resolution to point out the historical, cultural, and educational legacy behind the Underground Railroad. It is through that network of tunnels and secret hiding places that many African Americans escaped slavery. As a symbol of freedom, the Underground Railroad deserves greater recognition and appreciation, regrettably of its artifacts and secrets remain hidden and lost.

I have long believed in and fought for more and better education of African American history. Well, an important part of that history is contained in the struggle for freedom that characterized the slave experience. Some would have us believe that slaves passively accepted their captivity in the plantations in the South. The truth is there was an active resistance to slavery; which included periodic uprisings and constant efforts to escape. The full role and extent of the Underground Railroad has yet to be discovered and remains unknown. The legislation authorizes the Secretary of Education to sponsor studies and make grants for programs that promote knowledge of the Underground Railroad.

With the resources and technology available today, we owe it to the history of African Americans and the history of the United States to study, preserve, and make available to all the hidden secrets of the Underground Railroad. Secret routes and safe houses still remain unknown. Secrets that may remain buried in our backyards.

The establishment of this facility would allow significant missing pieces in African American history to be properly studied and commemorated.

Through the passage of this legislation, the work of the National Park Service and its study of the phenomenon known as the Underground Railroad will be continued. Established by Congress in 1990, the National Park Service has made major progress in learning more about the secret routes and the processes used in escorting these fugitive slaves to freedom. The story is far from well enough known, and the study far from complete. Let us as members of the 110th Congress exhibit the same respect and appreciation of the Underground Railroad as was shown in 1990.

Please join me in support of H.R. 2707, as we move further in understanding the whole story and celebrating the legacy of the Underground Railroad.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in strong support of H.R. 2707 which acknowledges the necessity to continue funding the Underground Railroad Educational and Cultural Program. Reflecting upon the nearly four hundred years of slavery, another century and a half of severe violations of American civil rights and continued hardship experienced by minorities everywhere, I feel that this measure warrants our support. The time has come for tolerance and understanding to triumph over racism and bigotry.

Our society is one that was formed by those who sought and dared to believe in freedom. Though these individuals committed transgressions of their own, they set the cornerstone for a union of states based on eminent documents and progressive ideals. Just to whom the notions of liberty, prosperity and happiness applied, would have to be settled in an undiplomatic nature, yet thankfully and virtuously the rights of all men prevailed. Before the Compromise of 1820 was agreed upon, a network now known as the Underground Railroad began to take form between those that wanted to gain and to give the ability to live freely.

Now legally armed with the rights and privileges endowed to all men and women, we find our society struggling to remain committed to not only remembering the plight of those who struggled to gain their freedom but what freedom explicitly implies. The struggle of protecting one's civil rights and the capability to act in one's best interests now faces our nation. We have developed as a people but must not stop or even slow our progression forward. The themes of our Founding Fathers must ring in our ears and our souls as loudly today as they did through the fights for our national and personal independence.

This legislation provides continued support for organizations such as the National Underground Freedom Center and the magnificent professionals who are dedicated to improving our community through education. I would like to thank my colleagues for their time and continued support for this institution of which I am proud to have been an original co-sponsor of its founding legislation back in 1999. This leg insures that The Underground Freedom Center and other institutions of the like will continue to educate and inspire generations to come.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and pass the bill, H.R. 2707, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD WAR II ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 23) to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belated Thank You to the Merchant Mariners of World War II Act of 2007".

SEC. 2. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§532. Merchant Mariner Equity Compensation Fund

"(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

"(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

"(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

"(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

"(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78-346); and

"(C) has engaged in qualified service.

"(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

"(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

"(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

"(iii) under contract or charter to, or property of, the Government of the United States; and

"(iv) serving the Armed Forces; and

"(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

"(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

"(A) For fiscal year 2008, $120,000,000.

"(B) For fiscal year 2009, $108,000,000.

"(C) For fiscal year 2010, $97,000,000.

"(D) For fiscal year 2011, $85,000,000.

"(E) For fiscal year 2012, $75,000,000.

"(2) Funds appropriated to carry out this section shall remain available until expended.

"(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.".

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 531 the following new item:

"532. Merchant Mariner Equity Compensation Fund.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, before I get to these specific bills, let me just say, as chairman of the House Committee on Veterans' Affairs, we are at a critical time in our Nation in dealing with our veterans. George Washington said it best over 200 years ago when he stated that "the morale of our active duty troops depends foremost on how they sense they're going to be treated when they come home." So we have a lot of work to do.

We have a Secretary who has announced his resignation. Recently, just last week, the Dole-Shalala Commission released its report on some major changes for the VA and the DoD for the way we deal with our veterans and our wounded warriors. We need someone in that position, I think, who will shake things up a bit, who will not only do the Dole-Shalala recommendations, but go further and really talk to two bureaucracies that have to do business far better than what they do. Too often, VA means for our veterans "veterans adversary" instead of "veterans advocate."

We have older veterans, like we're going to be dealing with in the bill up now, and we are going to have hundreds of thousands of new veterans from Iraq and Afghanistan. It's a critical job that we must do. And I always say, no matter where we are in the war in Iraq, we're going to make sure that every young man and woman who comes back from the war gets all the love, the care, the attention, the honor, the dignity that a Nation can bestow.

So we have a big job to do. And this package of bills we have today addressed both older veterans that we still have to care for and make sure any injustices that came up in their treatment are taken care of, as well as the needs that are so critical, whether they be brain injury or PTSD of the new veterans. We have to deal with both groups, and we have to do it right.

I want to speak now on H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act.

This is a bill that is six decades overdue, Mr. Speaker. And I think today we are on the verge of doing a historic thing, that is, providing a way to finally give the heroic merchant mariners of World War II the belated compensation that they've so richly earned and deserve.

I think this Congress not only has to treat those new veterans coming back from Iraq, but we have the responsibility to correct the wrongs of the past, and this is one of the grave injustices that deserves rectification.

There are over 250 Members of this House who have cosponsored H.R. 23. But for those who haven't, let me tell you about the sad history of these forgotten heroes. The Merchant Mariners of World War II traversed the dangerous U-boat laden waters of the Atlantic and Pacific Oceans, faced down fierce attacks from enemy aircraft, and were instrumental in every theater of war by carrying 95 percent of all tanks, supplies and troops during World War II. As a result, they suffered the highest casualty rate of any of the military branches.

It is indisputable that the allied forces would not have been able to begin, sustain or end World War II in victory without their valiant and selfless service. It is also indisputable, Mr. Speaker, that these men now are entitled to be compensated for their service.

After the war, they did not receive the recognition as veterans, or the benefits of the unprecedented GI Bill of 1944, which, in many people's minds, they had earned. We all know the profound effects of that GI Bill on building the middle class. We all know that the education and ability to buy homes led to the creation of the success of the generations following World War II.

At the signing of that bill in 1944, the GI Bill, which gave these veterans unprecedented education, housing, small business loans and health benefits, President Roosevelt himself declared, "I trust Congress will soon provide similar opportunities to members of the merchant marine, who have risked their lives time and time again during war for the welfare of their country." Succeeding Congresses up until now have never done that.

Their fight for equity continued for all the time since then, and even for the time after they finally attained veteran status after a lengthy court battle that was decided in 1987, which by then, 40 years after the war, over 125,000 merchant mariners had died.

We've had the distinct privilege at the Veterans' Affairs Committee of receiving the heart-wrenching testimony of some of these veterans, one of whom was a named party in the lawsuit which finally gave him veteran status, a merchant mariner named Stanley Willner. Stanley was captured, interned, beaten, starved and tortured as a POW for 3 years. In fact, he was actually one of the unfortunate groups of allied forces that were forced to build the infamous bridge over the River Kwai. Upon release, he weighed a mere 74 pounds. When he returned home, his wife didn't recognize him, but neither did his country. He received just 2 weeks of medical care and little else for his service to this Nation. What a miscarriage of justice.

Mr. Speaker, it was only due to a sad confluence of powerful events after the war that this country did not bestow the brave men of the World War II Merchant Marine with veteran status. Their service was recognized by all the leaders of the Allied Forces from Generals MacArthur to Eisenhower.

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I will include a list of quotes regarding their courageous service in the RECORD. I will also add a letter from the four maritime unions, the American Maritime Officers, the International Organization of Masters, Mates and Pilots, the Marine Engineers' Beneficial Association, and the Seafarers International Union, expressing their strong support for H.R. 23, as amended.

Mr. Speaker, the time has come to right this enduring wrong. To me, failing to correct the injustice suffered by the merchant mariners for the past six decades is equivalent to an employer telling a group of 20-year-olds at the same company doing the same job that 85 percent of them will receive additional health, education, housing, and loan assistance benefits for the rest of their lives for their service, but the remaining 15 percent would not. Then, over 40 years later, the employer is forced to recognize the mistake and informs the 15 percent, sorry, we will give you what has not expired, but nothing else.

Where is the fairness? Where is the equity? How do you measure the loss of these benefits, the missed opportunities and the dreams unrealized? That is what H.R. 23 tries to make up for, to create the semblance of equity that the mariners of World War II so richly deserve by providing a monthly stipend to qualifying mariners on a first-come-first-served basis.

JULY 27, 2007.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing on behalf of the undersigned American maritime labor organizations to express our strong support for H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2007" as amended. The organizations we represent have the privilege of including among our retired and active seagoing members individuals who served our country with honor and distinction during World War II. These World War II merchant mariners are truly representative of the "Greatest Generation", and we are extremely proud of them and the example they have set for all merchant mariners who continue to respond to our Nation's call whenever and wherever they are needed.

General Colin Powell, following the Persian Gulf War, said that: "Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate first-hand why our Merchant Marine has long been called our Nation's fourth arm of defense. The American seafarer provides an essential service to the well-being of our Nation as was demonstrated so clearly during Operation Desert Shield and Desert Storm . . ."

We agree wholeheartedly with you that the enactment of H.R. 23 is necessary "to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States merchant mariners." We sincerely thank you, Mr. Chairman, for your initiative in working to address this injustice by sponsoring legislation to provide long-overdue recognition and benefits to World War II merchant mariners. We are also grateful to your colleagues who have cosponsored H.R. 23 and for their decision to add their names to the bipartisan supporters who are committed to working with you and with us for the enactment of H.R. 23 this year.

There is not, nor should there be, any debate as to the invaluable service given by American merchant mariners during World War II. In fact, World War II merchant mariners suffered the highest casualty rate of any of the branches of the Armed Forces, other than the United States Marine Corps, as they delivered troops, tanks, food, fuel and other needed equipment and material to every theater of World War II. Enemy forces sank more than 800 merchant vessels between 1941 and 1944 alone.

As General of the Army, Allied Expeditionary Forces in Europe, Dwight David Eisenhower stated, "When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine." Fleet Admiral Chester W. Nimitz, Commander-in-Chief, Pacific Theater, said that "The Merchant Marine . . . has repeatedly proved its right to be considered as an integral part of our fighting team."

General of the Army Douglas MacArthur, speaking of the merchant seamen who supported the liberation of the Philippines, stated that "With us they have shared the heaviest enemy fire. On these Islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and death . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service."

Finally, President Franklin Roosevelt eloquently and accurately summed up the contributions of America's World War II merchant mariners, telling the country and the world that they "have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken."

Yet despite this record of exemplary, indispensable service to America's war efforts, merchant mariners were not given the formal recognition and benefits granted other services by the Congress through the G.I. Bill of Rights in 1945. In fact, no legislation to recognize the contributions made by World War II merchant mariners was enacted until Congress extended limited veterans' status to these gallant American citizens in 1988.

We believe, as you have stated Mr. Chairman, that it is time to correct this injustice. We believe our country has an obligation to the remaining World War II merchant mariners to fully acknowledge their service and to give them the measure of benefit called for in H.R. 23. We ask you and your colleagues to take the first step in righting this wrong by voting to pass H.R. 23 during its consideration by the House of Representatives.

We again thank you and the Members of your Committee for the support you have shown for the World War II merchant mariners. We stand ready to provide whatever additional information you may need.

Sincerely,

THOMAS BETHEL,
President, American Maritime Officers.
TIMOTHY A. BROWN,
President, International Organization of Masters, Mates & Pilots.
RON DAVIS,
President, Marine Engineers' Beneficial Association.
MICHAEL SACCO,
President, Seafarers International Union.

MARITIME TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 27, 2007.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Maritime Trades Department, AFL-CIO and its 23 affiliated unions express our strong support for H.R. 23, "The Belated Thank You to the Merchant Mariners of World War II Act of 2007." We also offer our own "Thank You" for your tireless efforts to correct a decades-long injustice, which have incurred the respect and admiration of maritime workers from one end of this country to the other.

Except for an incomplete recognition in 1988, when the Department of Defense agreed to award service medals to civilian mariners who served in World War II and allow them the privilege of being buried with veterans' honors, the contribution of an entire generation of World War II veterans—maritime's own version of "the Greatest Generation"—has been slighted. U.S. civilian mariners who served in World War II suffered one of the highest casualty rates of any of the branches of the Armed Forces. As Winston Churchill and other great leaders of the time noted during and after the war, the role that these brave mariners played in keeping Great Britain and Russia supplied during the darkest days of World War II had a profound effect on the outcome of the war.

Churchill, of course, called them "unsung heroes in dungarees." Dwight Eisenhower noted that, "When final victory is ours, there is no organization that will share in its credit more deservedly than the merchant marine." Franklin Delano Roosevelt said that when the history of the war is recorded, the men and women of the U.S.-flag merchant marine will "have written one of its most brilliant chapters."

While the Murmansk run and the deadly cross-Atlantic transports were the best-known contributions of U.S. civilian mariners, they certainly were not the only ones. The U.S.-flag merchant marine played a central role in every theater of operations, including the Pacific, where Douglas MacArthur noted, "With us, they have shared the heaviest enemy fire." Given this record, it was inconceivable that civilian mariners were denied any formal recognition for their important contributions to the war effort. You have called it an historical injustice of the highest order, and you are right.

By providing eligible civilian mariners with appropriate benefits, this legislation sends a clear message that the United States government will always honor the contributions of loyal, patriotic Americans. Coming at a time when this country is embroiled in several conflicts abroad, it is an important message that needs to he delivered. The House of Representatives should pass this bill.

The men and women of the U.S.-flag merchant marine are unwavering in their support of our country and its troops in harm's way. The fact that you and your colleagues understand that and have been persistent in trying to correct a long-standing oversight also sends another message that needs to be heard. By providing this Nation with a reliable source of sealift and a skilled manpower pool of civilian mariners, the U.S.-flag merchant marine will continue to play an important role in the defense of this Nation.

Sincerely,

MICHAEL SACCO,
President.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate Mr. FILNER for his leadership in bringing this bill forward and that of the staff on both sides. The legislation before us, H.R. 23, as amended, would provide $1,000 monthly payment to World War II mariners.

The merchant mariners braved great danger and suffered great loss in their service for the allies. This service has been recognized. Since 1988, these wartime merchant mariners have full VA benefits, including health care. This bill goes further than that. It recognizes that these veterans did not have access to the GI Bill when they were young. In providing a monthly payment, H.R. 23 attempts to compensate for the loss of the potential offered by the GI Bill's educational benefits which were used by about half of the 16 million veterans of the Second World War.

Thirty other groups also provided military service to the U.S. in World War II and have received veteran status in the same manner as the merchant mariners.

We are a little bit concerned that we were not able in this bill to also help these deserving veterans. These groups include the Women's Air Force Service Pilots, the Women's Army Auxiliary Corps and the famed Flying Tigers. They served loyally, selflessly and courageously. Their service also contributed directly to victory in 1945, and yet we haven't been able to accommodate them in this bill. In fairness, their duty must be taken into account. I hope that we can act in the near future and take care of them.

I am also concerned that apparently because of the rules of the House, and I voted for PAYGO, that we couldn't find the offsets to fund this benefit. So the issue of funding is being passed to the appropriators. It is unclear where we are going to be able to find the approximately $485 million over the next 5 years to fund the bill.

As a believer in the GI Bill, I certainly cannot dispute the fact that the lack of advantage conferred by GI Bill education benefits disadvantaged merchant mariners and their families in the years following their service.

Mr. Speaker, our merchant mariners provided intrepid and faithful service. Sixty years ago, they paid the heavy price for the freedoms we enjoy today. For that, they certainly deserve our appreciation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, we have a new Member from New Hampshire that I will call the "not-so-gentle-lady" because she has been incredibly active and taken a leadership role in passage of this bill.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I rise today in strong support of H.R. 23. I thank the chairman for his leadership.

Mr. Speaker, I was surprised and saddened to learn from a constituent that in spite of the service of the merchant mariners in World War II, none of them received the same benefits that other soldiers received: no access to the GI Bill, no health benefits, nothing.

As you consider this bill that will finally show our gratitude to the merchant marines of World War II, I would like to recall the words of General Dwight Eisenhower, who understood what their service had given the United States. In 1944 he had this to say: "Every marine in this Allied Command is quick to express his admiration for the loyalty, courage and fortitude of the officers and men of the merchant marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us yet and in all the struggles yet to come we know that they will never be deterred by any danger, hardship or privation. When final victory is ours, there is no organization that will share its credit more deservedly than the merchant marine."

After the war he noted: "Their contribution to final victory will be long remembered."

It is way past time to remember their devotion to the United States. It is way past time to reward them what they earned. Time is slipping.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 23.

Mr. BOOZMAN. Mr. Speaker, I urge my fellow Members of the House to support this bill. Certainly I will.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his endorsement, support, and leadership on our committee. He has raised some very good questions that I hope our committee will deal with.

Mr. Speaker, without a doubt, these men, now all of them are in their eighties, the average age is 83, in fact, of the remaining 10,000 that are alive, have earned and deserve this delayed compensation. They fought the good fight. They gave our country everything they could.

This is what H.R. 23 will do, provide the merchant mariners with the compensation they earned and have been denied for decades, not just in words, but in deeds.

Mr. Speaker, I ask all the Members of this House for the support of this historic piece of legislation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007, which is a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States Merchant Marine, including the Army Transport Service and the Naval Transport Service during World War II.

United States Merchant Mariners served as a crucial component of America's seapower force during World War II. Merchant Mariners were responsible for transporting armies and equipment behind enemy lines. Merchant Mariners helped transport not only troops, but also delivered ammunition, provisions, tanks, airplanes, fuel, and other wartime materiel into theater. Their significant contributions were critical in providing logistical support to the United States Armed Forces and that support helped our Armed Forces and allies achieve victory in the war in both the Pacific and European theaters.

Over 243,000 Merchant Mariners served during the Second World War. These brave individuals endured the elements and constant threats from enemy submarines, mines, armed raiders, destroyers, and aircrafts. An estimated 9,300 Merchant Mariners lost their lives during the Second World War. The Merchant Mariner casualty rate was the highest percentage of war-related deaths when compared to each of the military services.

Unlike other military servicemembers, Merchant Mariners were not offered similar opportunities to participate in the G.I. Bill of 1945. H.R. 23 will provide long-awaited parity for these selfless individuals. It is unfortunate that after 60 years these Merchant Mariners have not been provided access to a benefit they deserve. In the spirit of fairness and equity, and in keeping with this Congress's recent and previous actions of providing long-awaited and most deserving recognition to forgotten groups of Americans who served and sacrificed during World War II, I urge passage of H.R. 23.

Today, the United States Merchant Marine continues its tradition of providing an essential component to our national security as the "fourth arm of defense." Our merchant ships bear the brunt of delivering military supplies overseas to our forces and allies. The stark lessons of 20th century conflict prove that a strong Merchant Marine is an essential part of American seapower.

It is time that we thank these brave men and women whose efforts contributed greatly to the success of the United States during the Second World War. I urge my colleagues to join me in supporting H.R. 23, which is sponsored by our colleague from California, Mr. FILNER, the chairman of the House Committee on Veterans Affairs.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 23, I am pleased to support this legislation on the House floor today.

The duty performed by the U.S. Merchant Marines during World War II was courageous and vital to our national interest. H.R. 23 would direct the Department of Veterans Affairs to pay a monthly benefit of $1,000 to U.S. Merchant Marine veterans who served in the Army and Navy Transport Services between December 7, 1941, and December 31, 1946, or to their survivors.

During World War II, the Army and Navy Transport Services delivered troops and supplies to the front lines. These men often put their lives in danger to keep supplies flowing, but Merchant Marine veterans were not granted benefits under the G.I. Bill of Rights that Congress enacted in 1945.

All those who served in the Army, Navy, Marine Corps, Air Force or Coast Guard were recipients of benefits under the G.I. Bill. The United States Merchant Marine regretfully was not included.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. SHULER. Mr. Speaker, I rise today in support of the Merchant Mariners who served in our Nation during World War II and were an integral part of our victory. They suffered the highest casualty rate of any of the branches of the service while delivering troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war. Without the services of the Merchant Mariners, victory would have been more difficult, and certainly more lives would have been lost.

Unfortunately, they were denied any rights under the GI Bill of Rights. The Merchant Mariners became the forgotten service. It wasn't until 1988 that they were given any benefits, and even then they did not qualify for some portions of the GI Bill.

I am a proud cosponsor of H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007, under which certain honorably discharged veterans of the U.S. Merchant Marine would receive a monthly benefit of $1,000. This benefit to the veterans (or their survivors) would be an important step in recognizing their crucial contribution to the protection and preservation of the freedom of the United States of America.

I ask my colleagues to join me in supporting the Merchant Mariners who deserve recognition and benefits for their service to the United States of America during World War II.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 23, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United

States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.''.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1315) to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Improvement Act of 2007".

SEC. 2. PROVISION OF SPECIALLY ADAPTIVE HOUSING ASSISTANCE TO DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A of title 38, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.—The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subsection (a)(2) or (b)(2) of section 2101 of this title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under subsection (a) to veterans eligible for assistance under that subsection and subject to the limitation under subsection (c).''.

SEC. 3. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

"§ 7691. Authority for program

"As part of the Educational Assistance Program and subject to the availability of appropriations for such purpose, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Visual Impairment and Orientation and Mobility Professionals Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

"§ 7692. Eligibility; agreement

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (b).

"(b) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A field of education or training described in this subsection is education or training leading to—

"(1) a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas; and

"(2) appointment or retention in a position under section 7401 of this title.

"(c) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (b) that meets the requirements set forth in section 7602(a) of this title.

"(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of three years (hereinafter in this subchapter referred to as the 'period of obligated service') during the six-year period beginning on the date the participant completes the education or training and receives a degree or certificate described in subsection (b)(1).

"(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

"(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

"(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

"§ 7693. Scholarship

"(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

"(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

"(1) in the case of a participant in the Program who is a full-time student, may not exceed $15,000 for the equivalent of one year of full-time coursework; and

"(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the course of education or training being pursued by the participant as the coursework carried by the participant to full-time coursework in that course of education or training.

"(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.

"(2) A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.

"(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

"(e) FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:

"(1) In the case of undergraduate coursework, 30 semester hours per undergraduate school year.

"(2) In the case of graduate coursework, 18 semester hours per graduate school year.

"§ 7694. Obligated service

"(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7604 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

"(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

"(2) As soon as possible after a participant's service commencement date, the Secretary shall—

"(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

"(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

"(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

"(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

"(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date the participant meets any applicable licensure or certification requirements.

"(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3). (c)

"(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

"(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

"(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

"(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

"(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

"§ 7695. Repayment for failure to satisfy requirements of agreement

"(a) IN GENERAL.—An individual who receives educational assistance under this subchapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 7604 of this title, except in circumstances authorized by the Secretary.

"(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

"(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this subchapter (or an agreement under this subchapter) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

"(d) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.".

(b) CLERICAL AMENDMENT.—The tables of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter VII the following new items:

"SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

"7691. Authority for program.
"7692. Eligibility; agreement.
"7693. Scholarship.
"7694. Obligated service.
"7695. Repayment for failure to satisfy requirements of agreement.".

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 7601(a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) the Visual Impairment and Orientation and Mobility Professionals Scholarship Program provided for in subchapter VIII of this chapter.";

(2) in section 7602—

(A) in subsection (a)(1)—

(i) by striking "or VI" and inserting "VI, or VIII"; and

(ii) by striking "or for which a scholarship may be awarded under subchapter VI of this chapter" and inserting "for which a scholarship may be awarded under subchapter VI of this chapter, or for which a scholarship may be awarded under subchapter VIII of this chapter"; and

(B) in subsection (b), by striking "or VI" and inserting "VI, or VIII";

(3) in section 7603(a)(1), by striking "or VI" and inserting "VI, or VIII"; and

(4) in section 7604, by striking "or VI" each place it appears and inserting "VI, or VIII".

(d) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement subchapter VIII of chapter 76 of title 38, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 4. VETERANS' REEMPLOYMENT RIGHTS REPORT IMPROVEMENT.

(a) ADDITIONAL REPORT REQUIREMENTS.—Section 4332 of title 38, United States Code, is amended—

(1) by striking "The Secretary shall" and inserting "(a) REPORT REQUIRED.—The Secretary shall";

(2) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and inserting after paragraph (3) the following new paragraph (4):

"(4) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.".

(3) in paragraph (5), as so redesignated, by striking "or (3)" and inserting "(3), or (4)";

(4) by redesignating paragraph (7), as so redesignated, as paragraph (8), and inserting after paragraph (6) the following new paragraph (7):

"(7) An indication of which of the cases reported on pursuant to paragraphs (1), (2), (3), and (4) are disability-related.".

(5) by adding at the end the following new subsections:

"(b) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel to ensure that the information required to be submitted as part of the report under subsection (a) is categorized in a uniform way.

"(c) PROVISION OF INFORMATION.—The Secretary shall provide the information contained in the report required under subsection (a) to the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a report submitted after the date of the enactment of this Act.

SEC. 5. INCREASE IN NUMBER OF MEMBERS OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.

Section 4110(c)(1) of title 38, United States Code, is amended by striking "15" and inserting "16".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, on this bill, H.R. 1315, and the previous bill, H.R. 23, I would ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad that my colleagues on the committee were able to work together to craft this important piece of legislation. The Chair of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, and her ranking member, Mr. BOOZMAN, provided really strong bipartisan leadership that was important in this bill. As I said when starting this package of bills, we must never forget the great debt we owe to all of them. We have to remember the courage and sacrifice demonstrated daily by those who serve our Nation.

Mr. Speaker, when our servicemembers return home, it is our solemn obligation to protect and serve them with the same commitment and dedication which they protected and served us. H.R. 1315, as amended, would contribute to just that level of commitment.

Under current law, transitioning disabled servicemembers who are temporarily living in housing owned by a family member are barred from receiving financial assistance to make necessary adaptations to their housing. This bill before us clarifies this point of law and ensures those veterans have the resources necessary to enjoy a comfortable and independent lifestyle.

This legislation creates a scholarship for students interested in earning a degree or certification in blind rehabilitation. In return for these scholarships, these students would provide 3 years of service to the U.S. Department of Veterans Affairs. The effect of this program will be a needed staff increase to meet the growing needs of our vision-impaired and blind veterans.

I must say, Ms. HERSETH SANDLIN, we ought to look at this for some other needs of the VA, whether it is nursing or psychiatry or whatever. This way of encouraging and incentivizing those who could serve our veterans is a really fine approach.

The bill will, furthermore, bring more efficiency and accountability to the veteran employment process by facilitating greater coordination among the U.S. Departments of Veterans Affairs, Defense, and Labor. It allows for a more transparent view of data concerning complaints submitted by the National Guard and Reservists regarding difficulty obtaining employment.

Ensuring that our servicemembers are afforded a seamless transition from active duty to civilian life is an issue that we in the committee are keenly aware of, and I am glad to see needed language in this bill.

Finally, this bill corrects a technical error in current law to increase the U.S. Department of Labor's Advisory Committee on Veterans Employment Training and Employer Outreach by one representative from the existing 15.

We all stand united here in this House in caring for our veterans, and I urge my colleagues to support H.R. 1315, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1315, as amended, contains several important provisions to improve the lives of servicemembers and veterans.

First, severely injured servicemembers would be able to benefit from VA's specially adapted housing program prior to discharge. I appreciate Chairwoman HERSETH SANDLIN's vigilance and leadership in this area in bringing this forward.

Second, DoD, the Department of Labor, the Attorney General, the Office of Special Counsel and VA would be required to adapt common reporting criteria regarding servicemembers' employment rights under the Uniformed Services Employment and Reemployment Rights Act, USERRA. Again, I appreciate Mr. REICHERT for his hard work in bringing this forward. I think this is an excellent provision.

Third, VA would be authorized to establish scholarship programs for pursuing degrees in rehabilitation for the visually impaired. Ms. SHEILA JACKSON-LEE also did a good job in bringing this forward. This is something that I am very, very familiar with in the sense that I am an optometrist and have had the opportunity to visit, not to visit, to deal with these types of patients many times in the past. This is something we definitely need to do.

Mr. Speaker, I thank Chairwoman HERSETH SANDLIN for her bipartisan leadership on this excellent bill, and I urge my colleagues to support H.R. 1315, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN), our Chair of the Subcommittee on Economic Opportunity, who is the energetic, articulate, aggressive and fine spokesman for veterans.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank our distinguished chairman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1315, the Veterans' Benefits Improvement Act of 2007. As the sponsor of H.R. 1315, I want to thank Chairman FILNER and Ranking Member BUYER, as well as my good friend subcommittee Ranking Member BOOZMAN, for their strong leadership and unwavering dedication to our veterans and for working hard to craft this bipartisan bill.

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I would also like to thank Congresswoman SHEILA JACKSON-LEE of Texas and Congressman DAVE REICHERT of Washington and Congressman TIM WALZ of Minnesota who have contributed substantially to this important legislation.

As more and more of our troops are deployed in missions around the globe, additional steps must be taken to promote and protect the health and welfare of our veterans. Their honorable, courageous and patriotic service demands no less. In light of increasing numbers of disabled veterans returning from Iraq and Afghanistan, the already urgent demand to pass legislation to meet the needs of these new veterans is rising.

Mr. Speaker, this legislation would provide specially adaptive housing assistance to disabled servicemembers who have not yet been discharged from active duty and therefore have not reached veteran status. Under current law, a temporary grant is available to disabled veterans who are or will be temporarily residing in a home owned by a family member. Our original intent in the last Congress was to allow servicemembers in transition prior to discharge to also use this benefit. However, the law, as currently written, does not qualify transitioning servicemembers for these housing grants. This legislation seeks to clarify congressional intent and provide assistance up to $14,000 to adapt the family member's home to meet the transitioning servicemember's special needs.

In addition, this legislation would direct the Secretary of the Department of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation under the Health Professional Education Assistance program. In exchange for the scholarship award, students will be required to work for 3 years in a health care facility within the Department of Veterans Affairs.

This bill would also require the Secretary of the Department of Labor and the Secretary of the Department of Defense to coordinate their sharing of and reporting on the complaint data filed by National Guard and Reservists facing difficulty in obtaining employment. It would require the use of uniform categories in tracking and reporting the data, including the difficulty of obtaining employment experienced by veterans with service-connected disabilities. These provisions will enable Congress to better identify trends in the reemployment challenges faced by our returning Guard and Reserve forces, and the corrective actions needed to ease their transition back into the civilian workforce.

Finally, H.R. 1315 would add a representative from the National Governors Association to the existing 15-member Advisory Committee on Veterans Employment, Training and Employer Outreach located under the auspices of the Department of Labor. This has been a priority for both the chairman and the ranking member of the full committee.

During the last Congress, we passed legislation which became Public Law 109–46 that was intended to add the National Governors Association representative to the Advisory Committee on Veterans Employment, Training and Employer Outreach. However, a technical error did not increase the total authorized membership to 16, preventing the National Governors Association from being added to the Advisory Committee on Veterans Employment, Training and Employer Outreach.

In summary, this bill will provide our injured servicemembers the resources needed to live with the comfort and independence they deserve, expand education programs to more effectively address the rehabilitative needs of our veterans, bolster reemployment aid for returning veterans, and strengthen the advisory committee membership within the Department of Labor.

I commend the leadership of Chairman FILNER and certainly the great bipartisan working relationship that Mr. BOOZMAN and I have enjoyed over the last two Congresses. I urge my colleagues to vote favorably on the final passage of H.R. 1315.

Mr. BOOZMAN. Mr. Speaker, I yield the gentleman from Washington (Mr. REICHERT), one of the authors of a portion of the bill, such time as he may consume.

Mr. REICHERT. Mr. Speaker, I thank the gentleman for yielding and thank both sides of the aisle on this great piece of legislation. It truly is an honor to be here this afternoon to speak on it on behalf of our veterans across the world.

I am very pleased that part of the language that I have been working on, along with other friends here in the

House of Representatives, works to make sure that our returning veterans have a job, make sure that their families are taken care of.

I was in the Air Force Reserve for 6 years. That was a long time ago. I was never called to active duty. I worked for the sheriff's office then, and even back in the early 1970s, as I served our country in the Air Force and served our community on the streets as a police officer, I never had to worry when I served my one weekend a month or my 2 weeks every year that my employer would get upset with me and say, You know what, we can't support you here as you support our country and our troops across the world serving our country; we need you here every day. In fact, it was just the opposite. The sheriff's office said, We are proud to have you as a member of the Air Force Reserve. We are proud to have you come back and serve with us and have you continue to serve in the Air Force Reserve. And when I became sheriff later on in 1997, and after 2001, still serving as the sheriff in King County, we made sure that our Guard and Reserves had a job.

And I could see it in the eyes of their spouses and their children and the rest of their family, because they felt loved, they felt cared for, they felt comfortable to know that when their loved one returned, they had a job.

Imagine for a moment that you started a family, you started a business, you have employment, you have a profession, and all of a sudden it is taken away. When you return, it is gone. Your family has no job. You have no income. You are looking at maybe selling your house, selling your car. Health insurance might not be available. All of these things are things that our veterans in the last few years had to deal with upon their return. This bill fixes that.

We are able to help them make sure that they have employment when they return from serving our country and keeping us free. I urge all of my colleagues to vote in favor of this legislation. What an honor it is to be here again today to speak on behalf of our veterans across the world.

Mr. FILNER. Mr. Speaker, I yield 5 minutes to another great and energetic advocate for veterans, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this gives me an opportunity for the first time to rise and thank Chairman FILNER for the enthusiastic and passionate and newfound leadership that he has given to the Veterans' Affairs Committee. We thank him for being a beloved member of the veterans community. All over the Nation veterans are celebrating his chairmanship, and I thank him very much for his leadership, his bipartisan leadership with the ranking member of this committee.

And let me thank Chairwoman HERSETH SANDLIN for her leadership; and Mr. BOOZMAN, thank you. This whole committee draws the affection of Members from both sides of the aisle, and both of you exhibit the kind of leadership that we and the veterans can be proud of.

I rise to support H.R. 1315 and acknowledge the many sections of the bill, which includes section 2, where the bill adopts Ms. HERSETH SANDLIN's legislation dealing with housing; and section 3, where Mr. WYNN of Maryland's legislation is adopted dealing with mortgage foreclosure; and section 5, which addresses the legislation of Mr. REICHERT, which is so very important about employing our veterans.

I am proud that the basis for the new program dealing with the blind is based upon my bill, Visual Impairment Specialist Training Act. This VISTA act responds to the increasing numbers of veterans and soldiers who are now returning from the battlefield with vision injuries. I am proud that my legislation was strongly supported by Chairman FILNER; Mr. MICHAUD, chairman of the Subcommittee on Health; and the co-chairs, as I have mentioned, of the Congressional Vision Caucus, Mr. GENE GREEN of Texas and Ms. ROS-LEHTINEN of Florida.

This legislation is also supported by the Blind Veterans of America, an organization chartered by Congress in 1958, which has been for nearly 50 years the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans.

Let me explain what this legislation does. We establish here and now an educational assistance program for persons pursuing training in blind rehabilitation. I thank the chairman for citing this legislation as a possible model for nurses and psychologists that may be needed as we move in the future.

There are approximately 160,000 legally blind veterans in the United States, but only 35,000 are currently enrolled in the Veterans Health Administration's services. It is estimated that there are over 1 million low-vision veterans in the United States, and incidence of blindness among the total veteran population of 26 million are expected to increase by about 40 percent in the next 4 years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing. The current age is about 80 years old.

In addition, we know that there will be veterans coming home, because of the IED injuries in Iraq and Afghanistan, with injuries impacting their vision.

Let me also acknowledge the specifics of this legislation. It mandates that the Secretary of Veterans Affairs shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in visual impairment and/or orientation and mobility at an accredited educational institution in the U.S., provided they agree with the applicable requirements. As I said, the purpose of this scholarship program is to increase the supply of qualified blind rehabilitation specialists for the Department of Veterans Affairs and the Nation. It requires the Secretary of Veterans Affairs to widely publicize this scholarship program to colleges and universities across the Nation, especially institutions with large numbers of Hispanic students and HBCUs, Historically Black Colleges. This is particularly helpful to the minority population who are interested in the field of vision rehabilitation.

To apply and participate in this scholarship program, an applicant shall submit to the Secretary, or his designee, an application and agree to serve a 3-year period of obligated service in the Department of Veterans Affairs. This is the crux of the legislation, so that we have a mandatory pool of those individuals helping the veterans as they move forward.

The maximum award for any full-time student per academic year may not exceed $15,000. The maximum award for any part-time student shall be determined in proportion to the amount that would be the case if the student were full time. For any student, however, the total amount of assistance may not exceed $45,000.

This is good news. It trains individuals, gives them a scholarship, and it doesn't burden the Federal Government. Why, because the debt is owed to the United States Government and therefore it cannot be discharged because of bankruptcy.

To conclude my remarks, I ask that my colleagues look carefully at this hopefully innovative approach to helping our veterans and our returning soldiers who will be in great need from the injuries they have experienced. I thank the bipartisan leadership of this committee and ask my colleagues to support the bill.

Mr. Speaker, I proudly rise to strongly support H.R. 1315, the "Veterans' Benefit Improvement Act of 2007." I enthusiastically support this legislation because it keeps faith with the men and women who have worn the uniform in service to our country. Let me express my appreciation to Mr. FILNER and Ms. HERSETH SANDLIN, the Chairman of the Veterans Affairs Committee and the Chairwoman of the Economic Opportunity Subcommittee, and to their respective ranking members, Mr. BUYER and Mr. BOOZMAN, for their perseverance in shepherding this legislation to the House floor.

Mr. Speaker, H.R. 1315 consists of five main sections. Section 2 of the bill adopts Ms. HERSETH SANDLIN's legislation providing for specially adaptive housing (SAH) assistance to disabled servicemembers residing temporarily in housing owned by a family member. Under current law, a temporary grant may be available to veterans who are or will be temporarily residing in a home owned by a family member. This assistance, allowable up to $14,000, may be used to adapt the family member's home to meet the veteran's special needs at that time.

Section 5 of the bill, which is based on a proposal by Mr. REICHERT of Washington, requires the Secretary of Labor to provide Congress an annual report on veterans' reemployment rights. Section 6 adds an additional representative from the National Governor's Association to the existing 15 member Advisory Committee on Veterans Employment, Training and Employer Outreach withIn the U.S. Department of Labor.

Each of these provisions is a useful, constructive, and welcome legislative initiative. Any of one of them would warrant an overwhelming vote in favor of the bill. But Mr. Speaker, what makes this legislation truly extraordinary is the inclusion of Section 4, which establishes a "Visual Impairment and Orientation and Mobility Professionals Education Assistance Program." This legislation will close a large gap in the Nation's commitment to blind and low-vision veterans by establishing a scholarship program for students seeking training in blind rehabilitation.

I am proud and honored, Mr. Speaker, that the basis for this new program for our blind and low-vision veterans is the legislation I introduced earlier this Congress, H.R. 1240, the "Vision Impairment Specialist Training Act," or VISTA Act of 2007. I am proud that my legislation was strongly supported by the chairman of the Veterans Affairs Committee, Mr. FILNER; Mr. MICHAUD, the chair of this Committee's Subcommittee on Health; the co-chairs of the Congressional Vision Caucus, my colleague Mr. GENE GREEN of Texas and Ms. ROS-LEHTINEN of Florida. This legislation is also strongly supported by the Blind Veterans of America, an organization chartered by Congress in 1958, which has been for nearly 50 years the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans. Companion legislation, S.1672, "The VA Vision Scholars Act of 2007," has already been introduced in the other body by Senators HAGEL, OBAMA, and BROWN.

Mr. Speaker, let me explain briefly why it is so important that we establish here and now an educational assistance program for persons pursuing training in blind rehabilitation.

There are approximately 160,000 legally blind veterans in the United States, but only 35,000 are currently enrolled in Veterans Health Administration services.

In addition, it is estimated that there are over 1 million low-vision veterans in the United States, and incidences of blindness among the total veteran population of 26 million are expected to increase by about 40 percent over the next few years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing; the current average age is about 80 years old.

Members of the armed forces are important to our Nation and we show them our appreciation by taking care of them even after they have completed their service. But the fact is that there are not enough blind rehabilitation specialists to serve all legally blind and low-vision veterans in the United States.

Blind rehabilitation training helps give these veterans awareness of and functioning in their surroundings and enables them to retain their independence and dignity. Veterans without these services may find it difficult to be self-sufficient, relying on others to perform certain skills or even simple tasks on their behalf.

Mr. Speaker, Public Law 104–262, the Eligibility Reform Act 1996, requires the Department of Veterans Affairs to maintain its capacity to provide specialized rehabilitative services to disabled veterans, but it cannot do so when there are not enough specialists to address these needs.

Last December, the Veterans Programs Extension Act was passed, which included a provision by Congressman MICHAEL MICHAUD to increase the number of Blind Rehabilitation Outpatient Specialists serving our Nation's veterans. However, there are currently not enough counselors certified in blind rehabilitation to provide for the growing number of blind or low-vision veterans, let alone the rest of our Nation's elderly population.

Section 4 of the legislation before us helps to remedy this situation by directing the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation (Vision Impairment and/or Orientation and Mobility). The availability of these scholarship opportunities will provide an incentive to students considering entry into the field.

Additionally, in exchange for the scholarship award, students are required to work for 3 years in a healthcare facility of the Department of Veterans Affairs, to ensure that our veterans are well cared for.

If I might, let me discuss this vital legislation in more detail. The legislation mandates that the Secretary of Veterans Affairs shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in Visual Impairment and/or Orientation and Mobility at an accredited educational institution in a U.S. state or territory, provided that they agree with applicable requirements.

As I stated earlier, the purpose of the scholarship program is to increase the supply of qualified blind rehabilitation specialists for the Department of Veterans Affairs and the Nation.

The legislation requires that the Secretary of Veterans Affairs shall widely publicize this scholarship program to colleges and universities across the Nation, especially institutions with large numbers of Hispanic students and HBCUs. This is a particularly salutary provision because African Americans, Hispanics, and other minorities are underrepresented in the field of vision rehabilitation.

To apply and participate in the scholarship program, an applicant shall submit to the Secretary, or his designee, an application and agree to serve a 3-year period of obligated service in the Department of Veterans Affairs. The legislation requires that the Secretary shall include among the application and agreement materials a fair summary of the rights and liabilities of the applicant if accepted into the program.

When the Secretary approves of the applicant's acceptance, the applicant shall be promptly notified and accepted into the program.

The amount of financial assistance provided for an applicant shall be the amount determined by the Secretary as being necessary to pay the tuition and fees of the applicant. If the applicant is enrolled in a dual degree or certification program, the amount awarded shall not exceed the amounts necessary for the minimum number of credit hours to achieve such dual certification or degree.

Financial assistance provided to an applicant by this scholarship program may supplement other educational assistance, as long as the total award does not exceed the tuition and fees required for an academic year.

The maximum award for any full-time student per academic year may not exceed $15,000. The maximum award for any part-time student should be determined in proportion to the amount that would be the case if the student were full-time. For any student, the total amount of assistance may not exceed $45,000.

The maximum duration for financial assistance under this program is 6 years.

The agreement for participation in this scholarship program shall be signed by both the Secretary and the participant. The Secretary shall agree to provide the participant with the authorized financial assistance and the participant shall agree to: accept the assistance; maintain enrollment and attendance in the appropriate program of study; maintain an acceptable level of academic standing; serve as a full-time employee in the Department of Veterans Affairs for 3 years within the first 6 years after completing the program and receiving the degree or certificate specified.

If the applicant fails to satisfy the requirements of the agreement, the applicant must repay the amount equal to the unearned portion of assistance, except in circumstances authorized by the Secretary. The Secretary shall establish procedures for determining the amount of the repayment required, as well as the circumstances under which an exception to the required repayment may be granted.

The Secretary shall prescribe regulations for the waiver or suspension of an applicant's obligation for service or payment whenever the applicant's noncompliance is due to circumstances beyond his or her control or it is in the best interest of the United States.

Mr. Speaker, I should point out that an obligation to repay the Secretary under this section is a debt owed the United States. Thus, a discharge in bankruptcy does not discharge a person from a debt under this legislation if the discharge order is entered less than 5 years after the date of the termination of the agreement or contract.

Mr. Speaker, every morning when I arrive at my office, I am reminded of how fortunate I am to live in a Nation as great as the United States. Outside of my office there is a posterboard with the names and faces of those heroes from Houston, Texas, who have lost their lives wearing the uniform of our country. We live in a Nation where so many brave young men and women volunteer to the ultimate sacrifice so that their countrymen can enjoy the blessings of liberty. Now is the time to let our heroes know they have not been, and will never be, forgotten. They deserve honor, they deserve dignity, and they deserve the best care. After all, this is the least we can do for those who have done so much for all of us.

In closing, Mr. Speaker, let me also thank the Staff of the Veterans Affairs Committee and the Subcommittee on Economic Opportunity for their hard work. I also wish to pay special tribute to several members of my staff without whose valuable contributions this significant legislative achievement would not have been possible: Maggie Mitchell, Shelle Gordon, Mona Floyd, Yohannes Tsehai, and Gregory Berry.

Mr. Speaker, nothing brings greater honor to this body and the persons we are proud to represent than keeping faith with the men and women who have worn the uniform in service to our country. H.R. 1315 keeps and extends our commitment to those who have risked their lives to defend our country. I urge all members to support this legislation.

Mr. BOOZMAN. Mr. Speaker, if the gentleman has no further speakers, in closing, I can't tell you how privileged I am in serving on the Economic Opportunity Subcommittee. We are charged with putting veterans to work and providing educational benefits. As the son of an old master sergeant in the Air Force who did 20 years and retired, I understand the importance of this.

This bill is an excellent bill. I want to thank the chairman for his hard work and also thank the ranking member, Mr. BUYER, for his hard work. I thank Chairwoman HERSETH SANDLIN, and again our staffs who do so much work.

This bill is an excellent product of bipartisan work on behalf of veterans, and I urge all of my colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I need to yield 1 further minute to the gentlewoman from Texas (Ms. JACKSON-LEE) for some thank-you words.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add the staff director of the full committee to the list of appreciation I would like to offer, along with Maggie Mitchell, Shelle Gordon, Mona Floyd, Yohannes Tsehai, Greg Berry, and all of the Veterans' Affairs Committee.

Also, let me acknowledge, I think there was a deletion of section 5, and I want to correct that for the record.

Mr. FILNER. Mr. Speaker, I just wanted to conclude by referring to the section that the gentlewoman from Texas (Ms. JACKSON-LEE) referred to.

Unfortunately, because of scoring rules, we had to remove at the last minute a section that would have given protection from foreclosure, extend the protection from foreclosure on homes from 3 months to 6 months for those who are fighting abroad, whether in the active duty or in the Guard and Reserve units.

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It's a very important section, very important protection I think that we have to extend to our men and women in active duty. We will take that up at a later time and try to make sure that that protection is granted.

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in support of H.R. 1315. I applaud my colleague, Congresswoman HERSETH SANDLIN, for her tireless work as Chair of the Economic Opportunity Subcommittee of the Veterans' Affairs Committee. She has put together an impressive package of benefits in this bill and as a veteran myself, I have to say I am incredibly proud to serve with the Congresswoman and am grateful for her unwavering support of veterans.

I am also proud that this bill includes the language from H.R. 1632, the Improving Veterans' Reemployment Act. Congressman DAVE REICHERT and I introduced this legislation to enact a small, technical fix that will improve the way the Federal Government deals with National Guard and Reserve reemployment complaints.

This legislation acts on the GAO's recommendations by requiring the federal agencies and departments that are involved with veterans' reemployment complaints to fully share their data. The bill also mandates that Congress receive all of this data in an aggregate report. This legislation offers a simple fix to a problem that has a negative effect on thousands of veterans returning home to their civilian jobs.

As a retired Command Sergeant Major in the Army National Guard, I have an intimate understanding of the veterans' reemployment issue. I deployed in support of Operation Enduring Freedom from 2003 to 2004 and was fortunate to have my job as a high school teacher waiting for me when I returned home. Unfortunately, the process was not as simple for every member of my unit and I have heard plenty of horror stories from both Guard members and Reservists who came home to a radically different job situation. Local businesses back home in Minnesota have done a tremendous job supporting the Guard and Reserves and bearing the financial burden of long deployments, but service members can still face problems when they return. Our bill goes a long way to improving the way the Federal Government deals with reemployment problems.

I urge my colleagues to support our legislation and the larger bill, H.R. 1315. Aside from the provisions of the legislation Congressman REICHERT and I authored, the Improving Veterans' Reemployment Act, H.R. 1315 includes many important provisions that improve benefits for veterans nationwide.

Mr. SHULER. Mr. Speaker, I rise today in strong support of H.R. 1315, the Veterans' Benefits Improvement Act of 2007, which would expand housing assistance for disabled veterans of the United States Armed Forces.

The Veterans' Benefits Improvement Act amends title 38 of the United States Code so that specially-adaptive housing assistance can be provided to certain members of the Armed Forces who are disabled and residing temporarily in housing owned by family.

America's veterans have sacrificed in the defense and well-being of our country and should be rewarded for their bravery and compensated for their sacrifices. Therefore, we have a duty to see to it that the appropriate benefits are made available to every disabled veteran, regardless of residential status. We must remember that with nearly 30,000 troops wounded in Iraq and Afghanistan, more young veterans are in need of disability assistance.

Mr. Speaker, this bill provides the necessary revisions that will enable more veterans to receive the special housing assistance they need. I fully support this bill and encourage others to do so as well.

Mr. FILNER. Mr. Speaker, I urge support of H.R. 1315, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1315, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend title 38, United States Code, to make certain improvements in the benefits provided to veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes.".

A motion to reconsider was laid on the table.

VETERANS' HEALTH CARE IMPROVEMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2874) to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Care Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Grants for support of therapeutic readjustment programs for veterans.
Sec. 3. Transportation grants for rural veterans service organizations.
Sec. 4. Permanent treatment authority for participants in Department of Defense chemical and biological testing conducted by Deseret Test Center (including Project Shipboard Hazard and Defense).
Sec. 5. Extension of expiring collections authorities.
Sec. 6. Readjustment and mental health services for Operation Enduring Freedom and Operation Iraqi Freedom Veterans.

Sec. 7. Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions.
Sec. 8. Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans.
Sec. 9. Financial assistance for supportive services for very low-income veteran families in permanent housing.
Sec. 10. Expansion of eligibility for dental care.
Sec. 11. Technical amendments.

SEC. 2. GRANTS FOR SUPPORT OF THERAPEUTIC READJUSTMENT PROGRAMS FOR VETERANS.

(a) GRANT PROGRAM.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 521 the following new section:

"§ 521A. Assistance to therapeutic readjustment programs

"(a) GRANT PROGRAM.—The Secretary of Veterans Affairs may make grants to qualified entities described in subsection (b) to conduct workshop programs that have been shown to assist in the therapeutic readjustment and rehabilitation of participants to assist in the therapeutic readjustment of covered veterans.

"(b) QUALIFIED ENTITIES.—In order to qualify for grant assistance under subsection (a), a private nonprofit entity must have, as determined by the Secretary, experience and expertise in offering programs to assist in the therapeutic readjustment of participants and that such programs will likely assist covered veterans.

"(c) AMOUNT OF GRANT; USE OF FUNDS.—A grant under this section shall not exceed **$100,000** for any calendar year and shall be used by the recipient exclusively for the benefit of covered veterans.

"(d) APPLICATION.—An application for a grant under this section shall include details regarding the extent and nature of the proposed program, the therapeutic readjustment and rehabilitation benefits expected to be achieved by participants, and any other information the Secretary determines may be necessary to assist the Secretary in ensuring that covered veterans receive therapeutic readjustment and rehabilitation benefits.

"(e) COVERED VETERANS.—For the purposes of this subsection, a 'covered veteran' is a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after November 11, 1998, and who is discharged or released from active military, naval, or air service on or after September 11, 2001.

"(f) REPORTS.—Not later than 60 days after the last day of a fiscal year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report detailing the number and amount of grants made under this section during the previous fiscal year, the total number of covered veterans participating in workshop programs funded by such grants, a description of the programs, and the therapeutic benefits to covered veterans of participation in the various programs funded.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2011 **$2,000,000** to carry out this section.

"(h) TERMINATION.—The authority of the Secretary to make a grant under subsection (a) shall terminate on September 30, 2011.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 521 the following new item:

"521A. Assistance to therapeutic readjustment programs.".

SEC. 3. TRANSPORTATION GRANTS FOR RURAL VETERANS SERVICE ORGANIZATIONS.

(a) GRANT PROGRAM.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1709. Grants for provision of transportation to Department medical facilities for veterans in remote rural areas

"(a) GRANTS AUTHORIZED.—(1) The Secretary shall establish a grant program to provide innovative transportation options to veterans in remote rural areas.

"(2) Grants awarded under this section may be used by State veterans' service agencies, veterans service organizations, and private nonprofit entities to assist veterans in remote rural areas to travel to Department medical facilities.

"(3) The amount of a grant under this section may not exceed **$50,000**.

"(4) The recipient of a grant under this section shall not be required to provide matching funds as a condition for receiving such grant.

"(b) REGULATIONS.—The Secretary shall prescribe regulations for—

"(1) evaluating grant applications under this section; and

"(2) otherwise administering the program established by this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated **$3,000,000** for each of fiscal years 2008 through 2012 to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1708 the following new item:

"1709. Grants for provision of transportation to Department medical facilities for veterans in remote rural areas.".

SEC. 4. PERMANENT TREATMENT AUTHORITY FOR PARTICIPANTS IN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY DESERET TEST CENTER (INCLUDING PROJECT SHIPBOARD HAZARD AND DEFENSE).

Section 1710(e)(3) of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting "and" after the semicolon;

(2) in subparagraph (C), by striking "; and" and inserting a period; and

(3) by striking subparagraph (D).

SEC. 5. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) is amended by striking "2007" and inserting "2009".

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) is amended by striking "2007" and inserting "2009".

SEC. 6. READJUSTMENT AND MENTAL HEALTH SERVICES FOR COVERED VETERANS.

(a) PROVISION OF READJUSTMENT COUNSELING AND MENTAL HEALTH SERVICES.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following new section:

"§ 1712C. Provision of readjustment counseling and mental health services for covered veterans

"(a) PROGRAM REQUIRED.—The Secretary shall carry out a program to provide peer outreach services, peer support services, and readjustment and mental health services to covered veterans.

"(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH CENTERS.—In carrying out the program required by subsection (a), the Secretary shall contract with community mental health centers and other qualified entities to provide the services referred to in that paragraph in areas the Secretary determines are not adequately served by health care facilities of the Department. Such contracts shall require each community health center or other entity—

"(1) to the extent practicable, to employ covered veterans trained under subsection (c);

"(2) to the extent practicable, to use telehealth services for the provision of such services;

"(3) to participate in the training program under subsection (d);

"(4) to comply with applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of such the services;

"(5) to submit annual reports to the Secretary containing, with respect to the program required by subsection (a) and for the last full calendar year ending before the submission of such report—

"(A) the number of veterans served, veterans diagnosed, and courses of treatment provided to veterans as part of the program required by subsection (a); and

"(B) demographic information for such services, diagnoses, and courses of treatment;

"(6) to provide to the Secretary such clinical summary information as the Secretary may require for each veteran for whom the center or entity provides mental health services under the contract; and

"(7) to meet such other requirements as the Secretary may require.

"(c) TRAINING PROGRAM FOR VETERANS.—In carrying out the program required by subsection (a), the Secretary shall contract with a nonprofit mental health organization to carry out a program to train covered veterans to provide peer outreach and peer support services.

"(d) TRAINING PROGRAM FOR CLINICIANS.—The Secretary shall conduct a training program for clinicians of community mental health centers or other entities that have entered into contracts with the Secretary under subsection (b) to ensure that such clinicians are able to provide the services required by subsection (a) in a manner that—

"(1) recognizes factors that are unique to the experience of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including the combat and military training experiences of such veterans); and

"(2) utilizes best practices and technologies.

"(e) COVERED VETERANS.—For the purposes of this subsection, a 'covered veteran' is a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section1712A(a)(2)(B) of this title) after November 11, 1998, and who is discharged or released from active military, naval, or air service on or after September 11, 2001.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1712B the following new item:

“1712C. Provision of readjustment counseling and mental health services for covered veterans.”.

SEC. 7. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 of title 38, United States Code, is amended by striking “a demonstration program for the purpose of determining the costs and benefits of providing” and inserting “a program to provide”.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking “DEMONSTRATION” in the subsection heading;

(2) by striking “demonstration”; and

(3) by striking “in at least six locations” and inserting “in at least 12 locations”.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking “shall cease” and all that follows and inserting “shall cease on September 30, 2011.”.

(d) CONFORMING AMENDMENTS.—

(1) SCOPE OF PROGRAM.—Subsection (c)(1) of such section is amended by striking “demonstration”.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions”.

(3) OTHER CONFORMING AMENDMENT.—Section 2022(f)(2)(C) of such title is amended by striking “demonstration”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2023 and inserting the following new item:

“2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.”.

SEC. 8. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 of title 38, United States Code, is amended to read as follows:

“(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and safety, to meet the needs of veterans who are women.”.

SEC. 9. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) PURPOSE.—The purpose of this section is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.

(b) AUTHORIZATION OF FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter V of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 2044. Financial assistance for supportive services for very low-income veteran families residing in permanent housing

“(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—

“(1) The Secretary shall provide financial assistance to eligible entities approved under this section to provide and coordinate the provision of the supportive services for very low-income veteran families residing in permanent housing.

“(2)(A) Financial assistance under this section shall consist of payments for each such family for which an approved eligible entity provides or coordinates the provision of supportive services.

“(B) The Secretary shall establish a formula for determining the rate of payments provided to a very low-income veteran family receiving supportive services under this section. The rate shall be adjusted not less than once annually to reflect changes in the cost of living. In calculating the payment formula under this subparagraph, the Secretary may consider geographic cost of living variances, family size, and the cost of services provided.

“(3) In providing financial assistance under paragraph (1), the Secretary shall give preference to an entity that provides or coordinates the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

“(4) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

“(5) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify the family that such services are being paid for, in whole or in part, by the Department.

“(6) The Secretary may require an entity receiving financial assistance under this section to submit a report to the Secretary describing the supportive services provided with such financial assistance.

“(b) APPLICATION FOR FINANCIAL ASSISTANCE.—

“(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary.

“(2) An application submitted under paragraph (1) shall contain—

“(A) a description of the supportive services proposed to be provided by the eligible entity;

“(B) a description of the types of very low-income veteran families proposed to be provided such services;

“(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

“(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

“(E) a description of the managerial capacity of the eligible entity to—

“(i) coordinate the provision of supportive services with the provision of permanent housing, by the eligible entity or by other organizations;

“(ii) continuously assess the needs of very low-income veteran families for supportive services;

“(iii) coordinate the provision of supportive services with the services of the Department;

“(iv) tailor supportive services to the needs of very low-income veteran families; and

“(v) continuously seek new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

“(3) The Secretary shall establish criteria for the selection of eligible entities to receive financial assistance under this section.

“(c) TECHNICAL ASSISTANCE.—

“(1) The Secretary shall provide training and technical assistance to eligible entities that receive financial assistance under this section with respect to the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing.

“(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each fiscal year, $25,000,000, to carry out this section, of which not more than $750,000 for each fiscal year may be used to provide technical assistance under subsection (c).

“(e) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘very low-income veteran family’ means a veteran family whose income does not exceed 50 percent of the median income for the area, as determined by the Secretary in accordance with this paragraph, except that—

“(A) the Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size; and

“(B) the Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

“(C) the Secretary shall establish criteria for determining the need for specific supportive services (as defined by paragraph (8)) of individual very low income veteran families occupying permanent housing.

“(2) The term ‘veteran family’ includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.

“(3) The term ‘consumer cooperative’ has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

“(4) The term ‘eligible entity’ means—

“(A) a private nonprofit organization; or

“(B) a consumer cooperative.

“(5) The term ‘homeless’ has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

“(6) The term ‘permanent housing’ means community-based housing without a designated length of stay.

“(7) The term ‘private nonprofit organization’ means—

“(A) any incorporated private institution or foundation—

“(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

“(iii) which is approved by the Secretary as to financial responsibility;

"(B) a for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

"(C) a corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A); and

"(D) a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

"(8) The term 'supportive services' means the following:

"(A) Services provided by an eligible entity or subcontractors that address the needs of very low-income veteran families occupying permanent housing, including—

"(i) outreach services;

"(ii) health care services, including diagnosis, treatment, and counseling for mental health and substance abuse disorders and for post-traumatic stress disorder, if such services are not readily available through the Department of Veterans Affairs medical center serving the geographic area in which the veteran family is housed;

"(iii) habilitation and rehabilitation services;

"(iv) case management services;

"(v) daily living services;

"(vi) personal financial planning;

"(vii) transportation services;

"(viii) vocational counseling;

"(ix) employment and training;

"(x) educational services;

"(xi) assistance in obtaining veterans benefits and other public benefits, including health care provided by the Department;

"(xii) assistance in obtaining income support;

"(xiii) assistance in obtaining health insurance;

"(xiv) fiduciary and representative payee services;

"(xv) legal services to assist the veteran family with reconsiderations or appeals of veterans and public benefit claim denials and to resolve outstanding warrants that interfere with the family's ability to obtain or retain housing or supportive services;

"(xvi) child care;

"(xvii) housing counseling;

"(xviii) other services necessary for maintaining independent living; and

"(xix) coordination of services described in this paragraph.

"(B) Services provided by an eligible entity or subcontractors, including services described in clauses (i) through (xix) of subparagraph (A), that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days of the date on which the service is provided pending the location or development of housing suitable for permanent housing.

"(C) Services provided by an eligible entity or subcontractors, including services described in clauses (i) through (xix) of subparagraph (A), for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days beginning on the date on which such a family exits permanent housing or until such a family commences receipt of other housing services adequate to meet the needs of the family, but only to the extent that services under this paragraph are designed to support such a family in the choice to transition into housing that is responsive to the individual needs and preferences of the family.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2043 the following new item:

"2044. Financial assistance for supportive services for very low-income veteran families residing in permanent housing.".

SEC. 10. EXPANSION OF ELIGIBILITY FOR DENTAL CARE.

Section 2062(b) of title 38, United States Code, is amended by striking "60 consecutive days" both places it appears and inserting "30 consecutive days".

SEC. 11. TECHNICAL AMENDMENTS.

Title 38, United States Code, is amended—

(1) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking "medical care account" and inserting "medical services account";

(2) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d), (e), (f), and (i) as subsections (c) through (f), respectively; and

(C) in subsection (f)(1), as so redesignated, by striking "(including a Resource Center designated under subsection (h)(3)(A) of this section)";

(3) in section 2065(b)(3)(C), by striking ")";

(4) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

"3684A. Procedures relating to computer matching program.";

(5) in section 3684(a)(1), by striking "34,," and inserting "34,";

(6) in section 4110(c)(1), by striking "15" and inserting "16";

(7) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

"5121. Payment of certain accrued benefits upon death of a beneficiary.";

(8) in section 7458(b)(2), by striking "pro rated" and inserting "pro-rated"; and

(9) in section 8117(a)(1), by striking "such such" and inserting "such".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, as with the last bill, I want to just thank both the chair, Mr. MICHAUD of Maine, and the ranking member, Mr. MILLER from Florida, for their great leadership and bipartisan cooperation to get an important piece of legislation out.

This bill, the Veterans' Health Care Improvement Act of 2007, combines a lot of different ideas from Members on both sides of the aisle, and we are pleased to have this bill on the floor today.

Certainly, the mental health and well-being of our newest generation of veterans is a serious cause for concern and deserves our fullest attention.

The VA reported in April of this year that of the OEF/OIF veterans who have separated and sought health care through the VA, mental disorders rank second of frequency of possible diagnoses amongst these veterans.

Post-traumatic stress disorder, PTSD, is the number one health concern. At this point, over 39,000 returning veterans have received a provisional diagnosis of this, and we are looking into, in fact, maybe a systemic underestimation of those who are diagnosed and, therefore, to get treatment.

Mr. Speaker, the composition of the fighting forces in Iraq and Afghanistan today is unique from past conflicts. Guard and Reserve forces make up a large percentage of those fighting, around 50 percent or a little more. Though only 19 percent of the Nation lives in rural America, 44 percent of U.S. military recruits come from rural areas.

We must ensure that their health care and services meet the needs that they deserve and have earned. It must be available and accessible to all, and I would say we will take up as a committee the broad subject of rural veterans sometime in the near future.

This bill requires the VA to award grants to conduct workshop programs to help heal and better the lives of veterans who need it through therapeutic programs such as art, writing and music to name just a few. It establishes a grant program to provide transportation options to veterans living in rural areas that will help to lessen the burden on veterans who are unable to drive long distances due to their disability or illness.

It also provides permanent authority to the VA to treat veterans who are subject to chemical and biological testing. This is an obligation we owe to those who have served.

We provide also for readjustment counseling and mental health services. We include contracting with community mental health centers in areas not adequately served by VA and contracting with nonprofit mental health organizations to train OEF/OIF veterans in outreach and peer support.

We address issues affecting homeless veterans and their families. The VA has now become the largest single provider of direct services to homeless veterans, reaching 25 percent of homeless veterans a year through various programs. Our aim is to make it 100 percent. Many communities have recently gone through what they call stand-downs, 2- or 3-day efforts to bring the whole community in cooperation to provide the services that homeless veterans need, whether they be medical or dental or legal or drug abuse counseling, of course, food and clothing; and we do that in 3 days a year in many communities. It is up to the VA to do that 365 days a year for all our veterans, and we estimate over 200,000 on the streets tonight who served our Nation.

Prior to becoming homeless, a large number of veterans have struggled with PTSD or had addictions acquired during or worsened by their military service, and we want to expand and extend the counseling services for these veterans. We expand programs to 12 locations throughout the Veterans Health Administration and extend this program through 2011.

The VA domiciliary care programs are an essential piece in assisting veterans and providing needed services to help them recover and become productive citizens again. We enhance in this bill the capacity of such domiciliary care programs, for female veterans especially.

Finally, we want to authorize VA to provide financial assistance to provide supportive services for very low-income veteran families who reside in permanent housing.

In short, Mr. Speaker, H.R. 2874 takes care of the men and women who have so selflessly taken care of us. It provides our veterans with the quality health care programs and services they need and they so richly deserve. It is another down payment, another measurable piece of keeping our promise to those who have kept their promise to us.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, once again, the eloquence of our able chairman, he has done an excellent job in explaining the bill that's before us on the floor today.

Mr. Speaker, this is an outstanding bill. It was a true bipartisan effort. I appreciate the chairman of the committee, Mr. MICHAUD's, able leadership in bringing this bill to the floor. It does all of the things that our chairman had talked about.

It deals with veterans in rural and remote areas. It does deal with certain DOD biological and chemical warfare testing that was done during the Cold War. It also deals with domiciliary programs, providing adequate and safe environments to meet the needs of women veterans.

This is not just a good bill. It is a very good bill that helps VA provide better care for our Nation's veteran, and I do urge my colleagues to support this legislation.

H.R. 2874, the Veterans' Health Care Improvement Act of 2007, as amended, has strong bipartisan support and I want to express my sincere thanks to Subcommittee Chairman MICHAUD for his leadership and hard work to develop this legislation.

H.R. 2874, as amended, would establish a number of meaningful improvements that will help VA to provide better care for our Nation's veterans.

Veterans in remote rural areas would benefit with the establishment of a grant program to provide innovative transportation options to access VA medical facilities.

Readjustment counseling and mental health services for OIF/OEF veterans would be enhanced through programs that would provide peer outreach and support services, with special emphasis for Guard and Reservists.

Veterans who participated in certain Department of Defense biological and chemical warfare testing during the Cold War would permanently be granted free VA medical care for conditions that may have resulted from their participation in such testing.

VA domiciliary programs would be required to have adequate and safe environments to meet the needs of women veterans.

Very low-income veteran families residing in or transitioning to permanent housing would be eligible for VA financial assistance for supportive services.

This is a good bill that would help VA provide better care for our Nation's veterans.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, again, I yield 3 minutes to the Chair of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 2874, and I'd like to once again thank Chairman FILNER for his focused and effective leadership in advancing this important legislation. Ranking Member BUYER and especially subcommittee Chairman MICHAUD and Ranking Member MILLER are also to be commended for their hard work and bipartisanship and for including Services to Prevent Homelessness Act, a bill which I introduced, in the Veterans' Health Care Improvement Act.

This legislation would authorize the Secretary of Veterans Affairs to provide financial assistance to nonprofit organizations and consumer cooperatives to provide and coordinate the provision of supportive services that address the needs of very low-income veterans occupying permanent housing.

While Federal programs exist to help enhanced veterans homeownership, there is no national housing assistance program targeted to low-income veterans. Permanent housing opportunities for veterans ready for independent living are limited. In addition, the VA currently is not permitted to provide grants for affordable permanent housing, and the resources that are available for providers are inadequate and highly sought after by competing housing programs.

So I thank the chairman once again for supporting this legislation. I thank the committee staff on both sides of the aisle for their excellent work as well on this bill and others considered today, and I look forward to continuing to work with my colleagues on the Veterans' Affairs Committee to support efforts to meet the housing assistance needs, among other needs, of our Nation's low-income veterans.

I urge my colleagues to support H.R. 2874.

Mr. MILLER of Florida. Mr. Speaker, I see that the chairman has other speakers that he may wish to yield time to, so we will reserve the balance of our time.

Mr. FILNER. Mr. Speaker, I thank the ranking member.

Mr. Speaker, Mr. RODRIGUEZ from Texas has been particularly active and energetic in advocating for the treatment of the mental health needs of our veterans, and I yield 3 minutes to him.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 2874, The Veterans' Health Care Improvement Act of 2007. I would also like to take this opportunity to recognize our chairman, BOB FILNER, for his leadership on this issue, and I want to personally thank him for what's accomplished on a variety of issues regarding veterans.

I also want to acknowledge my friend, Congressman MILLER, for his efforts also on this particular bill.

This is an important piece of legislation and the nearly 60,000 veterans in my mostly rural district will certainly benefit from this particular bill.

Earlier this year, I sponsored H.R. 2689, a bill that improves mental health services for Operation Enduring Freedom and Operation Iraqi Freedom veterans. This bill would establish a program for peer-to-peer outreach and counseling for veterans. Many experts believe this method is critical for getting veterans in need of services into the VA system.

Additionally, under H.R. 2689, the VA would be required to look beyond its current services to ensure that veterans have access to the services that they need by embracing the expertise available in our communities and contract out to qualified providers such as community mental health centers who have been providing quality mental health services for families for many years.

Under the leadership of the chairman, my bill was incorporated into this bill, and I want to personally thank him.

Also included in this bill are provisions critical to veterans, as our Speaker today understands, in Texas, such as the transportation grants for rural veterans service organizations. In some parts of my district and throughout this country, veterans have to drive long hours to get access to services. This bill allows an opportunity for us to provide some needed assistance and services in this specific area.

I also want to acknowledge that this bill also has language that deals with Project SHAD, a bill that was extremely important to begin to identify those thousands of soldiers that we also used weapons such as nerve gas and other types of testing on, that we did on our own soldiers that allows an opportunity for them to continue to get service.

And other members of this committee, I want to personally thank them for their efforts. Once again, I want to take this opportunity to thank the chairman for his leadership.

Mr. MILLER of Florida. Mr. Speaker, we continue to reserve.

Mr. FILNER. Mr. Speaker, one of our new Members, Congressman MURPHY from Pennsylvania, returned from Operation Iraqi Freedom. He gives us the benefit of that experience both as an advocate for our active duty and to the veterans who have served. We welcome you to the Congress. We thank you for your expertise, and I yield as much time as he may consume to the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise today to give voice to a terrible injustice. On any given night in America, nearly 200,000 veterans go homeless and twice as many will go homeless over the course of the year. This is shameful.

In my district in southeastern Pennsylvania, this problem is very real. There are more than 3,300 homeless veterans in Pennsylvania and at least 550 in the greater Philadelphia area alone. These are veterans who saw combat in World War II, Korea, Vietnam, Afghanistan and Iraq.

As someone who spent 10 years in the Army and walked the streets of Baghdad, I cannot stand by while more of my fellow soldiers go hungry and seek shelter. Over the last 3 years, as many as 1,300 veterans from Iraq and Afghanistan have participated in homeless outreach programs by the VA in their community. Who knows how many others went without help.

That's why, Mr. Speaker, I proudly support the Veterans' Health Care Improvement Act, which looks after those who have sacrificed so much for our country.

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This much-needed bill makes permanent a program to identify at-risk servicemembers to prevent them from ever becoming homeless once they leave the military. With the rapidly increasing number of women veterans, the bill also instructs the VA to make their programs for homeless veterans more accommodating for female veterans.

I was proud to introduce these important provisions, and I thank the gentleman from California (Mr. FILNER), and the gentleman from Maine (Mr. MICHAUD), for bringing this bill to the floor and their leadership on this issue. These brave American veterans, who once faced down our enemies, shouldn't have to face one more night out on the street.

Mr. MILLER of Florida. Mr. Speaker, in closing, I would just say H.R. 2874, as amended, would establish a number of meaningful improvements that would help VA to provide better care for our Nation's veterans. Once again, I support my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Again, I thank Mr. MILLER and Mr. MICHAUD for their leadership on the bill and all the Members on both sides of the aisle that have contributed to it.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to commend the chairman and Ranking Member MILLER for the work they have done on this legislation, but moreover, the attention they paid to our Nation's veterans. I also want to commend the members of this committee for all the work that they have done on mental health.

Mr. Speaker, I have had an opportunity, as a member of the Veterans Appropriations Committee, to sit in on some of the committee hearings on the Veterans Authorizing Committee and seeing the work that they have done to try to increase the outreach to veterans with post-traumatic stress disorder. I am pleased to see that this committee is starting to do as much as they can to reach out to these veterans as they return from Iraqi Freedom. But, clearly, more needs to be done. We have witnessed that in these recent hearings.

I think that, clearly, the Appropriations Committee has recognized this this year. I am pleased to announce that this Congress has voted the largest increase in veterans health care spending in the 77-year history of the Veterans Department.

Within that, there is an over $100 million increase in veterans specialty mental health care. This is just one acknowledgment of many that our veterans, when they come home, we need to make sure they come home not only in body, but that they come home in spirit, and that it's not enough just to take care of the outer wounds of our Nation's veterans, but we also need to make sure that we mend the inner wounds, the psychological and emotional wounds that they have sustained during war defending our country's freedom.

Mr. FILNER. I thank the gentleman for his leadership on mental health parity in this Nation.

Mr. MICHAUD. Mr. Speaker, I want to thank Chairman FILNER and Ranking Member BUYER for their leadership on the Committee and for moving these four bills forward to help our veterans. I would also like to thank Ranking Member MILLER for working with me on the veterans' health care bills we are considering today.

I will limit my comments to H.R. 2874, although I support each of the bills we are considering today. H.R. 2874 was passed unanimously by our Committee. It represents a bipartisan effort to address a variety of issues facing our veterans.

Section 2 of H.R. 2874 supports therapeutic readjustment programs to assist veterans in their long physical and mental journey home through a new grant program. Veterans already participate in these programs without any financial assistance or guidance from the VA. It is my hope that this new grant program will increase the number of veterans using these rehabilitative options and that this will enable VA and providers to better assess the benefits of these programs to veterans.

Section 3 authorizes funding for transportation grants for rural veterans. Access to care is a significant challenge for rural veterans. This program will provide grants to VSOs to implement innovative ways of overcoming this challenge. This section was authored by Mr. SALAZAR.

Section 4 provides permanent authority for VA treatment of participants in the DOD chemical and biological testing conducted by Deseret Test Center, including Project SHAD (Shipboard Hazard and Defense). This permanent authority was requested by the VA. Section 5 extends collections authorities for the VA until 2009. This extension was also requested by the VA.

Section 6 authorizes the VA to provide expanded readjustment and mental health services in areas determined by the secretary to be underserved, especially peer-to-peer outreach services, for Operation Enduring Freedom and Operation Iraqi Freedom veterans.

Sections 7 and 8 come from Congressman PATRICK MURPHY's legislation, H.R. 2699. It is no surprise that Congressman MURPHY has taken a leadership role in helping our Nation's veterans, and I thank him for his work. There are as many as 200,000 veterans on the streets each night. This is a shame on our Nation that must be addressed. The provisions from Congressman MURPHY's bill are critical to ending this shame and helping these veterans find their way home.

Section 7 expands and extends the successful VA program of referral and counseling for at-risk veterans transitioning from certain institutions. The program is extended to 2011 and expanded from six locations to 12. These services are largely directed toward incarcerated veterans. There were over 225,000 veterans in prison in 1998. I believe it is important that we make every effort to make sure that they do not return to prison.

Section 8 requires the Secretary to ensure that VA domiciliary programs are adequate in capacity and safety to meet the needs of women veterans. Homeless women veterans are an increasing proportion of the homeless veteran population. We need to make sure that facilities are capable of safely caring for this population and helping them get back on their feet.

Section 9 authorizes funding for the Secretary to provide financial assistance to eligible entities to provide supportive services for very low-income veteran families residing in permanent housing. This section comes from a bill authored by Congresswoman HERSETH SANDLIN.

Section 10 changes from 60 days to 30 days the required time for a homeless veteran to be in a VA program before they are eligible for dental care. Section 11 makes technical amendments to title 38.

Overall, this bill continues the ongoing efforts of our Committee and this Congress to address the needs of our veterans and their families. It is my hope that when we return in September, we can work quickly with the Senate to create an omnibus package that includes H.R. 2874, H.R. 2199, Mr. MILLER's bill H.R. 2623, and other important veterans' health care initiatives to send to the President for his signature.

I believe this is a good bipartisan bill and I ask my colleagues for their support.

Mr. SHULER. Mr. Speaker, I rise today in support of H.R. 2874, the Veterans' Health Care Improvement Act of 2007, which will make the readjustment period easier for our troops returning from combat. It focuses on the improvement of mental health services as well as homelessness prevention.

These brave men and women in uniform have dedicated themselves to defending our freedom, and as a grateful nation we owe them whatever support we can provide to ensure that after they return home our veterans have their needs met.

This bill puts into place a number of important and timely measures to improve the care offered to veterans. It allows for readjustment counseling and mental health services provided by qualified peers. This will allow veterans to receive whatever therapy they might require to readjust to civilian life from fellow veterans who have undergone a similar process, and are best placed to offer understanding and quality care.

I am especially pleased that this legislation contains provisions addressing the needs of female veterans. It also deals with the prevention of homelessness for returning troops. The problem of homelessness is worse for the veteran community than society at large, and thus we must ensure that all programs, for both men and women, are of a high standard.

Finally, H.R. 2874 offers more support to low-income veteran families living in permanent housing. The Federal Government needs to provide more assistance to these families and the organizations that help care for them, and I am pleased that this bill offers that assistance. I urge my colleagues to vote in favor of this legislation and support our troops as they return from their courageous missions.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2874, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON COLLECTION OF COPAYMENTS FOR ALL HOSPICE CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON COLLECTION OF COPAYMENTS FOR ALL HOSPICE CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

Title 38, United States Code, is amended—

(1) in section 1710(f)(1), by inserting "(except if such care constitutes hospice care)" after "nursing home care";

(2) in section 1710(g)(1), by inserting "(except if such services constitute hospice care)" after "medical services"; and

(3) in section 1710B(c)(2), by striking subparagraph (B) and inserting after subparagraph (A) the following new subparagraph (B):

"(B) to a veteran being furnished inpatient or outpatient hospice care by the Department; or".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank Mr. MILLER for bringing us this bill, because working with Mr. MICHAUD of Maine, we have an important piece of legislation that most people would have thought dealt with a problem that didn't exist.

Mr. Speaker, hospice and palliative care is a continuum of comfort-oriented and supportive services provided across settings, including hospitals, extended facilities, outpatient clinics and private residences. The VA offers a complement of hospice and palliative care options as part of a comprehensive health care benefit of provided to all veterans who are enrolled in our system.

Under current law, a veteran receiving hospice care in a nursing home is exempt from any applicable copayments. However, if the hospice care is provided in any other setting, such as an acute-care hospital or at home, the veteran may be subject to an in-patient or out-patient primary care copayment. This policy penalizes a veteran who chooses to remain at home for their hospice care or who, out of medical necessity, receives hospice care in an acute care setting.

Mr. MILLER recognizes this injustice, and through H.R. 2623, corrects the inequity by exempting all hospice care provided through VA from copayment requirements. It would also align VA with the Medicare program, which does not impose copayments for hospice care. At the end of life, veterans should not have to worry about paying for the comfort that the hospice care provides.

It's the right thing to do, and I am pleased that my colleague from Florida has taken leadership on this.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. I thank the chairman again for his willingness to quickly move this legislation to the floor.

Mr. Speaker, H.R. 2623, as amended, is a bill that I am a sponsor of. It prohibits the collection of copayments for all hospice care furnished by the Department of Veterans Affairs.

Hospice and palliative care is a continuum of comfort-oriented and supportive services provided across settings, including hospitals, extended care facilities, as the chairman said, outpatient clinics, and private residences. Under current law, a veteran receiving care in a nursing home is exempt from any copay. However, if they choose to take that care in their own home or in an acute-care facility, they could be charged a copayment. VA's current policy would penalize a veteran who chooses to remain in their own home for their end-of-life care or, out of medical necessity, receives their care in an acute-care setting.

The bipartisan support of this bill is greatly appreciated. I urge my colleagues to join me in support of this bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2623, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, once again, I would state that with bipartisan working arrangements we have brought forward a package of bills today from the Veterans Committee which deals not only with our older veterans, but with our returning veterans from Iraq and Afghanistan, and that's what we will continue to do.

I urge my colleagues to support H.R. 2623, as amended.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2623, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUGET SOUND WATERSHED COMPREHENSIVE CONSERVATION PROJECT ACT OF 2007

Ms. HERSETH SANDLIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3184) to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Puget Sound Watershed Comprehensive Conservation Project Act of 2007".

SEC. 2. COMPREHENSIVE CONSERVATION PLANNING FOR PUGET SOUND AREA.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality. The Secretary shall enter into cooperative agreements with State and local governments, Indian tribes, or non-governmental entities with a history of working with agricultural producers to carry out projects under the program.

(b) ASSISTANCE.—In carrying out the program, the Secretary may—

(1) provide project demonstration grants, provide technical assistance and carry out information and education programs to improve water quality in the Puget Sound area by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve water quality.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2008 through 2012 to carry out the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Puget Sound is home to over 4 million people and numerous species of fish, birds and other wildlife. It is the economic and environmental driver of the region and an ecological wonder. Sadly, the health of this national treasure has been steadily in decline. The water quality is suffering with areas of deadly low oxygen and levels of harmful toxics that are now being detected in some aquatic species.

However, there is hope. The State of Washington has been leading the charge in fighting this problem and working to restore the Sound to where it should be. This legislation will provide critical support to those efforts by developing a comprehensive conservation project to help determine the right conservation planning efforts for local agricultural producers.

It will provide the capacity that local conservation districts simply don't have in meeting the unique challenges of the Sound. This project would mirror others that have occurred or are occurring in nationally important watersheds.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

The Puget Sound region is home to diverse natural resource dependent industries, including everything from fishing, tourism and recreation to agriculture and forest products. As an estuary, the Sound also houses diverse fish and wildlife species. The Sound itself consists of over 2500 miles of shoreline and is fed by over 10,000 streams and rivers that run throughout northwest Washington.

As the second largest container shipping port in the U.S., the Sound is extremely important to the State and Nation as a whole.

The watershed that feeds the Sound includes several large population centers, but is also home to significant agriculture production, including many specialty crops including raspberries, flower bulbs and vegetable seeds. Agriculture contributes $5.6 billion to Washington State's economy, establishing its rank in agriculture production as 12th in the Nation.

Unfortunately, the Puget Sound region is undergoing tremendous change as more people move into the region and water quality and soil concerns increase. The bill before us today helps address these environmental concerns by encouraging agricultural producers in the region to adopt voluntary conservation practices.

The bill also requires a comprehensive plan to encourage cooperation among the multiple agencies and landowners in the region. Many farms in the Puget Sound are adjacent to endangered salmon-bearing streams and bear the brunt of protection for these and other endangered species.

These regulatory requirements place significant burden on producers struggling to stay on the land. We must continue to encourage cooperation and proactive partnerships with producers in this region, as well as the other heavily agricultural regions in the country, helping to keep producers on the land and keep the Nation's agricultural economy healthy and diverse.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington, (Mr. LARSEN), an original cosponsor of the bill.

☐ 1715

Mr. LARSEN of Washington. Mr. Speaker, I want to thank Ms. HERSETH SANDLIN for speaking on behalf of this critical legislation. I want to thank the chairman and the ranking member of the Committee on Agriculture as well for helping bring H.R. 3184 to the floor.

The livelihoods of many families in Washington State depend upon the health and vitality of the Puget Sound. Unfortunately, as we already heard, there is no denying the health of the Puget Sound has been declining. Salmon and other species call the sound home and are either threatened or endangered. Water quality is extremely poor in certain places, and some aquatic species have shown harmful levels of toxins.

Agriculture is a large and important part of the economy in the Puget Sound region, and I represent much of it; and we do not want to see our ag economy decline either. Ag producers face the constant challenge of keeping good ag land in production while being responsible stewards of the land and of the Puget Sound watershed. That is why the State of Washington and our State's Governor Chris Gregoire have led the charge in pulling together ag producers, business, industry, and local nonprofits and many others to develop long-term strategies to restore the Puget Sound.

However, our State cannot do it alone. This legislation takes a first step, and only a first step, to provide critical Federal support to those efforts by developing a competitive, comprehensive, conservation program to help determine the right conservation planning efforts for local agriculture producers. As well, again, this is only a small piece of the puzzle. Most of that puzzle will come from State and local governments.

These types of efforts have been done or are being done in other areas of the country. The results of comprehensive conservation planning helps ag producers make smart conservation decisions and investments, and, in turn, takes important steps restoring the health of the Puget Sound. This bill will provide the capacity that local conservation districts simply do not have in meeting the unique challenges of this critical watershed.

Ag producers in Washington State have a role to play in protecting the health of the Puget Sound, and they are more than willing to do their part, but we need a comprehensive conservation strategy to get that job done, and that is what H.R. 3184 helps us do. I urge the passage of H.R. 3184 and again thank the chairman and the ranking member of the committee for helping to bring this to the floor.

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 3184, a bill to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

For generations, Puget Sound has been the most important geographic feature driving human settlement in the region—first Native American communities followed by the 4 million people who now call it home. With 2,500 miles of shoreline and 2,800 square miles of inland marine waters, it is the second largest estuary in the United States after Chesapeake Bay. Puget Sound is environmentally, culturally and economically linked to Washington State's way of life and it is truly one of America's most spectacular bodies of water, with more than 200 species of fish, 25 kinds of marine mammals, 100 species of sea birds as well as clams, oysters and shrimp.

But the health of Puget Sound is in decline—its waters are experiencing the stress of growth and development and its ability to sustain the abundant fishery we've always enjoyed is in doubt. Around the Sound we have detected low levels of oxygen and increasing concentrations of toxic substances in aquatic animals. With the overall health of this great ecosystem in decline, we have launched a cooperative effort involving all of the local government entities around the Sound, as well as the State and Federal governments, to curtail any harmful substances from being introduced into its waters, to change unwise industrial and agricultural practices and to continue aggressively our research into the causes of pollution in this historically pristine inland sea.

One of our responses must be to encourage innovation and action at the local level and to help local communities recognize the importance of incremental actions in the overall solution. Congressman RICK LARSEN and I have introduced H.R. 3184, the "Puget Sound Watershed Comprehensive Conservation Project Act of 2007." This legislation is supported by all Members of the Washington State congressional delegation. It would authorize a total of $25 million in grants to assist non-Federal governmental or non-governmental organizations, Tribes, and individuals in implementing land management practices and projects that improve water quality and habitat for fish and wildlife in the Puget Sound watershed.

H.R. 3184 authorizes conservation projects that will target innovative conservation measures where they do the most good. The program is intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production.

Mr. Speaker, the Federal government is playing a very important role in restoring the health of Puget Sound, and I believe H.R. 3184 can make a vital contribution to this effort. I urge adoption of the resolution.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the bill, H.R. 3184.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

EXTENSION OF AUTHORIZATION OF SMALL BUSINESS PROGRAMS

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3206) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as amended by section 1 of Public Law 110-4 (121 Stat. 7), is further amended by striking "July 31, 2007" each place it appears and inserting "December 15, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and its programs through December 15, 2007.

As Congress moves forward on improving SBA and the services it provides, this short-term extension will ensure that small businesses have many of the tools they need to be successful in today's economy.

I am pleased to say the Small Business Administration Committee has made significant progress in making long overdue improvements to this agency. During the 110th Congress, the House Small Business Committee has successfully reported nearly a dozen bills, each designed to update and upgrade SBA programs to meet the needs of the 21st-century entrepreneur.

Nearly all of this legislation has been passed out of the House, and every single bill has had broad bipartisan support. With their passage, we are well on our way to providing the most significant overhaul of the Small Business Administration and its programs in at least two decades.

During this Congress, the House Small Business Committee has successfully moved forward on legislation that will provide affordable loans to entrepreneurs, prevent large corporations from being awarded small business contracts, and ensure veterans, women, and minority-owned firms have access to the assistance that they need. And in light of the failures we saw during Katrina, the committee reported a bill that will improve SBA's disaster loan program. This has been completed in a span of a little over 6 months.

Our committee has been able to provide these changes due to the outstanding leadership of Ranking Member CHABOT and our Chair, Nydia Velazquez. They have worked in a bipartisan manner to provide the necessary tools for this Nation's small businesses.

The extension before us today will allow the committees in the House and Senate to work out the differences in their bills and get them signed into law. These major changes require time to reconcile the House and Senate bills. H.R. 3206 provides the necessary time while ensuring operation of these programs are not interrupted. I urge support of this extension.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3206. This bill is very simple: it extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until December 15, 2007. This extension is necessary because authorization for various programs operated by the SBA ceases on July 31, 2007, tomorrow.

Working in a bipartisan manner with Chairwoman VELÁZQUEZ and myself, the committee has ordered 12 bills to be reported out, of which nine have passed this body, the House of Representatives.

While the pace has been furious, more needs to be done in the examination of programs within the committee's jurisdiction. These include small business government contracting programs, investment programs for small businesses, and improving the management of the SBA.

This work cannot be done in a deliberative, thoughtful, and bipartisan manner by midnight tomorrow. Even if the committee and the House finish its deliberations on all aspects of the SBA and its programs, we operate, after all, in a bicameral legislative system. Time is needed for the legislative process in both bodies to function and, if necessary, for the two bodies to meet in a conference to iron out any disagreements concerning each body's deliberations about how best to ensure that the SBA and its myriad programs are best promoting the health of America's entrepreneurs. I urge my colleagues to support H.R. 3206.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3206.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 986 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). During consideration of this resolution, all time yielded is for the purpose of debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be allowed 5 legislative days in which to revise and extend their remarks on House Resolution 580.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 580 will allow the House to consider H.R. 986, the Eightmile Wild and Scenic River Act.

Additionally, this rule makes a technical correction in the underlying bill by replacing a letter "a" with a letter "b" in the legislative text.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

Mr. Speaker, the Eightmile Wild and Scenic River Act, H.R. 986, was considered under suspension of the rules on July 11, and received 239 votes, a majority of the House Members voting in favor of the bill. But as you know, Mr. Speaker, two-thirds majority is required for the expedited suspension procedure; and because the Eightmile Wild and Scenic River Act was supported by well over half the Members of the House, H.R. 986 deserves another opportunity for a floor vote. Therefore, today I urge a favorable vote again for H.R. 986.

Mr. Speaker, with over 150 miles of pristine rivers and streams and 62 square miles of relatively undeveloped countryside in the Connecticut area, the Eightmile Wild River watershed is an exceptional natural and cultural resource. This is being championed by House Member JOE COURTNEY, a new freshman colleague of mine from Connecticut.

The watershed contains large areas of unfragmented habitat, an array of rare and diverse wildlife, scenic vistas, high water quality, unimpeded stream flow, and significant cultural features. The Eightmile watershed has historic stone walls, churches and homes, and scenic views throughout, and an abundance of rare and diverse species within the watershed, including 155 at-risk plant and animal species.

□ 1730

The overall Eightmile River watershed ecosystem is healthy and intact throughout virtually all of its range. The Eightmile River is an exceptional treasure because it is a rare example of an intact river system. This is especially noteworthy in such a highly populated area so close to the coast and within the New York-to-Boston corridor. We must do all that we can to preserve this exceptional natural and cultural resource. The National Park Service agreed in 2006 in its study of the area.

And again, I'd really like to salute my freshman colleague, new Congressman JOE COURTNEY. He has championed this effort to designate segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Communities in the area have been working for over 10 years for this designation, so I congratulate them today and salute the leadership of Congressman JOE COURTNEY, who brought new energy and commitment to this effort.

I also thank Natural Resources Committee Chair NICK RAHALL for his leadership.

Mr. Speaker, this is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by voice vote in May. It received the strong bipartisan support of the House with a majority vote on July 11. Therefore, I urge my colleagues to support the rule and support the act.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this completely closed rule and to the underlying big government legislation to use eminent domain to strip property owners of their rights that the Democrat majority is bringing to the House floor today.

This is the first of two closed rules being brought to the floor today courtesy of the Democrat majority from the graveyard of democracy and good ideas in the House of Representatives, the Rules Committee. It represents yet another example of the procedural gimmickry being blatantly exploited by the Democrats as they continue to completely ignore their campaign to run the most honest, open Congress in history.

Mr. Speaker, as any 5-year-old could tell you, the opposite of open is closed, and that's precisely what the American people are getting from the Democrats once again, another closed rule.

In fact, as compared with last Congress, through the same date, as of July 30, the Democrats have brought exactly twice as many closed rules to the floor as Republicans did when we held the Speaker's gavel.

Mr. Speaker, I will insert in the RECORD a document prepared by the Republican staff of the Rules Committee comparing the Democrats' awful record of reporting out closed rules in the 110th with last year's record of those controlled by the Republican Congress.

COMPARISON OF 110TH TO 109TH TYPES OF AMENDMENT PROCESSES FOR BILLS CONSIDERED BY THE HOUSE THROUGH JULY 30, 2005 (EXCLUDING MEASURES CONSIDERED BY SUSPENSION OR UC) CURRENT AS OF JULY 30, 2007

		Percent			Percent
109th—Through July 30, 2005:[1]			110th—To Date:		
Open	12	23.1	Open	[2]10	14.1
Modified Open	0	0	Modified Open	7	9.9
Structured	26	50	Structured	26	36.6
Closed	14	26.9	Closed	28	39.4
Total	52	100	Total	71	100
109th—Through July 30, 2005:[1]			110th—To Date:		
Open	[2]12	27.3	Open	[2]10	14.1
Restrictive	40	72.7	Restrictive	61	85.9
Total	52	100	Total	71	100

[1] Through H. Res. 399 adopted on July 29, 2005.

[2] Including approps.

Prepared by the Committee on Rules Republican Staff.

The closed rule that we are debating is also a function of an overall sloppy and rushed approach to handling this particular bill. Because the Democrats' leadership failed to pass this poorly drafted legislation on July 11 under suspension of the rules, after rushing it through the legislative process, they're bringing it back to the floor today with no improvements, just a closed process that chokes off thoughtful debate and provides a reduced hurdle for the number of votes they need to cram it through the House over substantial objections of a number of Members.

This legislation would designate a 25-mile stretch of the Eightmile Wild River as part of the National Park System's National Wild and Scenic Rivers System. To accomplish this, what would otherwise be a noble goal, this legislation includes language that leaves the door open for the Federal Government to use eminent domain to seize private property in this new designation.

This is especially offensive because the stretch of the river where this dispute is taking place is the same congressional district where the Kelo v. New Haven case originally originated, another controversial piece of litigation that recently and correctly sparked a great deal of outrage from property rights advocates all across the country.

I remind my colleagues that many times the Federal Government uses just the threat of condemnation to frighten property owners and to bully them until they become so-called willing sellers. As Members of Congress, it is our duty to protect our constituents from this wanton abuse of power, and we could have done so by making our intent clear in this legislation.

However, rather than making congressional intent clear, the Democrat majority has refused to allow a simple, clarifying amendment that was offered in the Rules Committee last Friday by my good friend and former Rules Committee colleague, ROB BISHOP, to be debated here on the floor today.

Mr. BISHOP's amendment was plain and clear. It simply inserted a sentence in the legislation that Congress would not empower the Federal Government to condemn land and pressure owners into selling. Shockingly, these efforts were rebuffed by Democrats throughout the process, both on the Natural Resources Committee and on the Rules Committee.

It is still unclear, at least to me, why the majority wants to expose property owners to the threat of eminent domain. The only reasonable conclusion is that they believe that the Federal Government should, and must, confiscate private property.

I believe this is the wrong message to send to property owners, and I'm at a complete loss as to why the Democrat leadership is so fearful of allowing the House to debate openly and to take a vote on a simple clarifying amendment to protect the taxpayers and residents of Connecticut who would be adversely impacted by this legislation. Presumably, it is to protect some of the more vulnerable Members having to take a public stand on whether they believe that property owners deserve this protection or not. This triumph of politics over policy is not only bad for residents of Connecticut along the Eightmile River, I think it's also bad for America.

I strongly oppose this closed rule and the underlying legislation to increase the Government's ability to strip property owners of their land without even providing with the appropriate compensation through heavy-handed big government tactics.

I urge all of my colleagues on both sides of the aisle to join me in standing up for property rights and by opposing this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas (Mr. SESSIONS) if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentlewoman's inquiring about our intent. We have at least two speakers who would wish to speak on this issue at this time.

Ms. CASTOR. Mr. Speaker, I'll reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in strong opposition to this completely closed rule for the consideration of the Eightmile Wild and Scenic River Act.

This bill is a controversial one because of the chilling effect it will have on the private property rights of citizens located in the same area affected by the infamous Kelo decision. In Kelo v. City of New London, the Supreme Court gave State and local governments broad authority to seize private property and give it to another private entity under the guise of economic development.

When citizens believe that their land can be snatched up by the government for nearly any reason, then the principle of private property rights becomes meaningless.

The bill before us today will severely restrict the property rights of individuals who happen to live near the Eightmile River by tightening zoning restrictions on private land and prohibiting any physical alteration to private property.

Furthermore, and perhaps most troubling, the bill leaves the door wide open to actual condemnation proceedings against private land.

The majority already tried once to ram this controversial bill through the House without an opportunity for amendments. That attempt, fortunately, failed to garner the two-thirds vote necessary to pass on the suspension calendar. Now the majority is back at it again.

It's bad enough that the majority is bringing this bill back to the floor with no improvements to protect private property rights. However, it is worse that the majority has made the decision to suppress debate on this controversial bill and deny Members the opportunity to correct the land-grabbing provisions with constructive amendments.

Private ownership of property is vital to our freedom and our prosperity and is a basic principle embedded in our Constitution. No one should have to live in fear of the government snatching up their home, farm, church or business.

I introduced legislation earlier this year, the STOPP Act, along with Representative HERSETH SANDLIN to rein in State and local governments' abuses of their eminent domain powers.

Unfortunately, H.R. 986 goes in the opposite direction and sets a precedent for more land-grabbing by government entities. I urge the Members of this body to oppose both this rule, which bans debate on protecting private property rights, as well as the misguided underlying bill.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time

Mr. SESSIONS. Mr. Speaker, the bill that is being brought forward today, I believe, is yet another example of the Democrat majority's attack on what I would refer to as constitutional balanced authority in this country. By virtue of bringing this bill forward, it means that what we will be doing is not allowing what I think is a fair process for people dealing with their own private land.

And I'm sure that you'll have lots of people who are my friends who are Democrats say, well, this is so important that we've got to have this land for the interest of all of the people, so we can have this pristine land. But, Mr. Speaker, we're talking about private property. And private property rights are those things under which this country, one of the things that this country is founded under that makes us entirely different than other countries. Other countries, many of them, all around the world, do not extend to their citizens the right for private property.

And so today, once again, what we're seeing is an assault, an attack, using Congress to come and use the powers of the Federal Government against private landowners. I'm sure if their story were being presented today, these private landowners may tell the story about how, for many, many years, I don't know the stories, but how many, many years, being from Texas we could tell the same story, in Connecticut it might be even longer, how people have passed these pieces of property down through generations.

But the fact of the matter is that any time that private property is being taken as a result of a force or a threat, in this case, to make a scenic wilderness area pristine and to preserve that as opposed to a single property owner keeping what they had, making those choices within the law and looking up and seeing the Federal Government staring down at them with all the resources of the Federal Government, knowing that the United States Congress brought this action on them, is regrettable.

It's regrettable that it had to happen this way. It's regrettable that we could not at least, through the Rules Committee, make a simple amendment in order that would say, why don't we clarify that we're not going to force this issue, that we'll hope that some compromise happens, but that we're not going to allow this condemnation.

Not at all. Can't have that kind of debate here.

And this Congress had claimed that we were going to be open and honest, and it would be the most open and honest Congress in the history of the United States Congress.

So that's what's regrettable. That's what's regrettable that here we find ourselves on a Monday at the end of July trying to help the big Federal Government to grab the land from private landowners. And I think that's wrong. I think it's wrong. I think it's wrong for this House to do that without being on record of saying we're not going to sick the Federal Government on these people who might be private landowners.

Mr. Speaker, I will be asking for a recorded vote for the previous question for this rule. And if the previous question fails, I will ask the House to amend the rule to provide for the separate consideration of H.R. 3138, which would amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

□ 1745

Our country is facing a very serious problem, and I said this on the floor of the House twice last week, that must be addressed before the House adjourns in August. That means last week we had two weeks to get it done; this week we have one week to get it done. The majority Democrats continue to shirk their responsibilities to keep Americans safe by ignoring the seriousness of this threat.

Mr. Speaker, at this time I would like to yield 11 minutes to the gentlewoman from New Mexico, the "Land of Enchantment" (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Texas for yielding, and I thank him for being here tonight.

I would urge all of my colleagues to defeat the previous question on the rule here tonight.

We now have 4 legislative days before the Congress recesses in August. In the middle of April, the Director of National Intelligence wrote to this body with draft legislation saying we needed to change the Foreign Intelligence Surveillance Act. He wrote a letter to this Congress last week saying that there is an "intelligence gap." We have an intelligence gap, and we need to fix it. He has proposed a much smaller piece of legislation which he sent to the Congress last Friday night, saying it is critical that we fix this problem before the House goes on recess for the month of August.

If the previous question is defeated, we will immediately bring legislation to the floor to solve this intelligence gap.

Technology has outstripped the law in the field of signals intelligence. We are now in the odd situation where we require our intelligence community to go to judges in the Foreign Intelligence Surveillance Court to get warrants on foreigners in foreign countries. This doesn't make any sense, and it wasn't what the Foreign Intelligence Surveillance Act was set up to do. The Foreign Intelligence Surveillance Act was written in 1978 to protect the civil liberties of Americans. It wasn't intended to be a barrier for American intelligence to protect terrorists overseas who are plotting to kill us. But because of changes in technology, that is where we find ourselves today.

The Director of National Intelligence has told us the situation is critical, that we must fix this intelligence gap. And yet for over 3 months now, this Congress has done nothing.

We cannot afford to wait. We must act and fix the Foreign Intelligence Surveillance Act so that we do not require a warrant to listen to foreigners in foreign countries communicating with other foreigners and plotting to kill us.

Mr. Speaker, all of us remember where we were the morning of September 11. We remember whom we were with, what we were wearing, what we had for breakfast. None of us in this room, I would wager, remember where we were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up over the Atlantic. The reason we don't remember it is because it didn't happen. It didn't happen because the British, American, and Pakistani intelligence services detected the plot before it was carried out.

Intelligence is the first line of defense in the war on terror, and our Director of National Intelligence has told us in black and white that we have an intelligence gap, that there are things we should be listening to that we are missing.

It is up to us in this House to act this week to close that intelligence gap and protect the country.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

I would just like to inquire of my friend, as she began this explanation of the 1978 Foreign Intelligence Surveillance Act, FISA, as it is called, as we look at where we were in 1978, the way she has just explained it is that if you look at the fact that what we are trying to do is ensure that we can go after foreigners in foreign countries to ensure that we are protected, why in the world would we in any way want to actually restrict our ability to go after foreigners in foreign countries who are terrorists and trying to do us in? We are today restricted because of the existence of the 1978 Foreign Intelligence Surveillance Act from doing that?

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Speaker, that is the anomaly of the law. In 1978 your telephone was hooked to a wire on a kitchen wall. Blackberries grew on bushes, the Internet didn't exist, and almost all long-haul communications went over the air. They were bounced off satellites. And those are completely excluded from the Foreign Intelligence Surveillance Act because we wanted to protect our ability to collect foreign intelligence, but you were required to have a warrant if you touched a wire in the United States. Almost all short-haul communications were over wires.

Now the situation is completely reversed. The majority of local calls now are over cell phones, 230 million cell phone users. They are all radio, or the equivalent. Almost all long-haul communications, international communications, are now over wires or over fiber-optic cables.

Mr. DREIER. Mr. Speaker, if the gentlewoman would continue to yield, I would like to ask her, if, in fact, Mr. McConnell, the Director of National Intelligence, has used words like we are "blind" and "deaf" when it comes to our need to try to interdict these communications, and, in fact, we are in a position today where, tragically, because of the Foreign Intelligence Surveillance Act and the fact that it is so antiquated, we are allowing information to slip through and not be, in fact, monitored. Am I correct in concluding that?

Mrs. WILSON of New Mexico. You are correct. We are doing everything we can to collect information overseas. We spy on these guys. We try to find out what they are going to do to stop them before they attack us. But the irony is we are hamstrung here in the United States to collect any foreign intelligence information on any facility, wire, or whatever here in the United States. So you need a warrant.

Mr. DREIER. Mr. Speaker, will the gentlewoman further yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California.

Mr. DREIER. The reason I am pursuing this, Mr. Speaker, is that we feel very strongly about the need to take action. And the gentlewoman, in her statement, has just talked about the imperative for us to act. Now, we for months, because there has been no legislation forward, we have been working on this notion of saying that on virtually every rule that we bring to the floor, we are seeking to defeat the previous question so that we can finally take some action to ensure that we are going to be able to intercept conversations not taking place in the United States of America but among foreigners in foreign countries who want to kill us.

Am I correct in assuming that?

Mrs. WILSON of New Mexico. That is absolutely correct. And to me, Mr. Speaker, the thing that bothers me most is that for 3 or 4 months now we have been talking and I have been talking to my Democratic colleagues and to leadership here and my colleagues on the Intelligence Committee, and I have begged them to take up this issue, to do it in their own way, figure out their own bill. But for God's sake, let's fix this problem because all of us know that American lives are at risk because this Congress fails to act.

Mr. DREIER. If the gentlewoman would further yield, Mr. Speaker, I know that the goal that Mr. SESSIONS has just put forward here is the one that managers in the minority in the past have, and that is we are urging all of our colleagues to vote "no" on the previous question so that we will be able to take the very thoughtful piece of legislation that the gentlewoman from New Mexico has introduced and make that in order. After delaying for months and months and months, after these warnings that have come not only from Mike McConnell, the Director of National Intelligence, but from the Secretary of Homeland Security, Secretary Chertoff, who has talked about the fact that the chatter level is unusually high, and we all know that he said that rather famously in an interview before the editorial board of the Chicago Tribune, so we have continued to receive these warnings; yet because of the fact that this Congress has failed to act on our need to update that nearly 30-year-old law when we have seen such dramatic changes take place in technology over the past three decades, we have been forced to this position where we have to continually try to urge our colleagues to defeat the previous question so that we can make this legislation in order.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr Speaker, that is the circumstance in which we find ourselves, and it is a tragic one because I think people ignore problems until there is a crisis and then they say, Why didn't you do something? Why didn't you fix it when you knew there was a problem?

I pray that we will never have to have another 9/11 Commission. We passed a 9/11 Commission bill last week that had the remaining elements of pieces of legislation we have been working on for 5 years, and in it we didn't take care of the most pressing problem that is squarely in our lap, which is that we know that technology has outpaced the law. Now, there have been amendments to the Foreign Intelligence Surveillance law since 1978, but the basic structure of the law and the problem has not changed, which is if you touch a wire in the United States, you have got to get a warrant. That is the irony here.

We are taking tremendous risks overseas to keep this country safe and to spy on our enemies. But we are tying our hands when we own the infrastructure. They are using the communications systems that we built, as the greatest country in the world, to plot and plan and target to kill us, and this body will do nothing about it.

We have 4 days, 4 days, until we are out of town for another month, another month being deaf and blind in a time of heightened threat.

I would ask my colleagues to defeat the previous question on the rule, to vote "no" on the previous question on the rule, and to immediately take up this critical piece of legislation so that we can protect this country.

Ms. CASTOR. At this time, Mr. Speaker, I will reserve the balance of my time until the gentleman from Texas has made his closing statement.

Mr. SESSIONS. By prior agreement, I will close at this time, and I thank the gentlewoman.

Mr. Speaker, if the Rules Committee wants to spend special time on the House floor debating these closed rules, I believe that we can do better than the Eightmile Wild and Scenic Rivers Act.

However, for some reason this Democrat leadership cannot seem to find time to schedule consideration of legislation that was just spoken about by the gentlewoman from New Mexico and the gentleman from California that clarifies one very specific thing, and that is that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States of America.

Once again, Mr. Speaker, we have got time to pick on private landowners and to take their land by the use and force of the Federal Government, but we don't have time to schedule legislation to come and protect this country. Utterly incredible.

The Director of the National Intelligence, Michael McConnell and the Director of the CIA, Michael Hayden, have testified to this Congress that under current law their hands are tied. They are giving this body notice: we cannot do this under the law. And as Director McConnell testified, FISA is outdated and has been made obsolete by technology.

Today, once again, the Republicans are asking for us to support the intelligence community because they are forced to obtain warrants to listen to terrorists outside of our Nation, and as a result, and this is a quote, "We are actually missing a significant portion of what we should be getting," directly from the Director of Central Intelligence.

This Congress has known about it for months. Republicans were on the floor last week. We are on the floor again this week. We are saying we are getting ready to go on break, we need to protect this country, we need to pass the law. We are asking the Democrat leadership once again if you have got time for this bill that is about a river, you certainly should have time to protect this country when our intelligence people are saying we need it. We have been saying for months we need it. The Republicans are on the floor today again to say there are 5 days left and then we will be on vacation.

□ 1800

Are they going to say to the American people and to the intelligence community, "Too bad, we didn't have time to do that?"

If my colleagues on the other side of the aisle are serious about facing down this threat, Mr. Speaker, they should come and join us. They should join us in defeating the previous question so that the House will be able to then address this issue since the Democrat leadership won't.

Don't hide behind something that deals with Republican or Democrat, and do the right thing for the country. This is a very real and a very serious threat.

Mr. Speaker, I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I am pleased to return the debate to the matter on the floor.

The Eightmile Wild and Scenic River Act sponsored by my colleague, Congressman JOE COURTNEY of Connecticut, which designates certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Mr. Speaker, how fortunate we are to live in such a beautiful country; spacious skies, amber waves of grain, purple mountain's majesty, and the Eightmile Wild and Scenic River corridor.

Despite the protestations from the other side of the aisle, it has been the communities and the residents of this area that have worked on this designation for 10 years or more. And so I congratulate them today. And I salute the leadership of Congressman JOE COURTNEY, who brought a new energy and commitment to this effort, and I thank Natural Resources Committee Chair NICK RAHALL for his leadership.

This is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by a voice vote in May. It received the strong bipartisan support of the House, over 235 Members on July 11. Mr. Speaker, the Eightmile River is a national treasure, and we must do all that we can to preserve it.

This bill enjoys bipartisan support. A majority of the Members of this House have voted for it, and we're going to vote for it again. I urge my colleagues to support this rule and the important Eightmile Wild and Scenic River Act.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 580

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2831 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 579 provides for the consideration of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation, the Lilly Ledbetter Fair Pay Act. This legislation can be summed up in one word, "fairness." And what better summarizes the idea of fairness than equal pay for equal work.

We've all heard it; we've all said it in speeches, but right now we have a real opportunity to make it happen. I wish we did not have to be here today, but the shortsighted and unfortunate recent Supreme Court ruling has forced us to revisit this painful issue from our Nation's past.

Lilly Ledbetter spent 19 years of her life working at the Goodyear Tire and Rubber Company in its Gadsden, Alabama plant. What she did not know for most of that time was that she had been subjected to systematic pay discrimination over the course of 15 years simply because she is a woman. By the time of her retirement, she was earning $45,000 a year. The lowest paid male supervisor at the plant was making $6,500 a year more.

As the case of Lilly Ledbetter clearly shows, there is still discrimination in the workplace, and it is our responsibility and it is our duty to ensure that every worker in this Nation receives fair compensation for their work.

We had a bipartisan solution to this problem, known as title VII of the Civil Rights Act of 1964. While this legislation was groundbreaking and certainly was a giant step forward for our workers, there was clearly a hole in the law, and that is what we are filling today.

Lilly Ledbetter proved her case. A jury found that she had been discriminated against and awarded her the back pay she should have received, attempting to fulfill the purpose of title VII, to make her whole and to discourage other employers from discriminating in the future. But those goals were thwarted by a 5-4 Supreme Court decision earlier this year. The Court held that in order to recover the back wages she was owed, Lilly Ledbetter needed to file a complaint at the time the discrimination began, even though she did not become aware of it until more than a decade later. What we are doing is reclaiming the original purpose, the legislative intent of title VII, which unfortunately the Supreme Court, in one fell swoop, completely, outrageously undermined.

Their decision was as if to say that because Lilly Ledbetter didn't know she was being treated unfairly, that therefore she was not being treated unfairly. This was, of course, irrespective of the fact that the Court and those of us here in this Chamber unequivocally know Lilly Ledbetter suffered the consequences of discrimination throughout the course of her life and her career.

Mr. Speaker, Lilly Ledbetter joined the workforce and worked hard, assuming that she would receive fair compensation for her efforts. But her story and the stories of countless others is not one of fairness or justice.

I will not retell her story because I think we have all heard it and we all understand that she was wronged. Instead, I will share with you some of her testimony before the House Education and Labor Committee in June. And although I was not there to hear her speak, you can feel the passion of someone who knows she was wronged. These are the words of Lilly Ledbetter, and I quote: "What happened to me is not only an insult to my dignity, but had real consequences for my ability to care for my family. Every paycheck I received I got less than what I was entitled to under the law. The Supreme Court said that this didn't count as illegal discrimination, but it sure feels like illegal discrimination when you are on the receiving end of that smaller paycheck and trying to support your family with less money than the men are getting for doing the same job."

Mr. Speaker, what happened to Lilly Ledbetter should not have happened, and today we have an opportunity to make sure it will never happen again.

You know, Mr. Speaker, Lilly Ledbetter could be bitter and angry, and most certainly she has every right to be. But instead, her concern is about what will happen in the future.

And let me quote her again: "My case is over, and it is too bad that the Supreme Court decided the way it did. I hope, though, that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if at least at the end of it I knew that I played a part in getting the law fixed so that it could provide real protection to real people in the real world."

Lilly Ledbetter's concern is with those workers who come after her who, just like her, will work hard at their jobs and assume that they are receiving equal pay for equal work. This is not something that they should have to hope for; it is something they deserve and are owed under the law. And this Congress owes these workers and their families, because last November they voted for change because they were tired of the economic injustices that people like Lilly Ledbetter had suffered.

Mr. Speaker, the American people expect their government to stand up for fairness and justice. And for this reason, let me say how disappointed I am in our President, who has said he will veto this legislation if it comes to his desk. This is a President who, time and time again, stands up before audiences and claims that he is against discrimination in all forms, yet now we get this threat.

If this Congress is truly committed to ending discrimination in this Nation, we cannot let this President have the final word. If he vetoes this bill for fairness and justice, I hope that this Congress will stand up and overturn his pen stroke that strikes at the heart of what makes this Nation great.

Mr. Speaker, the Lilly Ledbetter Fair Pay Act is not only about changing the way we treat our working men and women; it's about paying rent, putting food on the table, and paying for our children to go to college. For this to happen, we must return to the roots of a Nation and what has made us great and moved us forward in times of strife. Fairness has been at the heart of all that makes America strong, and this Congress cannot turn away from that.

For Lilly Ledbetter and all the workers who simply want to earn a fair wage for the hard work that they do for their families and for justice, let's pass this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my good friend from Worcester for yielding me the customary 30 minutes. And I rise in strong opposition to the rule and the underlying legislation.

Mr. Speaker, discrimination is wrong. And I, and my colleagues on both sides of the aisle, are horrified, absolutely horrified at the thought of discrimination taking place. And like Lilly Ledbetter, we want to ensure, as she very selflessly said, that as we look to future instances of potential discrimination, that no one is ever treated as she was.

□ 1815

But I will say that this rule and the underlying legislation are a very, very bad signal in our attempt to address this question.

From a substantive point, this bill is only the most recent salvo in the Democratic majority's assault on entrepreneurship and the competitiveness of the U.S. economy. From a process standpoint, this bill continues their assault on this institution and, by virtue of that, the rights of the American people.

After a campaign last November that was founded on a commitment to openness, deliberativeness and responsible legislating, this bill and the process by which it has been addressed are just another example, another addition to the ever-growing list of broken promises that have been made to the American people.

In crafting the underlying bill, the Democratic leadership all but abandoned the committee process itself. It shunned the input of experts, raced to bring their shoddy, sloppy work to the House floor, and shut down, by virtue of what we are doing, any possibility of meaningful debate by denying any amendments whatsoever.

Mr. Speaker, the most unfortunate part is that far from being an anomaly, this process, as was evidenced by the last rule that we just debated, is emblematic of what this Democratic majority has been doing.

Now, as my friend, the gentleman from Dallas (Mr. SESSIONS), said in management of the last rule that was just before us, the Democratic majority has considered twice as many measures under closed rules as the Republican had by this point, July 30, in the last Congress.

I say that because we, as Republicans, were constantly maligned and berated because we had closed rules. Yes, we did have closed rules. Some were warranted. Do you know what, Mr. Speaker? We may have overreached in some of the closed rules that we had. But I find it very interesting that as we saw that level of criticism leveled at the Republican majority, a promise was made to the American people that there would be greater openness and opportunity for more deliberation and a degree of accountability the likes of which did not exist when Republicans were in charge.

What is it that has happened, Mr. Speaker? We now have twice as many closed rules as we had at this point, July 30, at the beginning of the last Congress.

This rule seems to keep up that new philosophy that the Democratic majority has articulated more than once last week in the Rules Committee. The statement was as follows: if you don't support the bill, you shouldn't be given the opportunity to amend it. If you don't support the bill, you shouldn't be given an opportunity to amend it. That is what has regularly been propounded by our colleagues upstairs in the Rules Committee.

Apparently, you have to be a "yes man" if you want to have an opportunity to be heard or participate in the legislative process. You have to make an absolute commitment that you are going to support the legislation if you want to have a chance to improve it. That is exactly what happened in an exchange with the distinguished former chairman of the Education and Labor Committee, the now ranking member, my California colleague, Mr. McKEON.

Of course, they tried to conceal their bad policy and sloppy work by claiming this bill is about ending discrimination in the workplace. As I said, we all want to ensure that we end discrimination in the workplace. We are all horrified by any instance of discrimination in the workplace. They claim that it is about righting wrongs, that the Supreme Court overturned long-settled protections in the Ledbetter case and that this bill simply restores the proper legal precedent.

Well, Mr. Speaker, those claims are patently false. This bill would introduce utter chaos into the courts. Utter chaos. It is so vaguely and so poorly constructed that it would open the floodgates of dubious, dubious claims and frivolous lawsuits.

The distinguished ranking member of the Education and Labor Committee simply tried again to offer an amendment that would have dealt with this vagueness and that would have addressed the sloppy assembly of this legislation. And because he didn't make a commitment that he would support the legislation at the end of the day, he was denied, as was every other Member who wanted to have an opportunity to amend the legislation, they were denied a chance to do that.

The result of what it is that they are doing would be to obfuscate real cases of discrimination. Again, we want to ensure that any instance of discrimination is addressed. But what they are doing here, Mr. Speaker, would obfuscate real cases of discrimination and cripple business owners, who are the job creators in our economy.

Now, this may be a trial lawyer's dream, but it would be a nightmare for any small business owner, not to mention anyone with a legitimate case of workplace discrimination.

Again, we want anyone who has a legitimate case of workplace discrimination to be able to come forward and to address that grievance. Obviously, preventing discrimination and punishing it when it happens are critical goals of our labor laws. We all share a commitment to combating discriminatory treatment of any worker. It is precisely with this goal in mind that our laws have been designed to deal with discrimination in a timely and expeditious way. No one benefits when we allow violations to continue on indefinitely with a completely open-ended potential for years or decades to go by before the issue is addressed.

Virtually no statute of limitations at all is the potential problem with this legislation. By the same token, Mr. Speaker, we have to guard against an unlimited window for the introduction of those claims. As I said, frivolous, unfounded complaints are already a huge drain and take focus away from the very legitimate and important cases that are out there.

Mr. Speaker, the Equal Employment Opportunity Commission found reasonable cause last year in a mere 5.3 percent of the 75,000 complaints it received. Again, I believe that Lilly Ledbetter was absolutely right when she talked about the need to ensure that those who face discrimination in the future, in fact, do have an opportunity to have their wrong righted.

The EEOC, by its own numbers, receives 20 times as many unreasonable complaints as legitimate claims. Let me say that again: the Equal Employment Opportunity Commission has stated that they receive 20 times as many unreasonable complaints as legitimate claims. Furthermore, it found absolutely no cause whatsoever in over 60 percent of the cases that have been brought forward. This means that a large majority of its work is already wasted in investigating entirely unfounded complaints.

Now, Mr. Speaker, the tragic thing is that with this legislation, the waste and abuse will increase exponentially.

We have already seen the impact of frivolous lawsuits on competitiveness of American entrepreneurs and business owners. I am sure we have all read about the District of Columbia, the D.C. "pants suit," the family-owned dry cleaner that faced a $67 million lawsuit over a pair of pants. That family has been nearly ruined by hundreds of thousands of dollars in legal bills, even though they won their case. This is the ultimate nightmare for any business owner, let alone the small family-run business that bolsters our economy and our communities, as well.

Mr. Speaker, this bill protects neither those who suffer from discrimination nor the innocent who are wrongly accused. Furthermore, the claim that long-held and long-settled legal precedent was reversed by the Ledbetter ruling is utterly spurious. The very plaintiff, the alleged victim in this case, Mrs. Ledbetter, asserted her case based in part on the wildly disparate rulings on the legal matter at issue in her lawsuit. Her attorneys argued to the Supreme Court that there was "considerable conflict and confusion." Again, in arguing on her behalf before the United States Supreme Court, her attorney said that there was "considerable conflict and confusion."

Mr. Speaker, what is more, this legislation goes far beyond the limited scope of the Ledbetter case, far beyond that case. While that case dealt solely with the issue of intentional discrimination, the underlying bill expressly removes this distinction and in fact opens the floodgates on nonintentional disparate impact discrimination cases as well. The bill's authors admit as much in their own committee report.

So, Mr. Speaker, when the Democratic majority claims this bill simply restores the precedent that was reversed by the Supreme Court, they are wrong. When they claim this bill will give greater protection to those who suffer from workplace discrimination, they are wrong.

This bill is wildly ill conceived, based on specious claims. It would turn discrimination litigation into the Wild West of jurisprudence. It would inflict irreparable harm on countless businesses and take precious resources away from real cases of discrimination.

I will say again, Mr. Speaker, we want to do everything that we can to ensure that everyone who is victimized has their opportunity to be heard. But this legislation would take the resources to allow that to happen away from those who really face discrimination.

Unfortunately, but predictably, this is the kind of bad policy that inevitably comes from bad process. By irresponsibly and hastily throwing this legislation together, the Democratic majority has concocted a bill that would accomplish none of what they claim it will. Instead, it would unleash a flood of unintended consequences that will hurt the very people they purport to help. They will be hurting the workers of this country. They will be hurting the people that they purport to help. Once again, that sloppy work has produced very, very dangerous policy.

Mr. Speaker, I am going to urge my colleagues to oppose this rule, and, just as was the case in the last measure, I am going to, as Mr. SESSIONS did, encourage a "no" vote on the previous question. Why? So that we will be able to do something that I know they will argue, as Ms. CASTOR did when we were debating the last rule, is completely unrelated.

What it is we are going to offer if we are able to defeat the previous question is a chance for us to take steps to ensure that terrorists do not have the tools to kill Americans. By that, I mean we are hoping, if we can defeat the previous question, to ensure that the very thoughtful legislation that has been introduced by our colleague from New Mexico (Mrs. WILSON) will be able to be considered.

What does that do? It finally gives us a chance to modernize the nearly three-decade-old, very antiquated Foreign Intelligence Surveillance Act. We have seen such tremendous, tremendous changes in technology. On a daily basis we see that. We all know about those changes. Moore's Law made it very clear that you see in a 6-month period all kinds of equipment being outdated and antiquated.

Well, Mr. Speaker, we have seen terrorists have the ability to take advantage of the tremendous changes, and all we are asking is that the recommendations that have been put forward by the Director of National Intelligence, Mike McConnell, by the Director of the CIA, Mike Hayden, by the Secretary of Homeland Security, Michael Chertoff, that we see a chance for the concerns that they have understandably raised on the inability to make sure that we can monitor the actions of foreigners in foreign countries, that we have the ability to do that. That is all we are asking.

I am going to urge my colleagues to defeat the previous question, Mr. Speaker, so we will be able to make that in order, and to ensure that as we look at this legislative process and move forward, that we don't continue with this very, very dangerous pattern that we have had.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me just say in response to the gentleman from California's remarks, that obviously we disagree on the importance of this legislation. Many of us on this side, I hope all of us on this side, and a good number of Members on that side, believe this is serious, a serious bill and a very important bill, and that the issue of discrimination is something we cannot tolerate under any circumstances.

The gentleman mentions the promises that the Democrats made when they campaigned in the last election. One of those promises was that we would combat discrimination wherever it existed. That is what we are doing here today.

We think it is wrong that women get paid less than men for doing the same job.

□ 1830

The gentleman says this bill is an assault on entrepreneurship. Equal pay for equal work is an assault on entrepreneurship?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I never said that equal pay for equal work is an assault on entrepreneurship. What I said is that this legislation would create an open-ended prospect for frivolous lawsuits and undermines the ability of entrepreneurs to be able to succeed and create jobs and ensure the future of our economy.

I thank the gentleman for yielding.

Mr. McGOVERN. I thank the gentleman for his clarification, but the underlying point of this bill is to make sure that there are no more cases like Lilly Ledbetter's case. With almost every piece of legislation that deals with civil rights, the other side always trots out this litigation argument. There will be more lawsuits and more lawsuits and more lawsuits.

We hear the lawsuit in D.C. brought up about this man who is suing a dry cleaners for losing his pants. To the best of my knowledge, that has nothing to do with discrimination. I agree with the gentleman that that is a frivolous lawsuit, but to bring that case up in the context of what we are debating here, which is the civil rights and the equal rights and the equal pay protections for women in this country, I don't think is appropriate, quite frankly.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend. I am really confused with the argument that has just been propounded because the gentleman says every time there is a concern, we bring up the issue of frivolous lawsuits, and the gentleman has just talked about one of the worst cases of a frivolous lawsuit, the $57 million case that was brought against a small business owner. That is a problem.

Mr. McGOVERN. Reclaiming my time, I guess my confusion was you are bringing up that case in the context of the debate we are having here today with regard to equal pay for equal work.

I should also point out to the gentleman that the CBO expects that this bill would not significantly affect the number of filings with the Equal Employment Opportunity Commission. That appears in the report on the bill.

Again, I say to my colleagues that this issue is very simple. This is about combating discrimination. This is about fairness, and this is the way to do it, and this is the opportunity to do it.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding and agree with his sentiments.

Mr. Speaker, I am rising now in full support of the rule and of the underlying bill, H.R. 2831. As chairman of the Democratic Women's Working Group, I am proud of how quickly this Congress is responding to a clear misinterpretation of a law designed to protect individuals from gender discrimination.

It has taken us many years to reach a point where Congress now no longer wastes time in correcting an inequity when discrimination against women occurs. This is a real achievement.

The bill before us rightly recognizes that victims of pay discrimination should not be punished because they were not aware of the discrimination against them at the outset. The Civil Rights Act exists to protect individuals precisely when they find themselves in the situation Lilly Ledbetter found herself in. It was never meant to be interpreted in a way that provides a loophole for employers to discriminate, but just to make sure that their employees are kept in the dark for 6 months.

The Supreme Court ruling, if left to its own, signals to employers that it's, that is why it is so important that we now carry out our responsibility here in the Congress to provide a check and a balance against the Court's ruling.

I want to thank Lilly Ledbetter for her courageous zeal in carrying out her efforts to get this injustice corrected. I was impressed when I met her. She came to testify on Capitol Hill, testify before the committee. She knows that this law that we are about to pass will not necessarily rectify her situation. But she knows also, having experienced this inequity over so many years and carrying out her job so faithfully, she got nothing but excellent reports and discovered, as she went to retire, that she had been getting unequal pay all these years. So I commend my colleague from California, Chairman MILLER. I think it is so important that we carry out her determination on behalf of her workplace and the women that she represents who are so often sitting in the same situation as she did, finding themselves at their retirement, the fact that they were given unequal pay over all the years. They just didn't know what their colleagues were receiving.

So I support Chairman MILLER and the committee as a whole for being such strong protectors of workers' rights, regardless of race, gender or disability. I urge my colleagues to vote "yes" for the rule and the bill, the Lilly Ledbetter Fair Pay Act.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I would like to join with my colleague from Santa Barbara in saying that we are absolutely committed to doing every that we possibly can to ensure that there is no case of discrimination when it comes to the issue of equal pay for equal work. Obviously we want to do everything possible to make sure that someone like Ms. Ledbetter, who I believe was wronged, does not face this kind of difficulty in the future. That is exactly what Ms. Ledbetter said she wants to have happen.

The problem is this bill has been so poorly put together it creates the potential to actually impinge on the ability of people to bring cases forward. While my friend from Worcester talked about the issue of the Congressional Budget Office's analysis and the lack of an increase in cases, if you look at the mere fact that the Equal Employment Opportunity Commission has said that 60 percent of their cases do not warrant even moving forward, and that is why this creates the potential for even more of these horrible cases, based on the arguments that have been brought forward.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Dallas (Mr. SESSIONS), my hardworking colleague on the Rules Committee.

Mr. SESSIONS. Mr. Speaker, as I was preparing to come down here just a minute ago, I was met by one of my colleagues, the gentleman from Florida who said: Another closed rule? My gosh, I thought they said this was going to be an open Congress. I thought they said we are going to have closed rules only to get their political agenda, 6 in '06 done, and then we will quit that.

Well, to the gentleman from Florida (Mr. KELLER), another closed rule. However, this closed rule is just another manifestation of the new Democratic majority's philosophy. Just another one. And that is, if you can't support the bill in its current form, you shouldn't be given an amendment. That is the new philosophy at the Rules Committee. Democrats on the Rules Committee said at least twice last week that Members who are not willing to vote for the bill should not be allowed to offer amendments.

I would like to quote one of my colleagues. This took place this last week, and it says, the gentleman from Florida (Mr. HASTINGS), "I will argue for a closed rule. It makes no sense to have the minority presenting anything they might improve, that they might have agreed upon, and at the end not vote for the bill."

Hello? What's the Rules Committee for? The Rules Committee is there to perfect bills, to make them better, to listen to input from Members of Congress. Yes, that does include the minority in my opinion, but that is only upon 9 years of service to the Rules Committee, where the Rules Committee, for the 9 years prior to this, we were very careful to make sure that minority members had a say, could come before the Rules Committee. This is yet another example of the circular logic used by the majority. And it is only when you support a bill should you have the opportunity to amend it.

You know, this is tortured logic and it makes no sense, and it prevents good ideas from being considered by the House. But this is the way they are going to run the House, it seems like. New logic, move the goalposts. And make sure, if you are in the minority and if you don't completely agree with the Democrat majority, you have no need to come to the Rules Committee. We don't care, and you are not going to have a chance to even be heard or understood. It's a sad day.

Mr. McGOVERN. Mr. Speaker, we hear a lot from the other side about how nobody supports what happened to Lilly Ledbetter, yet it was this Republican President's Solicitor General who argued against Lilly Ledbetter in the Supreme Court. For all of the years I can remember that the Republicans were in the majority in Congress, I don't remember any groundbreaking equal pay for equal work legislation being brought to the floor to deal with these kinds of issues.

So we can talk all we want about the need to eliminate discrimination in the workforce against women, but unless we back those statements up with our votes on legislation that will change that, then those words ring hollow.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY) 3 minutes.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman from Massachusetts.

I think it is interesting to hear all these protestations from my colleagues on the Republican side about this issue of civil rights and how they are so concerned about equal rights for women. They are so concerned about equal pay for equal work, that if it were up to them, they would do something about it, that they care just as much as Democrats.

Yet it was the Republican President who nominated the Supreme Court, who stacked the Supreme Court of the United States with conservative, right-wing Republican ideological judges that handed down not only the Ledbetter decision, but has handed down decision after decision that has gone against working people and civil rights every step of the way. This is no mistake. This is just the agenda that the Republicans wanted.

You voted for President Bush, so don't come on down here and say but we didn't mean to. And by the way, you also cut the Equal Employment Opportunity Commission when you were in charge of this place, so don't come over here and now say you protest women not getting paid equally.

And for a fact, if there were a flood of lawsuits, there would be every reason for there to be a flood of lawsuits, Mr. DREIER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair

Mr. KENNEDY. The facts being what they are, the Department of Labor says, as a fact today, 76 cents on the dollar today is paid for the same hourly work for a woman as for a dollar that a man works. For every dollar a man earns, 76 cents is what a woman earns. That is a fact. If you don't believe that, go to the Census Bureau, go to the Department of Labor and ask for yourself.

For my sake, I don't want to go home and tell my mother that she is only worth 76 cents for a dollar a man is worth. I don't want to go back to my sister and tell her she is only worth 76 cents what my brother and I are worth. I don't want to go to my daughters some day and say they are only worth 76 cents versus a dollar what a man is worth when they go to work for equal time served.

If you are happy being opposed to this bill, H.R. 2831, and you are happy living with yourselves and living in the same home as your female family members, knowing that and living with yourselves, God bless you. I'm not happy with it. I couldn't live with myself.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. DREIER. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes. The gentleman from Massachusetts has 13½ minutes.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I put this in the present context so that our colleagues can recognize why this bill is so crucial?

Just about a week ago, many of us took to our communities to announce the first time in 10 years the increase in the minimum wage. In fact, it was July 24, 2007. The last time the minimum wage was increased for American workers, and by the way, we gave tax relief to our small businesses, was 1997 under the Democratic administration. It took a Democratic Congress to raise the minimum wage. For 10 years, we could not get our friends on the other side of the aisle to raise the minimum wage. It took a majority Democratic Congress to raise that wage.

□ 1845

Now, understand, suppose 23 years later you found out that the minimum wage was raised in 2007, but your employer had never told you. The question becomes, is it not fair for you to be able to have retroactively what is due you as a hardworking American?

That is what happened to Lilly Ledbetter, who worked for Goodyear year after year after year after year after year, and tragically, the Supreme Court, unevenly divided, appointed by this administration, believed that Lilly Ledbetter had no rights.

This legislation wants to put this system on the right track, and I thank the distinguished member of the Rules Committee; I thank Mr. MILLER. I'm proud to be one of the cosponsors of this legislation. We are giving Lilly Ledbetter and all those who may be under her particular discrimination relief, and that is because she did not know of her rights to be able to pursue the discriminatory practices when they were happening. The Supreme Court threw her out of court.

This is an appropriate fix. My colleagues fixed a problem with the Border Patrol agents. I happen to agree with them. Mandatory sentences are really a challenge, but we're trying to fix something for a hardworking American, a woman who was discriminated against.

Under our labor practices, we have provisions for individuals to challenge unfair labor practices. We have an Equal Employment Opportunity Commission that is for our own Americans to address unfair and discriminatory practices. We do not own up to the values of this Nation if we do not correct an injustice. It was an injustice for Lilly Ledbetter not to be allowed to pursue her discrimination charge.

I ask my colleagues to make it right and help women get equal pay for equal work.

Mr. DREIER. Mr. Speaker, I'm happy to yield 3½ minutes to my very thoughtful colleague from Orlando (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding, and I will begin by yielding to the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Speaker, I thank the gentleman for yielding. I'd just like to sort of maybe refresh.

There's a lot of demagoguery going on here today. I'd like to refresh my colleagues' memory in that the Civil Rights Act was passed in 1964. The Republicans became the majority party in this country in 1994. Where were you for 30 years? There's plenty of blame to be passed around, but please take responsibility for your own.

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise to oppose this closed rule and the underlying legislation.

When the Democrats went through their 6 for '06 agenda and gave us closed rule after closed rule, they told us it would be temporary; we would then have a fair process to amend bills and clarify them. It hasn't happened.

Today is the 28th time the Democrats have given us a closed rule, literally twice as many as Republicans during the same time period. We had two amendments that we wanted to offer that would improve and clarify the bill. We had no chance to do so.

Next, let me talk about the substance of the bill. This legislation has the practical effect of doing away with statutes of limitations in employment cases. On May 29, 2007, the U.S. Supreme Court ruled that Ms. Ledbetter's claim was barred by the statute of limitations. This legislation attempts to specifically reverse that decision and, in fact, makes it retroactive to the day before the decision on May 28, 2007.

Make no mistake, there is a strong public policy reason for having a statute of limitations in the employment context. Witness memories fade, documents are lost and employees die. We want these disputes to be resolved when witness memories are fresh, documents are available and employees are alive.

The Ledbetter case is a perfect example. Ms. Ledbetter alleged sexual harassment misconduct by a single Goodyear supervisor. Yet she waited 19 years after the supervisor passed away from cancer to file suit. She said at the hearing, "I didn't say anything at first because I wanted to try to work it out and fit in without making waves."

Now, she seemed like a nice lady to me. I had the chance to meet her, but I wonder what her supervisor would have said had she brought this suit when it was fresh so we could hear both sides.

The Supreme Court wondered the same thing. The Supreme Court wrote in its Ledbetter opinion: "The passage of time may seriously diminish the ability of the parties and the fact-finder to reconstruct what actually happened. This case illustrates the problems created by tardy lawsuits."

We hear about equal pay for equal work. We're all for that, Mr. Speaker. The fact is those folks haven't read this opinion because she had an Equal Pay Act that was thrown out on the merits.

Mr. McGOVERN. Mr. Speaker, I just want to respond to the gentleman from New York (Mr. WALSH) who spoke before and wanted to know where the Democrats were on this issue. We didn't know we had a problem until

George Bush's Supreme Court made this awful decision on this case, and now what we're trying to do today is fix it. We thought, quite frankly, that reasonable judges, rational judges, would interpret the law accordingly and believe that the discrimination against women who were being paid less than men was, in fact, wrong. And so here we are today to try to fix this mess.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it's my privilege and honor to speak on behalf of this bill.

The New York Times and many of the other leading publications of this country has said this is something that this Congress needs to do to correct an inequity, a wrong. When there's a wrong in law, there's always a right; and when it's not one that the courts have righted, it's the duty of the legislative body to right it if it's something that's in the public good.

Indeed, when there's discrimination in the workplace in pay and disparity, as there has been for years with women, for years we've known 69 cents is what a woman earns for every dollar, and when women are discriminated against doing the same job as a male, it's wrong and it needs to be changed.

And so I think this legislation is appropriately brought before us to correct a wrong when the courts didn't, and I'm pleased to speak on behalf of it. I will be pleased to vote for it, and I am thankful that Mr. MILLER and Mr. McGOVERN brought this and thank them for bringing it to the House of Representatives

Mr. DREIER. Mr. Speaker, I'm very happy to yield 3 minutes to my very good friend from Santa Clarita, California, the former chairman, the distinguished ranking minority member of the Committee on Education and Labor (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this rule.

Last Thursday night, Members received notice of an emergency meeting of the Rules Committee on the following morning, with no deadline given for Members on either side of the aisle to submit amendments to this badly flawed legislation. Even though I was able to file two of them because they had already been drafted for an Education and Labor Committee markup last month, this extremely short notice and lack of amendment instructions effectively shut both Democrat and Republican colleagues out of the Rules Committee's increasingly undemocratic process.

I say increasingly undemocratic because last Thursday night and Friday morning's turn of events was just one of several occasions this year in which I've found the Rules Committee acted in a wholly unfair manner.

For example, in my first appearance before the committee this year, before the House considered the minimum wage legislation, I was told by the panel's Chair that the Democrat leadership had already decided the rule would be closed. Again, this was announced before I had even testified before the committee on my substitute for that bill.

There was also an occasion several months later, prior to consideration of student aid legislation through the budget reconciliation process, when the Rules Committee announced the bill's amendment filing deadline would fall during the Independence Day district work period. In other words, this deadline fell when Members were absent and staff was scattered, making amendments extremely difficult to file.

So last Thursday and Friday's "emergency" was hardly surprising, yet still very disappointing. It rendered nearly 400 Members of this House, meaning those who do not sit on the Education and Labor Committee, powerless to change or even consider a change to this bill. And by doing so, the Democrat leadership of the Rules Committee, and yes the Democrat leadership of the Education and Labor Committee and the House, has done a disservice to this institution and to the voters who sent us here.

That's because the measure before us is not a minor tweak of labor law meant to reverse a single Supreme Court decision. Rather, it guts the statute of limitations and Equal Employment Opportunity Commission charging requirements contained in current law. And it effectively would allow an employee to bring a claim against an employer decades after an alleged initial act of discrimination occurred. Such a wholesale change should be made only after close, appropriate and deliberative examination.

But H.R. 2831 has been exposed to none of that. Rather, it was poorly drafted, rushed through committee with practically no input from outside stakeholders or from committee Republicans and, now, sent to the floor under an airtight, closed rule.

Because of this, Mr. Speaker, I have no choice but to continue my opposition to it, both for policy and process reasons. Shortly, I will be proud to manage time in opposition to it, but before then, I will vote against this undemocratic rule, and I urge my colleagues to do the same.

Mr. McGOVERN. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 8 minutes. The gentleman from California has 5½ minutes.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his outstanding work on this issue and many others. I rise in strong support of the rule for H.R. 2831.

In the Ledbetter case, the Supreme Court has outdone itself. Against reason, against logic, against fairness, they ruled that women must file their claim a scant 180 days from the date on which their salary first became unequal. In a world where most workers do not know what their colleagues are earning, the 180-day rule is an insurmountable barrier with terrible consequences. Miss the deadline and you're stuck with discrimination for the rest of your career.

What's more, since raises are often based on a percentage of pay, small differences magnify over time. Under the Supreme Court's twisted reasoning, employees cannot contest this growing disparity if they don't protest at the beginning.

This bill restores reason, logic and fairness to the process. Every unequal paycheck ought to be recognized for what it is, a new act of discrimination.

I urge my colleagues to support this rule and to support the fair underlying bill. I congratulate the Democratic leadership for coming forward with it, and I urge my colleagues to vote for this rule.

Mr. DREIER. Mr. Speaker, may I inquire of my colleague how many speakers he has remaining on his side.

Mr. McGOVERN. I have the gentlewoman from California (Ms. ZOE LOFGREN) and then myself.

Mr. DREIER. I have just one more speaker, and actually with that, then I'll just plan to wrap up.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge adoption of this enormously important amendment.

Others have spoken eloquently about the need for women to have equal rights in their paychecks, but this is a right that extends far beyond female Americans. It extends to families, because in this day and age we all know that working families require the incomes not just of the husband but also of the wife, Dad and Mom together, and if Mom's salary is decreased unfairly and illegally, that hurts everybody in that family.

So I urge my colleagues to support this measure, not just for the women of America but for the men and women and families of America.

I thank the gentleman for yielding.

☐ 1900

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by saying that, obviously, we feel very strongly about the issue of discrimination, and we feel that cases like this need to be addressed in the future.

I am going to be exchanging, engaging in a colloquy with my friend from Albuquerque. I was just talking with her about the rule and the underlying legislation. She said to me, as we get ready to talk about our quest to address the previous question issue, that she wanted to offer some thoughts.

And so I would like to at this moment yield such time as she may consume to my colleague from Albuquerque for some remarks.

Mrs. WILSON of New Mexico. Mr. Speaker, I was listening to this debate and my colleagues. I am a big believer in equal pay for equal work, particularly when it comes to women, because that determines what I get in my packet at the end of the week.

But I have to say, I don't like this bill. The reason is, I am sitting here thinking, if you can go back 20 years and say I was discriminated against 20 years ago, we are talking about my first job out of college, and how that may have been, or I am a former small business owner as well. There are folks that I probably don't even remember employing who could come back and start suing me for what I did in small business 20 years ago. I just don't think that's the right way to solve the problem.

I am strongly for equal pay for equal work and have fought for it and have given it to employees. I just don't think this is the way to do it, by retroactively allowing people to sue.

Mr. DREIER. Reclaiming my time, I would like to actually say that clearly the gentleman from Santa Clarita (Mr. McKEON) is going to be about talking about this issue, assuming we do move to the bill.

But I will say that we are going to, as we did in the case of the last bill, seek to defeat the previous question so that we will have a chance to deal with an issue that is critically important, critically important to the security of the United States of America and our allies.

We, for literally months, have been saying that we need to take the very antiquated, 1978, Foreign Intelligence Surveillance Act and have a chance, have a chance to improve and update that so that we could bring that three-decade old legislation into the 21st century with the tremendous technological changes that have taken place.

We have been imploring Members of this House to move legislation so that those who are in the intelligence field, the Central Intelligence Agency, the Director of National Intelligence, the Secretary of Homeland Security, will simply have the opportunity, have the opportunity to monitor foreigners on foreign soil without going through the long process of seeking a court order to not, not in any way, engage on the monitoring of telephone conversations of Americans, but of terrorists on foreign soil who want to kill us.

Mr. Speaker, since my colleague from Albuquerque has authored legislation, we will seek, if we can get our colleagues to vote against the previous question, to make this critically important legislation in order, rather than waiting until, rather than waiting until after the August recess.

Tragically, we have just gotten news that the scheduled briefing for the Intelligence Committee that was to be provided at 10 o'clock tomorrow morning by the Director of National Intelligence has just been postponed until after the August recess, more than a month from now. I believe that we have created some very serious problems here.

Mr. Speaker, I yield further to my colleague for some remarks on this.

Mrs. WILSON of New Mexico. If the previous question is defeated, we will bring to the floor immediately a bill to update the Foreign Intelligence Surveillance Act. Director McConnell, the Director for National Intelligence, put it very simply in a letter last week. He said, "Simply put, in a significant number of cases, we are in a position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas."

We are tying ourselves up in red tape here at home not using our intelligence capabilities to protect our country. This is an urgent issue. He has described an intelligence gap that is tying our hands.

If the previous question is defeated, I will offer immediate legislation to close this intelligence gap.

Mr. DREIER. Reclaiming my time, I would like to ask my colleague a couple of questions on this. She is so expert, as a member of the committee, having worked long and hard on this.

I would like to ask if she is aware of any cases where American lives are already at risk because of the fact that we don't have the ability to monitor, in foreign countries foreigners who are engaging in these kinds of conversations.

Mrs. WILSON of New Mexico. I am aware of specific cases, I think all of us, particularly in the leadership in the House, Democrat and Republican, as well as members of the Intelligence Committee, Democrat and Republican, are aware of the continuing intelligence gap that is putting us at risk in ways that we don't even know about.

But I am aware of specific cases where American lives have been put at risk.

Mr. DREIER. Mr. Speaker, in light of that, it is absolutely imperative that we defeat the previous question on this rule so that we will have an opportunity to deal with this horror that will allow us to have a chance to save American lives, as the gentlewoman has just said.

I urge my colleagues to vote "no" on the previous question

Mr. McGOVERN. Mr. Speaker, let me just say that I think it's inconceivable that any Member in this Chamber can stand up and say that they are against discrimination and that they are dedicated to equal pay for equal work and vote against the underlying bill.

My friends on the other side of the aisle have talked about how committed they are to this issue of equal rights; yet when they controlled this Congress, I don't recall a single equal pay for equal work bill being brought to this floor.

My friends say that this is an issue they feel strongly about, yet I don't recall hearing a single voice on the other side of the aisle complain when George Bush's Solicitor General argued against Lilly Ledbetter. My friends say this is an important issue to them, yet I don't recall anybody on their side of the aisle standing up and decrying the Supreme Court when they came down with this awful decision against Lilly Ledbetter.

Today's debate has been about justice and fairness. It is hard to believe this is even an issue that needs to be debated. No one argues that Lilly Ledbetter was denied equal pay for equal work. No one argues against the fact that women in this country still only earn 77 cents for every dollar earned by men.

No one will refute the fact that, unfortunately, discrimination in the workplace towards too many Americans is still rampant. But today we can send a message that this unfairness in the workplace is unacceptable and will no longer be tolerated.

Those who discriminated against Lilly Ledbetter were wrong, and they deserve to be fired. Because of the insult she suffered, Ms. Ledbetter deserved compensation.

What's amazing is that the Supreme Court doesn't deny this. They recognize the problem, yet a bare majority, for some reason, decided that justice was not to be granted. Justice Ginsburg, in her dissent, stated that the opinion did not, and I quote, "comprehend, or was indifferent, to the insidious way in which women can be victims of pay discrimination." Justice Ginsburg also made clear that now it was up to Congress to act. Today we shall.

It does not matter if you suffer pay discrimination on the basis of race, sex, color, religion, national origin, disability or age. It is wrong. If it happens, there must be a system in place to ensure that justice is accomplished.

As Lilly Ledbetter said, and I quote, "I wish my story had a happy ending . . . I hope . . . that what happened to me does not happen to other people who suffered discrimination like I did."

Let's fulfill Lilly Ledbetter's hope today and ensure that what happened to her never, ever happens to another worker in this great country.

I urge a "yes" vote on the previous question and on the rule

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Mr. MURTHA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110-279) on the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

IDAHO AGRICULTURAL COLLEGE LAND GRANT

Ms. HERSETH SANDLIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3006) to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGRICULTURAL COLLEGE LAND GRANT.

(a) IN GENERAL.—Section 10 of the Act of July 3, 1890 (26 Stat. 215, chapter 656) is amended—

(1) by inserting "(a)" after "SEC. 10."; and

(2) by adding at the end the following:

"(b) Notwithstanding sections 3 through 5 of the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 303 et seq.), the State of Idaho may—

"(1) invest and manage earnings and proceeds derived from land granted to the State of Idaho pursuant to subsection (a), in accordance with the standards applicable to a trustee under Idaho law;

"(2) deduct from earnings and proceeds generated from granted land any expenses that a trustee is authorized to deduct pursuant to Idaho law; and

"(3) use earnings and proceeds generated by the granted land for any uses and purposes described in that Act (7 U.S.C. 301 et seq.) without regard to the limitations set out in section 5 of that Act (7 U.S.C. 305) that prohibit the State from exceeding 10 per centum on the purchase of land and prohibit the State from purchasing, erecting, preserving, or repairing of any building or buildings.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 27, 1998.

The SPEAKER pro tempore (Ms. ROYBAL-ALLARD). Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3006, a bill introduced by Congressman SIMPSON of Idaho and cosponsored by Congressman SALI, also of Idaho, that addresses an Idaho-specific problem.

The University of Idaho would like to construct a Center for Livestock and Environmental Studies to research environmental issues facing the dairy industry in central Idaho, but current law prevents the university from using proceeds from endowed lands toward funding for the center.

The dairy industry faces a number of significant EPA regulation, animal health and environmental issues, including nutrient management and odor control. Idaho is now the fourth largest milk-producing State, with 477,475 cows and 686 dairies in 2006.

To support the Idaho dairy industry and help address the challenges facing it, the University of Idaho, in collaboration with the College of Southern Idaho, Idaho Dairymen, Kimberley ARS/USDA and others, is seeking to develop the Center for Livestock and Environmental Studies in the Magic Valley area. The total cost of the center is projected to be $25-$35 million. The State of Idaho and the dairy industry have been willing to put forward a large percentage of funding, and the University of Idaho is responsible for the remaining portion.

The university would like to use the proceeds from endowed lands granted to the university by the Morrill Act. In order to do this, the Idaho Admissions Bill must be amended. Currently, lands granted to the University of Idaho through the Morrill Act can be exchanged and managed with the proceeds going only to the operation of buildings, not construction. This bill will lift that restriction within the Idaho Admissions Bill and will leave the Morrill Act untouched, making it Idaho specific.

Governor Otter and the Idaho Legislature have approved a $10 million appropriation for the center, contingent upon the passage of H.R. 3006, and additional funding is being raised by the Idaho dairy community.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I rise in support of this legislation and yield myself such time as I may consume.

H.R. 3006 is a simple amendment to the act granting statehood to Idaho. The legislation will allow Idaho additional flexibility to invest and manage earnings from the land grant provided under the first Morrill Act.

The purpose of the Morrill Act of 1862 was to provide an amount of public land to be apportioned to each State, the proceeds of which were to be used to establish a college of agriculture. The Morrill Act is the foundation of our land grant college system and one we can continue to build upon with each farm bill.

The purpose of H.R. 3006 is to provide additional flexibility to Idaho in how it manages funds derived from the original land grant. Specifically, this legislation would waive statutory limitations related to facility procurement and maintenance. This, in turn, will allow Idaho to construct a research facility addressing environmental concerns facing the dairy industry.

As stated previously, this is simple legislation for which I know of no opposition.

I am told that any concerns the U.S. Department of Agriculture may have have been subsequently addressed. I, therefore, urge all Members to support this legislation.

Mr. PETERSON of Minnesota. Madam Speaker, I submit the following information for the RECORD on H.R. 3006:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 27, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 3006, a bill to improve the use of a grant of a parcel of land to the State of Idaho, for consideration by the House of Representatives as soon as possible.

H.R. 3006 was referred to the Committee on Agriculture and additionally to your Committee. The purpose of H.R. 3006 is to allow the University of Idaho to construct a Center for Livestock and Environmental Studies to research environmental issues facing the dairy industry in central Idaho.

In the interest of expediency, I ask that you allow the Committee on Natural Resources to be discharged from further consideration of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Natural Resources Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 3006.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 27, 2007.
Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 3006, a bill to improve the use of a grant of a parcel of land to the State of Idaho. As you know, the Committee on Natural Resources was granted an additional referral on this legislation due to provisions therein which fall under the Committee's jurisdiction.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, and knowing of your interest in expediting this legislation, I will discharge H.R. 3006 from further consideration by the Committee on Natural Resources. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 3006 and into the Congressional Record during consideration of the measure on the House floor.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,
NICK J. RAHALL, II,
Chairman.

Mr. GOODLATTE. Madam Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the bill, H.R. 3006.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

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U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT AMENDMENT

Ms. HERSETH SANDLIN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1716) to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRACT WAIVER.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 112) is amended by striking section 9012.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. 1716, legislation that would ensure that U.S. livestock producers will be able to utilize the vital disaster assistance recently approved by this Congress.

The effect of this bill is essentially identical to an amendment last week by my colleague and friend from Oklahoma (Mr. LUCAS) to the Farm, Nutrition, and Bioenergy Act, which I supported and which was unanimously accepted.

This legislation is critical to deliver on the promise we made to American livestock producers just this past May. After more than a year's effort and despite several veto threats from the President, we were successful in passing much-needed disaster assistance through this Chamber and enacted into law. Then, several months after the bill's passage, the Secretary of Agriculture determined that a certain phrase in the bill effectively denies aid to all livestock producers that didn't participate in the Non-Insured Crop Disaster Assistance program or a crop insurance pilot program for rangeland.

I assure my colleagues that this was not the intention of this Congress and, regardless of the accuracy of USDA's legal interpretation, we need legislative action to fix it. This bill simply strikes the one sentence in the disaster bill that is causing the problem.

I appreciate the leadership of the Agriculture Committee in working with me to find a solution to this problem, and I am pleased to have the opportunity to offer this legislation. I also shared this problem with the leadership of the Appropriations Committee to ensure that this year's Agriculture appropriations bill contains language to address this as well, and I am pleased to report that it does. That would be unnecessary, however, if we can pass this stand-alone legislation and get it directly to the President. Doing so will solve this problem in time to prevent any delays in delivering much-needed assistance to American producers. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the bill to amend S. 1716, which previously passed the other body and is now before the House.

In May, Congress passed and the President signed U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. This law included disaster assistance for crop and livestock producers for losses sustained between January 1, 2005 and February 28, 2007.

Producers were able to receive payments for losses sustained in only one of these years and were required to be in a county that was declared a disaster county in that same calendar year. This law also contained provisions found in section 9012 requiring that forage producers must have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance program during the crop year for which compensation is received.

As a result of section 9012, very few livestock producers are eligible for the disaster relief passed by Congress because crop insurance is more widely used in crop production than in livestock production. The amendment before the House will strike section 9012 to broaden the eligibility requirements to allow more livestock producers that suffered loss to participate than were allowed under the previously passed disaster package. The amendment before the House will not change direct spending because this amendment reconfirms the assumptions made when the Congressional Budget Office scored the original bill.

I believe section 9012 establishes an appropriate incentive for producers to manage their risk using the available tools. However, it is not reasonable to put this policy in place without warning. To tell producers in 2007 that they should have bought crop insurance in 2005 to get assistance for losses incurred in 2005 is not fair. Livestock producers should know, however, that in the future, crop insurance or participation in similar risk-management programs will likely be required to qualify for future disaster assistance.

I commend the gentlewoman from South Dakota and others who have worked for this legislation. I support the bill to amend S. 1716 and urge its adoption.

Madam Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Madam Speaker, I want to thank the distinguished ranking member of the full Committee on Agriculture, Mr. GOODLATTE, for his support of this bill. We have Senate colleagues who we have served with here in this body previously who have already been working hard on this legislation. I am pleased that we have bipartisan agreement on our intention in providing this disaster assistance and certainly acknowledge and agree with the gentleman from Virginia's statements as it relates to future disaster assistance and the importance of further developing the pilot project programs for livestock producers to have adequate coverage for their losses.

Mr. MORAN of Kansas. Madam Speaker, I rise in support of the legislation before the House that fixes a drafting error that has kept ranchers in Kansas from receiving important disaster assistance. My top priority this year has been to see that the agricultural producers in my district who have been devastated by extreme weather are given the support needed to stay on their feet and continue feeding our nation.

I was glad to see Congress recognize the importance of delivering disaster assistance to our country's hardest hit producers. I was not glad to see an error in the bill effectively prohibit ranchers from receiving this aid. A provision required ranchers to have participated in a particular insurance pilot program. The problem is that this pilot program does not exist.

Absent the fix we are making here today, some producers in Kansas, at no fault of their own, will not be in business come winter. In Kansas, we have struggled through 5 and 6 years of drought followed by last year's strong winter storms in December that caused 44 of Kansas' 105 counties to be declared natural disasters. And as you have all seen, tornadoes, hail and floods have now affected the rest of the State of Kansas. In total, 65 of the 69 counties I represent have been declared federal disaster areas this year.

I am grateful we are taking action to allow the intended disaster assistance to reach ranchers across the plains. The bill before us, the Senate version of a bill I introduced here in the House, will simply strike the one sentence in the disaster bill that is causing the problem.

So, Madam Speaker, this is an important piece of legislation, and I ask my colleagues, both Republicans and Democrats, to support this bill.

Ms. HERSETH SANDLIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the Senate bill, S. 1716.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

LIBERIA DESIGNATION EXTENSION

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DESIGNATION.

(a) IN GENERAL.—The designation of Liberia under section 244(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(1)) is extended through September 30, 2008.

(b) APPLICABILITY.—Subsection (a) shall be applied so as to render eligible for temporary protected status and work authorization, in accordance with subsections (a), (e) and (f) of section 244 of such Act (8 U.S.C. 1254a), an alien who is a national of Liberia (or in the case of an alien having no nationality, is a person who last habitually resided in Liberia) and is otherwise eligible under subsection (c) of such section, if the alien—

(1) was granted such status under the designation of Liberia that is effective until October 1, 2007 (71 Fed. Reg. 55000);

(2) applied for such status under such designation, and such application is still pending; or

(3) is eligible for late initial registration under section 244(c) of such Act and the regulations implementing such section.

(c) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish in the Federal Register procedures for aliens to register for temporary protected status under the extension made by this Act, and to apply for any applicable work authorization or extension of work authorization. Such registration period shall be not less than 60 days long.

(d) EXTENSION OF CURRENT WORK AUTHORIZATIONS.—Notwithstanding any other provision of law, any work authorization provided under section 244 of the Immigration and Nationality Act pursuant to the designation of Liberia that is effective until October 1, 2007, is extended until not earlier than April 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

H.R. 3123 extends Liberia's current temporary protected status designation, which is due to expire on September 30 of this year, for 1 year.

As many of us know, Liberia was founded by former American slaves with the help of our government. Since 1989, however, the country has been ravaged by two brutal civil wars which have displaced hundreds of thousands of people and destroyed Liberia's economy and infrastructure.

In recognition of these intolerable conditions, the United States for the past 16 years has accorded special protection status to prevent approximately 3,600 Liberians residing in our Nation under temporary protected status from having to be returned to their homeland in the midst of those wars. Recently, the Department of Homeland Security has determined to terminate these temporary protections in light of the fact that Liberia's civil wars have finally ended and in anticipation of the political stability that Ellen Johnson-Sirleaf, its newly elected President, will bring.

While there is no question that President Johnson-Sirleaf has put Liberia on the road to recovery, that road will unfortunately be rather long. Currently, 85 percent of Liberians are unemployed. The country is suffering from severe shortages in electricity and running water. As for medical care, Liberia has only 26, yes, that is only 26, physicians who must serve a population of 3.4 million people.

Recognizing her country's fragile state, President Johnson-Sirleaf has acknowledged that Liberia is unable to accept and absorb the 3,600 Liberian nationals currently residing in the U.S. under TPS. I am sure we all recall President Johnson-Sirleaf's visit and address to this body and our interest in making sure that she succeeds in bringing peace and democracy to her country. Accordingly, we are deeply concerned about the consequences that could result if thousands of Liberians in the United States are forced to return to their homeland before it is ready and able to accept them.

For these reasons, I ask that you join me in supporting H.R. 3123, which simply extends this protection status for 1 year. I should also note that this bipartisan measure is supported by President Johnson-Sirleaf and the Liberian Government.

I would also like to extend a special thanks to Republican Whip ROY BLUNT who, in talking to Democratic Whip JIM CLYBURN last week, agreed that we should proceed in this manner. Mr. BLUNT is a cosponsor of this bipartisan bill, along with the prime sponsors, Representatives KENNEDY and JIM RAMSTAD, Representatives PENCE and TIBERI, myself, Mr. LANGEVIN, Mr. DIAZ-BALART, Mr. MCCOTTER, TIM WALBERG, JOHN CONYERS, Ms. JACKSON-LEE, and Representative WYNN. So this is a thoroughly bipartisan bill, and I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens from particular countries under temporary protected status. If there is an ongoing armed conflict in the country and the return of nationals would pose a serious threat to their security, if there has been a natural disaster in the country resulting in a substantial but temporary disruption of living conditions, or if there exists extraordinary temporary conditions in their country that prevent aliens from returning in safety, the Secretary can grant TPS status to the nationals for as long as 18 months. He can later extend the TPS period for additional periods of as long as 18 months.

Nationals of Liberia have been granted TPS because of civil unrest in Liberia; however, that status expires on October 1 of this year. This legislation would direct the Secretary to extend TPS to nationals of Liberia through September 30, 2008. I support this legislation.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY), the prime author of the legislation.

Mr. KENNEDY. I thank the gentlewoman from California, and I want to commend her for her support.

Madam Speaker, I am proud to lead a bipartisan coalition of Members from both sides of the aisle that support the cause of Liberia, and I want to thank and extend my gratitude to them and to all parties for bringing this bill to the floor today.

Minority Leader and Whip BLUNT, Congressman MIKE PENCE, Congressman TIM WALBERG, and my good friend from Minnesota, JIM RAMSTAD, have come together because we all believe in the Liberian-American community.

I would also like to recognize Congressman KEITH ELLISON, a true champion of the Liberian-Americans, for his steadfast support and dedication to this cause, as well as to Chairman CONYERS and again to Chairwoman LOFGREN on the Judiciary Committee for her strong leadership on this issue.

Madam Speaker, as you can hear from this debate, this is an issue where we have had a country that has had a unique history with our Nation. It is a country that was founded by former American slaves. It was a country that was established by this country for those liberated American slaves; and it was a country whose refugees came back here because of a war that was in part fueled by American guns, where we supported former General Taylor and General Doe.

So it is a tragedy that was exacerbated because America supported a civil war that cost the descendents of those American slaves their lives. There was torture and killing that forced those former American slaves' descendents to have to come back to the United States.

Now they are here. They have made their own lives here. And the thought that we would have to force them to go back instead of them making their own decision as to when to go back. I represent a large community of over 17,000 Liberian-Americans. They want to go back to Liberia, but they want to make the decision as to when they go back. They don't want to have to be forced to go back on October 1 because we are forcing them. They have made their lives here. They contribute heavily to our community.

In fact, I have spoken this afternoon to several of my constituents. One woman, Ms. Harris, has never missed a day of work in the 20 years she has been here in this country; another family, the Dennises, who have been here; Mr. and Mrs. Akowala. He has two degrees in engineering and Mrs. Akowala is a registered nurse.

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Both degrees are very important in this country. Both of whom contribute heavily to our economy. Their children were born here. But if they were forced back and their children are Americans, what happens? They go back to a country where 85 percent of the country is unemployed, where there's little running water, little electricity. Can you imagine what we'd do to that country? It's barely on its feet right now. What do we do? We do not stabilize the country that's getting on its feet. I think we further destabilize it.

Further, I think the best policy for us to help stand up to Liberia is to help and give them the remittances that Americans here in this country, the Liberian Americans here send back every year to Liberia. And that, I think, is a good policy for this country.

For all of these reasons, not the least of which is Ciehanna Stevens. She is married to an Iraqi war veteran hero who's on his fourth tour of duty. He's a citizen of this country. He's a Liberian American, fourth tour of duty serving his country. She will be deported. Imagine, the wife of an Iraqi war hero on his fourth tour of duty to be deported. That, to me, is an outrage. We need to pass this bill for all the Liberian Americans who contributed to our country.

Mr. CANNON. Madam Speaker, I'd like to yield 3 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, I rise today in strong support of H.R. 3123, legislation that would extend by 1 year temporary protective status for all Liberian refugees living in the United States.

I also count it a privilege that this is a bipartisan piece of legislation. I appreciate the efforts of Congressman KENNEDY and others in working on something that is the right thing to do.

Currently, all Liberian refugees living in the United States under temporary protective status have until October of this year, and then they'll be forced to return to Liberia.

As someone who had the privilege, and I say that sincerely, of helping a Liberian refugee start a brand new life in America, living in my home, forcing these Liberians out of our country is the wrong policy.

Liberia has been torn apart by two long civil wars over the past 2 decades, and while civil war finally ceased in 2003, Liberia is still years from developing the infrastructure needed for Liberian refugees to return.

Liberia's path remains very difficult. With an unemployment rate of 85 percent, shortages of running water and, according to the United Nations, a mere 26 physicians practicing medicine in a country of 3.4 million people, Liberia cannot absorb the estimated 3,600 Liberians who would be required to return.

Some of the estimated 3,600 Liberian refugees who are here legally in the United States came to our country when civil war broke out in Liberia in 1991, and they're now raising children born in America.

This legislation addresses an urgent situation faced by Liberian refugees who have legally come to America, many over 15 years ago, established careers, bought homes, raised American-born children and become valued members of their communities.

One of the unintended consequences of the temporary protective status is it did not foresee that civil wars would continue many years, leaving refugees in America stuck in a state of flux.

The United States Government must allow these law-abiding, hardworking Liberian refugees the chance to not only continue contributing to American society as they do, but also to continue playing a pivotal role in furthering Liberia's recovery from years of strife and turmoil.

This is the right thing to do. It's an opportunity that we have. It's an opportunity for resources to a foreign country that is a friend of ours that costs us very little because they, the refugees, are the ones primarily giving back.

And so I ask, Madam Speaker, that we, as a Congress, roll up our sleeves in this way and support this legislation to give one simple year to remain for this country to move ahead.

Ms. ZOE LOFGREN of California. Madam Speaker, at this time I yield 4 minutes to one of the co-authors of the bill, the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Madam Speaker, let me begin by thanking my colleague, Patrick Kennedy, for his leadership on this issue.

I rise today in strong support of H.R. 3123, the bill which I have cosponsored which would extend the ability of Liberians living in the United States to maintain their temporary protective status designation allowing them to legally remain in the United States, which has become home for many of these Liberians displaced by conflict and civil war in their native country.

Founded by freed American slaves, with a flag and a Constitution based on our own, Liberia has always had a special relationship with the United States. In fact, I used to live in a little community in Warren County, North Carolina, called Liberia.

But Liberia has had a troubled history in the past few decades. From 1989 to 1997, civil war in Liberia has claimed the lives of almost 150,000 people and displaced 850,000 more.

In August of 2003, the U.N. Security Council established a U.N. peacekeeping mission of up to 15,000 soldiers. Although peace has allegedly been restored, these 15,000 troops are still in Liberia today.

Based on the election of Ellen Sirleaf-Johnson in 2005, the Department of Homeland Security decided that conditions in Liberia were such that temporary protective status for Liberians currently living in the United States should end.

This is illogical. Many of the roughly 3,500 Liberians in the United States today on temporary protective status have been living in the United States since 1991, over 15 years. They own homes, pay taxes and are pillars of the community.

This Saturday I sat with a gentleman who had a 13-year-old daughter. He said, she's never been to Liberia. She only knows America as her home. Many of their children are like this. They've never known any home other than the United States.

That alone would be good reason to grant this extension. But the fact is that Liberia still has 15,000 U.N. peacekeepers stationed there. Less than 2 weeks ago, Liberia's former House Speaker and a former top military commander were charged with treason for attempting to overthrow the Liberian Government in an alleged coup.

The Sirleaf-Johnson administration is performing admirably in rebuilding Liberia's crippled economy. But there are no jobs or homes for returning Liberians.

Many in the Capitol city of Monrovia lack running water or access to electricity, and waterborne illnesses like hepatitis A and typhoid fever are common.

Eighty percent of Liberians are unemployed. The Liberian Government has pleaded for an extension of temporary protective status, saying it is not ready to accept the return of these Liberians.

Unless we pass this bill, we'll make illegal immigrants of those responsible, hardworking, taxpaying Liberians that fled violence and war in Liberia to seek peace and safety in the United States.

I urge my colleagues to join me in supporting this excellent bipartisan bill supporting an extension of temporary protective status for these Liberians.

I urge my colleagues' support for this measure.

Mr. CANNON. Madam Speaker, I have no further speakers, and I yield back.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield 2 minutes now to a cosponsor of the legislation, the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the gentlelady from California (Ms. ZOE LOFGREN) for her leadership on the Judiciary Committee as a member of the Judiciary Committee and cosponsor of this legislation.

Might I add my appreciation to Mr. KENNEDY for his leadership and the bipartisanship of this bill.

I pay tribute also to the Liberian community in Houston, Texas, and ask my colleagues to recognize the long history of suffering that Liberians experienced under the presidency of Charles Taylor. The horrific and heinous crimes, the mutilation of young children, the using of child soldiers all speak to the importance and the crucialness of extending the temporary protective status for these who are here in this country who fled because of political persecution and fled because of the atrocities that they would experience.

This is a temporary protective status of individuals who have been in this country working, paying taxes, and raising their children. We've experienced this over the years of the past administration, looking to try to find some way to provide permanent status for these refugees who have fled persecution. We have not done that yet. However, this is a very good step to recognize their contributions to the United States.

I hope that my colleagues, in reflection of the atrocities that Liberia experienced, will recognize that there is a very, very difficult pathway for them to return back to Liberia.

I do, however, want to applaud the leadership of the new president of Liberia and to recognize the work that she has done. But she, too, has admitted that they are making steps, step by step, and the importance of providing the sanctity and safety of the individuals here in the United States is crucial.

I rise to support H.R. 3123, and would ask my colleagues to support it.

And again, I salute the Liberian community for the suffering but yet the contributions they've made to the United States.

Madam Speaker, I am honored to rise in support of H.R. 3123, which addresses the plight of displaced Liberian nationals, a group of people that is of great regional and global importance. H.R. 3123 recognizes the importance of extending the designation of Liberia under section 244 of the Immigration and Nationality Act. I thank the gentleman from Rhode Island, Mr. KENNEDY, for excellent work in bringing this legislation forward.

H.R. 3123 extends the designation of Liberian refuges under section 244(b)(1) of the Immigration and Nationality Act through September 30, 2008 and expands the designation of Liberia under the Immigration and Nationality Act as a country whose nationals are eligible for temporary protected status and work authorization in the United States. In addition, H.R. 3123 sets forth eligibility requirements for Liberian nationals or persons having no nationality whose last habitual residence was Liberia.

Madam Speaker, let us remember that from 1989 to 1996 the Liberian civil war claimed the lives of more than 200,000 Liberians and further displaced a million others into refugee camps in neighboring and distant countries, including our own. The United States and other countries have provided relief to Liberians. By supporting this bill we can show our affection and commitment to people of Liberia.

The United States has a historical connection to all Liberians, but we also have a moral responsibility to end the killings and mass displacement of innocent citizens. The termination of TPS designation of Liberia would place many Liberians that fled to our country for refuge at risk of being returned prematurely.

Madam Speaker, the elimination of TPS designation means that on October 2, 2007, former TPS beneficiaries will return to the same immigration status they maintained before registering for TPS, or to any other status they may have acquired while registered for Temporary Protection Status. Accordingly, if an individual did not have lawful immigration status at the time of receiving TPS benefits, and did not obtain any other status during the TPS designation period, he or she will revert to being without lawful status. Such individuals are expected to depart the United States on or before October 1, 2007. Those who do not comply with this requirement may be subject to removal.

The Liberian people living in our country deserve better treatment and protection than the current Immigration and Nationality Act can afford. Congress needs to permit the extension of section 244 which enables the people to reregister for temporary protection status and work authorization.

Let us give the Liberian people the respect and protection they need by supporting H.R. 3123.

Ms. ZOE LOFGREN of California. Madam Speaker, if we allow the temporary protective status for Liberia to expire this September, more than 3,000 Liberians living in the United States will be forced to immediately return to a country that lacks housing, jobs, health care, education, and other necessary services. Such a result would be inhumane to these men and women, but it would also be destabilizing to their country, a country that we want to support in their efforts to achieve peace and a democracy.

So I urge my colleagues to please join in supporting passage of this important legislation.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H.R. 3123, which would allow Liberians living in the United States to be eligible for a 1-year extension of their temporary protected status. This measure, introduced by my colleague from Rhode Island, Representative KENNEDY, will give Liberian refugees in our State an opportunity to plan their return home instead of being forced back before they are ready.

For many years, Liberians were ruled by the cruel hands of dictators, including Samuel Doe and Charles Taylor. They controlled their country by fear and violence, which provoked the United States Government in 1991 to seek temporary protected status for Liberian nationals who were in the U.S.

Since Charles Taylor was forced out of office, Liberia has made progress in peace and democracy building efforts, and the election of President Ellen Johnson Sirleaf in 2005 has brought stability to the region. President Johnson Sirleaf has made many efforts to improve relations with both the U.S. Government and Liberian communities across our country. However, Liberia's security situation, while stable, is still fragile, and its economy and state structures remain devastated by war.

In Rhode Island, our Liberian population has become part of the fabric of our community. They work for local companies, they attend our schools, and they enrich cities and towns. The majority of Liberians in our State wants to return to their homeland, but they understandably wish to first ensure the country's safety and stability. In the meantime, they are learning how to better serve their country by taking advantage of opportunities offered to them in the United States. They are an integral part of our communities, and in return, we owe them the chance to return when they are ready—and without fear—to Liberia.

Mr. ELLISON. Madam Speaker, I rise today in strong support of H.R. 3123, a bill that will extend temporary immigration status for Liberian refugees here in the United States. Minnesota is proud to be the home of over 1,000 Liberian refugees, people who have became our friends and neighbors. Forcing them to return now would be an injustice to not only the Liberians themselves, but to everyone in Minnesota who has come to care for their welfare.

The civil war that shook their county in the early 1990s left 150,000 people dead and nearly a million others displaced. These 1,000 refugees turned to America in their hour of need, and Madam Speaker, I am proud to serve in the Congress of a country that has been willing to help these individuals in their time of greatest hardship.

It has been well over a decade since these Liberian refugees sought Minnesota as a home, and since then they have become upstanding citizens, an important part of the fabric that makes up our communities and economies and neighborhoods. Madam Speaker, I strongly request that my colleagues join me in supporting H.R. 3121.

Mr. JACKSON of Illinois. Madam Speaker, I rise in strong support of H.R. 3123 and want to thank the gentleman from Rhode Island, my friend Congressman KENNEDY, for his leadership and hard work on this issue. This bill provides support and assistance to our ally Liberia, during a critical time in its social and economic reform and recovery.

Specifically, this bill extends until October 1, 2008, the designation of Liberians living in this country under Temporary Protected Status, TPS. The Department of Homeland Security estimates that only 3,600 Liberians are currently eligible for TPS. Many of these Liberians have been in the U.S. for more than 16 years, and all of them have been here for a minimum of 5 years.

TPS is a temporary immigration status granted to eligible nationals of designated countries. In 1990, as part of the Immigration Act of 1990, Congress established a procedure by which the Attorney General, and now DHS, may provide TPS to people in the United States who are temporarily unable to safely return to their home country because of ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. During the period for which a country has been designated for TPS, TPS beneficiaries may remain in the United States and may obtain work authorization. However, TPS does not lead to permanent resident status, and TPS holders are not illegal immigrants.

Since 1989, Liberia has been ravaged by two brutal civil wars, which have destabilized the region, displaced hundreds of thousands of people, and destroyed the country's economy and infrastructure. In recognition of these conditions, the United States has protected some 3,600 Liberians in the U.S. from having to return to Liberia.

Recently, DHS has decided to terminate these temporary protections in light of the fact that Liberia's civil wars have finally ended and in anticipation of the political stability that newly-elected President Ellen Johnson Sirleaf will bring. However, while there is no question that President Johnson Sirleaf has put Liberia on the road to recovery, that road will unfortunately be very long.

According to a 2006 United Nations report, Liberia is currently enduring an 85 percent unemployment rate and it continues to be one of the poorest countries in the world. Improvements to the country's infrastructure following the war have come slowly, and it continues to suffer from severe shortages in electricity and running water. The country also lacks adequate medical care, as a mere 26 physicians currently practice medicine for a population of some 3.4 million people.

According to Liberian Government officials, their nation is not yet in a position to provide returnees with employment, housing, health services, education services, and other necessary amenities and services. Due to these and other issues, the Liberian Government has stated that the country cannot absorb and provide for the estimated 3,600 Liberians who would be required to return to their homeland.

As an aside, Liberians in the U.S. also provide financial assistance, including remittances averaging about $6 million monthly, to the Liberian economy. These transfers constitute a vital source of financial assistance and economic stability during the country's still-nascent period of recovery.

President Johnson Sirleaf stated during her address to Congress in March 2006: "For those unable to come back home now, we must appeal to you to grant them continuing protection status, and residency where appropriate, to put them in a condition to contribute to their country's reform and development."

For these reasons, and in order to support Liberia as it emerges from two decades of dictatorship and civil war, I strongly support H.R. 3123 and urge its passage.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 3123. This legislation extends the opportunity to 3,600 Liberians currently residing in the United States to be able to remain here under the Immigration and Nationality Act.

President Johnson Sirleaf has made it very clear that Liberia continues to need our support. As Liberia rebuilds after its civil war and re-establishes its civil society and government, we must continue to work with the Liberian people. Liberians that continue to reside in the United States, including the city of St. Paul, need our assistance as well. After the civil war Liberians were given the opportunity to register for Temporary Protected Status (TPS) in this country. Today, the opportunity to continue to receive this status is in jeopardy. However, this legislation will protect those that need our help.

On October 1, 2007 the Temporary Protected Status (TPS) of all Liberians residing in the United States is set to expire. This will create a devastating effect on the opportunity for prosperity and hope of Liberian citizens. H.R. 3123 will alleviate this burden Liberians face by extending the designation of TPS.

Not only has United States provided assistance to the people of Liberia and its government, but the Liberians who currently reside in this country provide aid to the growing economy and families who remain in Liberia. The Liberians in the U.S. provide monetary support to families in Liberia but equally important is the ability to provide their skills, talent and education they have gained living in the U.S. to their countrymen that need help.

During her address to Congress in 2006 President Johnson Sirleaf expressed that Liberia needs to continue to receive these remittances and aid to help keep their economy stable. If the Liberian community in the United States is not granted TPS again and all are required to return to Liberia in a short period of time the economy and infrastructure of Liberia will not be able to sustain the influx.

Liberia and its people need our friendship and support and I applaud the gentleman from

Rhode Island, Mr. Kennedy, for bringing this important bill to the Floor. I urge all my colleagues to support this bill.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 3123.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING THE CONSENT AND APPROVAL OF CONGRESS TO AN INTERSTATE FOREST FIRE PROTECTION COMPACT

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 975) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

“THE GREAT PLAINS WILDLAND FIRE PROTECTION AGREEMENT

“THIS AGREEMENT is entered into by and between the State, Provincial and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as ‘Members’.

“FOR, AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

“ARTICLE I

“The purpose of this compact is to promote effective prevention and control of forest fires in the Great Plains region of the United States by the maintenance of adequate forest fire fighting services by the member states, and by providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado, and any adjoining sate of a current member state.

“ARTICLE II

“This compact is operative immediately as to those states ratifying it if any two or more of the member states have ratified it.

“ARTICLE III

“In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control may act as compact administrator for that state and may consult with like officials of the other member states and may implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact. Each member state may formulate and put in effect a forest fire plan for that state.

“ARTICLE IV

“If the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

“ARTICLE V

“If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid.

“No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering the outside aid.

“All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

“Any member state rendering outside and pursuant to this compact shall be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. However, nothing in this compact prevents any assisting member state from assuming such loss, damage, expense, or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

“Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

“For the purposes of this compact the term, employee, includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws of the aiding state.

“The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

“ARTICLE VI

“Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest fighting forces, equipment, services, or facilities of any member state.

“Nothing in this compact authorizes or permits any member state to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain adequate forest fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

“Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules, or regulations intended to aid in the prevention, control, and extinguishment in the state.

“Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

“ARTICLE VII

“Representatives of the United States Forest Service may attend meetings of the compact administrators.

“ARTICLE VIII

“The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling, or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact and any other state that is party to a regional forest fire protection compact in another region if the Legislature of the other state has given its assent to the mutual aid provisions of this compact.

“ARTICLE IX

“This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of the state takes action to withdraw from the compact. Such action in not effective until six months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 975, the bill that grants Congress's consent and approval to an interstate forest fire protection compact. This legislation serves as a critical tool toward providing communities in South Dakota, Colorado and Wyoming with the necessary resources to fight wildfires.

State wildfire compacts allow States, subject to the consent of Congress, to rapidly request and mobilize firefighting equipment among compact members. Once enacted, this legislation will immediately allow South Dakota, Colorado and Wyoming to work directly with each other and to pool their resources so they could rapidly address current wildfire conditions.

In addition, S. 975 includes a provision that will allow North Dakota to participate in a similar resource-sharing agreement once its State legislature has ratified the agreement.

The need for S. 975 is critical as the fire season for this region approaches and is really upon us today. According to a recent article in the Rapid City Journal, the dry, hot conditions persisting in the Black Hills could result in August being one of the worst fire seasons in the history of South Dakota.

Thus, in an effort to expedite our consideration of this matter, given the potentially critical situation presented by the fire hazards currently affecting South Dakota, we are taking up the measure as passed by the Senate.

I should note that my colleague in the State of South Dakota, Representative STEPHANIE HERSETH SANDLIN, introduced identical legislation, H.R. 3050, to address this matter. I commend Representative HERSETH SANDLIN for her hard work and leadership in this body. And together with the strong support from the Colorado and Wyoming delegations, she has spearheaded the effort to obtain a legislative response to this crisis so that it can be sent to the President for his signature without undue delay.

Accordingly, I urge my colleagues to support S. 975.

Madam Speaker, I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am happy to support this bipartisan legislation. S. 975, which approves an interstate firefighting compact, is certain to accomplish great things for the States involved.

□ 1945

This compact would facilitate the rapid sharing of desperately needed firefighting resources between the States of South Dakota, North Dakota, Colorado, and Wyoming to combat wildfires that each State could not handle alone.

Those of us from Western States know all too well the menace to human lives, property, wildlife, and the grand natural beauty of our Nation that these wildfires present every year. This compact would help those States fight dangers without compromising any of these States' abilities to protect against fires at home and without impinging on any Federal firefighting authorities.

To facilitate coordination with the Federal authorities, this compact would allow representatives of the U.S. Forest Service to participate as observers of the compact's meetings. The compact is modeled on a similar compact for the Pacific Northwest, to which Congress consented in 1998.

I urge you to support this legislation so that we do not lose a single minute in helping these States to fight fires and benefit this compact's vital provisions.

I am pleased to present this legislation because interstate compacts is an area of the House Judiciary Committee's jurisdiction, and I would like to invigorate that. As ranking member of the Subcommittee on Commercial and Administrative Law, which has jurisdiction over interstate compacts, I hope to see more interest in this area as a powerful tool for States to work together in a cooperative manner to deal effectively with the cross-jurisdictional policy issues that are arising in our country. I am sure that the subcommittee Chair, LINDA SÁNCHEZ, shares this desire; and I look forward to working with her more in this important area.

All around the country, there are many compacts addressing a myriad of issues, from the most cutting-edge climate change issues to the most mundane tax issues. These compacts must under the Constitution be presented to Congress for consent before the States may enter into them. I commend the States involved in this compact for doing things the right way in bringing this compact to Congress for consent.

I urge my colleagues to support this legislation and then to come to visit the natural wonders in these States that this compact is sure to help protect.

Madam Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I would like at this time to yield 1½ minutes to the author of the House companion bill and the Representative from South Dakota, Congresswoman STEPHANIE HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Madam Speaker, I thank the gentlewoman from California for yielding.

I rise today to express my strong support for Senate bill 975. As the chairwoman of the subcommittee, Ms. ZOE LOFGREN, and the ranking member, Mr. CANNON, have described, this important legislation stands to provide immediate assistance to wildfire-fighting crews in South Dakota, Colorado, and Wyoming.

Passage and enactment of S. 975 is the final step in the fire compacting process, which allows States covered by the compact to more effectively share firefighting personnel and equipment in response to wildfires. The compacting process begins with State approval but also requires consent from the Congress. Further, this legislation enjoys the support of South Dakota's Senators TIM JOHNSON and JOHN THUNE, as well as the entire Colorado and Wyoming Senate delegations. Companion legislation that I introduced in the House also enjoys similar support from the congressional delegations within the compacted States.

The need for this legislation is underscored each fire season as we undoubtedly watch communities struggle to cope with forest fires. In my own district, I recently visited areas devastated by the Alabaugh Canyon fire near Hot Springs, South Dakota, which consumed over 10,000 acres and destroyed more than 30 homes. Tragically, 1 man lost his life. Only the tireless and professional work by emergency response staff in South Dakota with the help of volunteers across the State and region stopped this fire from becoming even worse.

The fire season is, however, far from over, and I am pleased that the passage of this bill in the House today will be the final legislative step towards enacting this important bill into law. The new authorities contained in the bill will let compacted States work directly with each other increasing the efficiency and, most importantly, the speed with which firefighting crews in South Dakota, Colorado, and Wyoming can mobilize resources in response to fires. The compact also leaves space for North Dakota to join at a later date.

Finally, I would like to thank Chairman CONYERS and his staff for their swift consideration of this bill and their willingness to work with me to bring it to the House floor this evening. Their work, and a joint effort from State officials in South Dakota and the State's entire congressional delegation, has facilitated this progress. I stand in strong support of S. 975 and urge my colleagues to join me.

Mr. CANNON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, this bill grants our approval to an important interstate compact that will enable States in the Great Plains to pool resources to control forest fires. Especially in light of the fact that these States may shortly be experiencing what could be the worst fire season in years, I strongly urge my colleagues to support this urgently needed measure.

I commend the ranking member, Mr. CANNON, and the chairwoman of the subcommittee, Ms. SÁNCHEZ, as well as the chairman of the committee and ranking member for not standing on formality, waiving jurisdiction, and bringing this bill directly to the floor. It is the right way to get something done in a hurry, and it needs to get done.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 975.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SMALL PUBLIC HOUSING AUTHORITY ACT

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3067) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Public Housing Authority Act".

SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN SMALL PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following new paragraph:

"(3) EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d) of this section, except that for purposes of such small public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified small public housing agency' means a public housing agency that meets all of the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 250 or fewer.

"(ii) The agency—

"(I) is not designated pursuant to section 6(j)(2) as a troubled public housing agency; and

"(II) has not, within the preceding 12 months, been assigned a failing or below passing score under the section 8 management assessment program of the Secretary.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified small public housing agency from the requirement under paragraph (1) to establish one or more resident advisory boards. Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, in any determinations and actions of the agency regarding establishing goals, objectives, and policies of the agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified small public housing agencies, except that for purposes of such small public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1) of this subsection), by adding at the end the following new paragraph:

"(5) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified small public housing agency shall, not less than annually, conduct a public hearing to discuss the goals, objectives, and policies of the agency, and any changes to such goals, objectives, and policies, and to invite public comment regarding such issues.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of such a hearing, the qualified small public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that (I) the information is available as required under clause (i), and (II) a public hearing under subparagraph (A) will be conducted.".

(c) AMENDMENTS AND MODIFICATIONS TO PLANS.—Subsection (g) of section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(g)) is amended by adding at the end the following new paragraph:

"(3) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—Except to the extent that this subsection applies to annual public housing agency plans, nothing in this section may be construed to exempt a qualified small public housing agency from the requirements under this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

This is a bill that was brought forward in the previous Congress by the gentleman from Texas. It is very important that we regulate when necessary; it is equally important that we not regulate when it is unnecessary. This is an example of our recognition of that principle.

We have rules that govern housing authorities. These are complex and difficult issues that housing authorities face. But one set of rules should not be made to fit all. Smaller housing authorities ought to have more flexibility than the larger housing authorities. This bill, brought forward by the gentleman from Texas, and I congratulate him for his persistence in calling this to the attention of the committee, acts on that principle.

It exempts from excessive regulation, but not entirely from regulation, smaller housing authorities. In particular, I would just say that there was a rule for example that plans be made every 5 years and in some cases housing authorities have to report on certain things every year. In this case what we would say is that the smaller housing authorities would file their plan every 5 years and only if there are any changes of any significance in the covered matters would they have to report again. So it would save a lot of time, energy, and paperwork for the smaller housing authorities. It will help these people with the difficult job that they do.

I thank the gentleman for bringing the bill forward.

Madam Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3067, the Small Public Housing Authority Act.

Like many of my colleagues, I represent a rural district where most of the public housing authorities operate in small communities. In fact, many of the PHAs in my district administer fewer than 200 housing units and some even have part-time directors or directors who split their time between public housing authorities. For many of those small public housing authorities, excessive paperwork requirements and outdated regulatory burdens continue to create an unnecessary distraction from their important work of providing affordable housing for underprivileged families.

For example, the 1992 Public Housing Reform Act requires PHAs to submit both a 5-year and an annual plan to the Department of Housing and Urban Development. While the annual plans were designed to address changes to the 5-year plan, small PHAs are already required by law to submit any policy changes, as the gentleman from Massachusetts said, to HUD for review and approval. This yearly report of unchanged plans and policy amounts to an unnecessary Federal mandate. While HUD has taken regulatory steps to streamline this annual reporting for small PHAs that are performing well, a recent example of one of the streamlined plans was 47 pages with attachments. So small public housing authorities just do not have the time and the staff and the resources to complete these annual plans by themselves and in many cases have to use outside vendors or contractors, expensive consultants to do the work that they don't have the computer software to do themselves to complete these annual plans.

For this reason, I have introduced H.R. 3067, the Small Public Housing Act. This legislation would bring long-needed regulatory relief to our small PHAs by exempting those that are 250 fewer units and section 8 vouchers from continuing the requirement of an annual plan if there is no material change in the operations during that year. So if they have some material change they still have to do it, but if it is just business as usual, then they do not have to make that submission. They still have to submit their 5-year plan, as is required by law.

H.R. 3067 only addresses, as I said, the annual plans. This legislation will provide an opportunity where they don't have to spend their much-needed resources and time away from doing what they need to be doing, and that is helping to provide affordable housing for our most needy folks.

I would just want to thank the gentleman from Massachusetts for his interest in public housing. This bill passed overwhelmingly in the previous Congress. Unfortunately, the time ran out, and we did not get that done from the other body. As a matter of fact, it passed 387-2; so I think there is broad support for this. I appreciate Chairwoman WATERS' Housing Subcommittee as well as Ranking Member BIGGERT and, of course, Ranking Member BACHUS for their support for this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the staffs of the majority and minority, who worked very well together on this, as they do on many bills.

Mr. PEARCE. Madam Speaker, I rise today in support of H.R. 3067, the Small Public Housing Authority Act.

Like many of my colleagues, I represent a rural district where most of the Public Housing Authorities (PHAs) operate in small communities. These small PHAs face excessive paperwork requirements and outdated regulatory burdens which undermine their ability to provide affordable housing to underprivileged families.

Currently, all PHAs are required to submit both 5-year and annual plans to the Department of Housing and Urban Development, HUD. However, these PHAs do not have the time, staff or resources to complete these annual plans and often have to hire expensive consultants to help complete these annual plans.

I am pleased that my friend, Mr. NEUGEBAUER from Texas, has taken the steps needed to alleviate this burden on small PHAs by introducing H.R. 3067, the Small PHA Act. This legislation will bring long needed regulatory relief to small PHAs by exempting those with 250 or fewer public housing units and Section 8 vouchers from the requirement of submitting an annual plan to HUD.

Today, I urge my colleagues to once again support regulatory relief for small PHAs by supporting H.R. 3067.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3067, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NASA 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2750) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NASA 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The National Aeronautics and Space Administration began operation on October 1, 1958, with about 8,000 employees and an annual budget of $100,000,000.

(2) Over the next 50 years, the National Aeronautics and Space Administration has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

(3) Among the many firsts by the National Aeronautics and Space Administration are the following:

(A) On December 6, 1958, the United States launched Pioneer 3, the first United States satellite to ascend to an altitude of 63,580 miles.

(B) On March 3, 1959, the United States sent Pioneer 4 to the Moon, successfully making the first United States lunar flyby.

(C) On April 1, 1960, the United States launched TIROS 1, the first successful meteorological satellite, observing Earth's weather.

(D) On May 5, 1961, Freedom 7, carrying Astronaut Alan B. Shepard, Jr., was the first American space flight involving human beings.

(E) On February 20, 1962, John Glenn became the first American to circle the Earth, making three orbits in his Friendship 7 Mercury spacecraft.

(F) On December 14, 1962, Mariner 2 became the first spacecraft to commit a successful planetary flyby (Venus).

(G) On April 6, 1965, the United States launched Intelsat I (also known as Early Bird 1), the first commercial satellite (communications), into geostationary orbit.

(H) On June 3–7, 1965, the second piloted Gemini mission, Gemini IV, stayed aloft for 4 days and astronaut Edward H. White II performed the first EVA or spacewalk by an American.

(I) On June 2, 1966, Surveyor 1 became the first American spacecraft to soft-land on the Moon.

(J) On May 31, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars) beginning November 13, 1971.

(K) On April 12, 1981, the National Aeronautics and Space Administration launched the Space Shuttle Columbia on the first flight of the Space Transportation System (STS–1).

(L) On June 18, 1983, the National Aeronautics and Space Administration launched Space Shuttle Challenger (STS–7) carrying 3 mission specialists, including Sally K. Ride, the first woman astronaut.

(M) In another historic mission, 2 months later the National Aeronautics and Space Administration launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

(N) On July 23, 1999, the Space Shuttle Columbia's 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission.

(4) On April 9, 1959, the National Aeronautics and Space Administration unveiled the Mercury astronaut corps, 7 men with "the right stuff": John H. Glenn, Jr., Walter M. Schirra, Jr., Alan B. Shepard, Jr., M. Scott Carpenter, L. Gordon Cooper, Virgil I. "Gus" Grissom, and Donald K. "Deke" Slayton.

(5) On May 25, 1961, President John F. Kennedy, reflecting the highest aspirations of the American people, proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of

landing a man on the Moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important in the long-range exploration of space; and none will be so difficult or expensive to accomplish."

(6) On September 19, 1961, the National Aeronautics and Space Administration announced that the National Aeronautics and Space Administration center dedicated to human space flight would be built in Houston, Texas.

(7) On February 17, 1973, the Manned Spacecraft Center in Houston was renamed the Lyndon B. Johnson Space Center.

(8) On December 21, 1968, Apollo 8 took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon.

(9) As Apollo 8 traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile "blue marble" hanging in the blackness of space.

(10) This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

(11) On July 20, 1969, Apollo 11 astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module.

(12) Armstrong set foot on the surface, telling the millions of listeners that it was "one small step for a man, one giant leap for mankind"; Aldrin soon followed and planted an American flag, but omitted claiming the land for the United States as had routinely been done during European exploration of the Americas.

(13) The 2 Moon walkers left behind an American flag and a plaque bearing the inscription: "Here Men From The Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind.".

(14) On April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS-31 mission of the Space Shuttle Discovery and since then the Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.

(15) On July 4, 1997, the Mars Pathfinder landed on Mars and on January 29, 1998, an International Space Station agreement among 15 countries met in Washington, DC, to sign agreements to establish the framework for cooperation among the partners on the design, development, operation, and utilization of the Space Station.

(16) The National Aeronautics and Space Administration's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice; in the quest to explore the universe, many National Aeronautics and Space Administration employees have lost their lives, including the crews of Apollo 1, the Space Shuttle Challenger, and the Space Shuttle Columbia.

(17) The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century; this leadership is attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers as follows:

(A) From small spacecraft to supercomputers, science missions and payloads to thermal protection systems, information technology to aerospace, the Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge.

(B) The Dryden Flight Research Center, the leading center for innovative flight research.

(C) The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

(D) The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

(E) The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

(F) The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions.

(G) The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

(H) The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

(I) The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

(J) The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

(18) The United States should pay tribute to the National Aeronautics and Space Administration, and to its successful partnerships with the space and research centers, by minting and issuing a commemorative silver dollar coin.

(19) The surcharge proceeds from the sale of a commemorative coin would generate valuable funding for the National Aeronautics and Space Administration Families Assistance Fund for the purposes of providing need-based financial assistance to the families of the National Aeronautics and Space Administration personnel who die as a result of injuries suffered in the performance of their official duties.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $50 GOLD COINS.—Not more than 50,000 $50 gold coins which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 300,000 $1 coins of each of the 9 designs specified in section 3(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) MINTAGE LEVEL LIMIT.—Notwithstanding the mintage level limit described under section 5112(m)(2)(A)(ii) of title 31, United States Code, the Secretary of the Treasury may mint and issue not more than 300,000 of each of the 9 $1 coins authorized to be minted under this Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE.—The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear 9 different designs each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs each of which shall be emblematic of the contributions of the research and space centers, subject to the following requirements:

(I) EARTH COIN.—The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO (AND OTHER DWARF PLANETS) COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Administrator of the National Aeronautics and Space Administration and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

(d) ISSUANCE OF GOLD COINS.—Each gold coin minted under this Act may be issued only as part of a complete set with 1 of each of the 9 $1 coins minted under this Act.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary of the Treasury determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center surrounded by the $1 silver coins in elliptical orbits. All such presentation cases shall bear a plaque with appropriate inscriptions that include the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program and the names of such astronauts.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $4,000,000 available for distribution under this section, to the NASA Family Assistance Fund for the purposes of providing need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ of the next $1,000,000 to each of the following:

(A) The Dr. Ronald E. McNair Educational (D.R.E.M.E.) Science Literacy Foundation for the purposes of improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

(B) The Dorothy Jemison Foundation for Excellence for the purposes of supporting the work of the Foundation in building critical thinking skills, experiential teaching methods, science literacy, and integrated approaches to learning and individual responsibility in achieving excellence.

(3) The remainder of the amounts available for distribution after the payments under paragraphs (1) and (2), to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(c) AUDITS.—The NASA Family Assistance Fund, the Dr. Ronald E. McNair Educational Science Literacy Foundation, the Dorothy Jemison Foundation for Excellence, and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price the Secretary determines to be appropriate. Such duplicates shall not be considered to be United States coins and shall not be legal tender.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. CULBERSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Allow me, first of all, to acknowledge the chairperson of the Financial Services Committee as I rise in strong support of H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act. Chairman FRANK has been an outstanding leader of his committee and has been very gracious in the formulating and finalizing of this legislation. I thank him again. I thank his staff and, of course, the staff of the ranking member.

Let me also thank my colleague from Texas (Mr. CULBERSON), who joined me in introducing this legislation. And, of course, we have worked very handily together, if you will. I thank his staff. And together we are committed to affirming and celebrating the 50th anniversary of NASA and as well the 50th anniversary of the Jet Propulsion Lab.

Let me just quickly acknowledge the founding of NASA in October, 1958, and remind my colleagues of all the successes that we have accomplished through the belief, as John F. Kennedy said, that we can explore space.

Might I acknowledge and remind my colleagues of February 20, 1962, John Glenn's becoming the first American to circle the Earth. On April 6, 1965, the United States launched *Intelsat I*. On November 13, 1971, *Mariner 9* was launched. In 1981, NASA launched the space shuttle *Columbia*. And on June 18–24, 1983, NASA launched the space shuttle *Challenger*.

☐ 2000

Of course, we have faced some sad moments in NASA's history, but overall, as we look toward the future and have reflected on July 22, 1999, Space Shuttle *Columbia*, and then of course July 20, 1969, *Apollo 11*, we know that tragedy has faced NASA, but we also know that we have faced tragedy with a certain determination and commitment to space exploration.

This coin bill will, in fact, allow us to commemorate a number of the centers and the 50 years of success of NASA and the Jet Propulsion Lab. But it also will provide a comfort to those families of *Challenger* and *Columbia* by providing aid to the families. It will give the coin collectors, I hope, a great day of celebration, and it will give those who are interested in studying and producing more Americans in math and science an opportunity to promote and support programs that will encourage young people to go into math and science.

I believe that this bill is one that all of us can support. It is a bipartisan bill.

Madam Speaker, I rise in strong support of H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act. I would like to thank my colleague Mr. CULBERSON, who joined me in introducing this legislation, and Chairman

FRANK of the Financial Services Committee, for his excellent leadership in shepherding this historic legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the creation of the National Aeronautics and Space Administration (NASA) and the Jet Propulsion Laboratory (JPL). This important legislation celebrates NASA's 50th birthday with a commemorative coin. The legislation also honors the extraordinary partnerships between NASA and its 10 space and research centers.

Madam Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish."

Always at the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration, from the 1958 launch of *Pioneer 3*, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station. Over the past 50 years, NASA's accomplishments have included:

On 20 Feb. 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 Apr. 1965, the United States launched *Intelsat I*, the first commercial satellite (communications), into geostationary orbit. On 13 Nov. 1971, the United States launched *Mariner 9*, the first I mission to orbit another planet (Mars).

On 12 Apr. 1981, NASA launched the Space Shuttle *Columbia* on the first flight of the Space Transportation System (STS–1).

On 18–24 Jun. 1983, NASA launched Space Shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, two months later NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 Jul. 1999, the Space Shuttle *Columbia*'s 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the *Apollo* command module. Armstrong set foot on the surface, telling the millions of listeners that it was "one small step for man—one giant leap for mankind." Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S. as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: "Here Men From Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind."

On April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS–31 mission of the Space Shuttle *Discovery*. The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space."

Madam Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile "blue marble" hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.
2. The Dryden Flight Research Center, the leading center for innovative flight research.
3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.
4. The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.
5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.
6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.
7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.
8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.
9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees have lost their lives, including the crews of Apollo 6, the Space Shuttle *Challenger*, and the Space Shuttle *Columbia*.

The surcharge proceeds from the sale of a coin commemorating the contributions of NASA will generate valuable funding for the NASA Families Assistance Fund for the purposes of need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. And equally important, proceeds from the sale of commemorative coins will also benefit the Dr. Ronald E. McNair Educational, DREME, Science Literacy Foundation, which is dedicated to improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

This legislation also benefits the Dorothy Jemison Foundation for Excellence which is dedicated to building critical thinking skills, experiential teaching methods, science literacy, and integrated approaches to learning and individual responsibility in achieving excellence. The remainder of the proceeds after distribution to the NASA Families Assistance Fund and the DREME and Jemison Foundations are slated to go the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

Madam Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to colonize and utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years.

In closing, Madam Speaker, let me also thank the Staff of the Financial Services Committee on this legislation. I also wish to pay special tribute to Yohannes Tsehai and Gregory Berry of my staff. Without their valuable contributions this significant legislative achievement would not have been possible. I strongly urge my colleagues to join me in supporting this historic legislation.

Madam Speaker, at this time, I reserve the balance of my time.

Mr. CULBERSON. Madam Speaker, I yield myself such time as I may consume in support of H.R. 2750.

I want to, first of all, thank the chairman of the committee, Chairman FRANK, for his insistence in bringing this bill to the floor throughout this process. I want to thank my colleague from Houston, Congresswoman SHEILA JACKSON-LEE. Thank you so much, SHEILA. It's been a pleasure working with you on this important bill honoring the 50th anniversary of NASA, an organization whose exploration of outer space has truly touched the lives and hearts, I think, of every American today, can relate to the experience I know so many Americans had on the 31st of January, 1958, when the very first U.S. satellite, *Explorer 1*, was launched into orbit. In response to the Soviet Union's launching of *Sputnik*, the Jet Propulsion Laboratory, which had been set up under the guidance of the United States Army, put together *Explorer 1* and built it and launched it. And before the year was out, Congress had created the National Aeronautics and Space Administration on December 3, 1958.

So next year is a golden anniversary for NASA, and the National Aeronautics and Space Administration has given the people of the United States many, many things to be proud of. NASA has gone on to explore, from that first launch of that first satellite, the entire solar system and much of the visible universe with the help of the Hubble Space Telescope and the Spitzer Space Telescope.

We now have telescopes in orbit, Madam Speaker, around the Earth that have identified up to 160 planets around other solar systems. NASA has discovered, with the Mars Rovers, that liquid water not only once existed on the surface of Mars, but it appears that there are large frozen lakes on Mars today.

We have landed on the surface of the moon, Titan. We not only landed men on the moon with a very successful Apollo program, but we are today, under President Bush's vision and the leadership of our new NASA administrator, Mike Griffin, rapidly moving towards the day very soon when men and women will return to the surface of the moon.

The accomplishments of NASA, JPL, and all of the research labs under NASA are absolutely extraordinary, but this exploration has not come without loss. As with all exploration that is new, it has been dangerous. On January 27, 1967, America tragically lost three Apollo astronauts on the launch pad because of a fire in *Apollo I*. Changes were made to the program, and the spacecraft became much safer and we moved on and beyond that terrible tragedy. And then of course we lost the Space Shuttle *Challenger* on January 28, 1986, with its entire crew, a terrible day that I know many of us remember. And then most recently, tragically, on February 1, 2003, the Space Shuttle *Columbia* was lost during reentry with its entire seven-man crew.

Therefore, in the design of this coin set, my coauthor and I, Congresswoman JACKSON-LEE, have proposed that the centerpiece of the coin will be a $50 high-relief-proof gold piece that will honor the lives of the astronauts who have lost their lives in the exploration of space. On that $50 gold piece will be an image of the sun. Then arranged around it will be nine silver-proof dollars, each one representing a different planet in our solar system and each one commemorating missions to that planet as put together by each of the different NASA centers. And the silver dollar for the planet Earth will of course have on the reverse side a design emblematic of the Apollo mission as well as Earth orbital missions.

This commemorative coin set, Madam Speaker, is just one small piece of ongoing work that Congress is doing in support of NASA. And it's really difficult to measure the value of what NASA has done for the United States and for all mankind in exploring space. Asking what NASA has done for the United States and for all of humanity is a little like the question facing Americans 200 years ago when Congress authorized the Lewis and Clark Expedition. No one knew at the time what Lewis and Clark might find. They didn't know what resources might lie out there. They did not know what the unchartered blank spots on the western American map would yield. And it was impossible, 200 years ago, to measure the value of the discoveries, the minerals, the animal species, the incredible new horizons that Lewis and Clark would discover; no way to measure that.

And I think equally here today, Americans standing on the brink of the 21st century cannot place a value or measure on the discoveries that the men and women of NASA, our brave astronaut core and all the scientists and engineers who work at NASA, the Jet Propulsion Laboratory, Goddard, the Applied Physics Lab, and all the research centers around the country that have helped the American space program lead the world.

I am very proud to be a lead coauthor on this bill and helping honor the men and women of NASA and the extraordinary discoveries that NASA has made, and also to remind Americans of the value we each enjoy with miniaturization of computers, medical technology, heart pumps, valves, power generators, image processing, cell phone technology, CAT scanners, MRI machines. All of the extraordinary technological innovations that we touch on a daily basis have come from our work on the space program.

I am proud to be here today with my coauthor, Congresswoman SHEILA JACKSON-LEE, on a bill that is strongly supported in a bipartisan way. It was passed unanimously last Congress. I am confident we will enjoy that kind of support today for this coin set honoring NASA's 50th anniversary.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield such time as he might consume to the chairman of the Financial Services Committee, Mr. BARNEY FRANK. And I thank him so very much for his leadership.

Mr. FRANK of Massachusetts. Madam Speaker, I am very happy to see this bill here today; one, because it is important that we commemorate NASA. And secondly, as a tribute to the persistence of the gentlewoman from Houston and the gentleman from Houston, I am particularly glad that we are passing this bill because it will mean I will get an extra 2 hours a week because I've spent about 2 hours a week talking to them since January. So for both reasons, I am very happy that this very worthy bill is about to pass.

I submit the following correspondence:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 30, 2007.

HON. BARNEY FRANK,
Chairman, Financial Services Committee,
Washington, DC.

DEAR BARNEY: I am writing regarding H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2750 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2750, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC. July 30, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 2750, the "NASA 50th Anniversary Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on June 15, 2007. It is my understanding that this bill be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2750 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. CULBERSON. Madam Speaker, I thank my coauthor, and I urge Members of the House to pass this legislation honoring NASA's 50th anniversary.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. As I close, Madam Speaker, let me simply put in the RECORD the different research centers that will be honored: The Ames Research Center in California; Silicon Valley; the Dryden Flight Research Center; the Glenn Research Center; the Goddard Space Flight Center, that is our neighbor here in the Washington, DC area and represented by our own majority leader, Mr. HOYER, which I would like to pay a special tribute and appreciation to, and to his staff and his chief of staff; the Jet Propulsion Lab that is in California; the Kennedy Space Center in Florida; the Langley Research Center; the Marshall Space Flight Center; the Stennis Space Center; and of course the Johnson Space Flight Center in Houston, Texas. All of these will be recognized.

And certainly to the astronauts and certainly to the loved ones of those fallen, and yet the future astronauts, who will be trained by funding in this bill, I thank them again. Let me thank Mr. OBEY of Mr. FRANK'S staff, and my staff, Mr. Tsehai and Mr. BERRY.

Mr. CULBERSON. Will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. CULBERSON. If I could yield quickly for a point of legislative intent clarification.

I notice the intent of my cosponsor that these centers, and I agree completely, they all need to be recognized and honored, but of course the front of the coin is going to represent each one of the nine planets. And it is your intent, as I know it is mine, that the reverse of the coin reflect and honor the research center that contributed to missions to that particular planet is what I'm confident you mean.

Ms. JACKSON-LEE of Texas. The calling out of the names of the centers, if I may reclaim my time, is to indicate that all of them are part of the NASA family. And we are honoring NASA for its 50 years, so we wanted to make sure all of them were counted in the RECORD.

Mr. CULBERSON. But in particular, in relation to those planets that they led the effort to explore.

Ms. JACKSON-LEE of Texas. That is correct.

Mr. CULBERSON. Thank you very much.

Ms. JACKSON-LEE of Texas. Madam Speaker, we are hoping that all of the young people will enjoy this coin, and we hope that it will further science and exploration. I would ask my colleagues, and thanking my cosponsor and the 300-plus Members of this House, in supporting this bill.

I ask my colleagues to support this bill and move us forward in science and opportunity for a greater future for this country

Mr. PAUL. Mr. Speaker, I am pleased to cosponsor H.R. 2750, which directs the United States Treasury to create a commemorative coin honoring the 50th Anniversary of the National Aeronautics and Space Administration (NASA). From the early space flights of the 1960s to Neil Armstrong's "small step for mankind" to last year's successful missions of the Space Shuttle *Atlantis* and the Space Shuttle *Discovery*, NASA's has a long and impressive record of accomplishments that should be a source of pride to all Americans.

As a representative of the Gulf Coast of Texas, which is home to many of NASA's most significant triumphs, I have had the opportunity to meet many NASA employees. I have always been impressed by their professionalism and dedication to their mission.

What philosopher Ayn Rand wrote of the moon landing in 1969 applies to all of NASA's missions: "Think of what was required to achieve that mission: think of the unpitying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia." I encourage all of my colleagues and all Americans to join me in commending NASA for 50 years of accomplishments by supporting H.R. 2750.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 2750, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Mrs. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the Senate concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of "National Purple Heart Recognition Day," as amended.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in action against an enemy of the United States or are wounded while held as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in action against an enemy of the United States or who die of wounds received in action against an enemy of the United States;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1.5 million recipients of the Purple Heart: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of "National Purple Heart Recognition Day";

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of Senate Concurrent Resolution 27, which calls upon this Nation to take one day per year to honor those brave warriors whose tremendous dedication and self-sacrifice have earned them the Purple Heart.

As noted earlier today, the Purple Heart is awarded by a grateful Nation to those brave soldiers, marines, sailors and airmen who have been wounded in battle while protecting their fellow citizens from enemies of the United States.

Established in 1792 during the Revolutionary War as the Badge of Military Merit, this sacred metal was revived in 1932, 200 years after the birth of George Washington. To date, there have been over 1.5 million recipients of the Purple Heart. This number gives me pause. Over 1.5 million Americans have been wounded, injured, and some have even given their lives so that we might stand here today as the oldest democracy in the world. Their families have endured hardship; their children have had to deal with fear and uncertainty that their brave and heroic father or mother may not return from keeping them safe.

I cannot help but feel that we, as beneficiaries of this sacrifice, owe these brave men and women time to reflect on the price of our freedom. We should stand shoulder to shoulder with the military families of this great Nation to recognize our military going into harm's way, to pray for their safe return, and when that fateful moment comes, to honor the bravery and the courage of warriors who did not blink in the face of danger, but who sacrificed for the democratic ideals that we cherish.

That is why a resolution supporting a national day to commemorate our brave men and women who have so valiantly earned the Purple Heart has been brought to the floor of Congress today.

I want to take this moment to recognize our colleagues in the other body, the gentlewoman from New York, the honorable Mrs. CLINTON, and the gentleman from Nebraska (Mr. HAGEL) for their sponsorship of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution that calls upon all people in the United States to conduct appropriate ceremonies, activities and programs to demonstrate support, thanks and appreciation for the estimated 1.5 million very special members of the Armed Forces, past and present, who have been awarded the Purple Heart.

The Purple Heart is awarded only for those who are killed or wounded in action against the United States of America. So it is fitting that we honor and recognize their sacrifices on National Purple Heart Recognition Day, as well as recall GEN George Washington's order 225 years ago on August 7, 1782, that established the Badge of Military Merit, the predecessor of the Purple Heart.

□ 2015

In 2001, in connection with the announcement of the creation of the National Purple Heart Hall of Honor, my former colleague, Ben Gilman, a New York Representative, a World War II veteran of the Army Air Corps, made the following statement. It is a statement that for me helps to put in context why we should make a special effort on National Purple Heart Recognition Day. Congressman Gilman said: "The Purple Heart is probably the most recognizable military award in the United States. Every school child knows the medal is awarded to our brave American military who are wounded in the line of duty."

If we are to ensure that Americans, even down to every school child, continue to recognize the significance of the Purple Heart and the sacrifices of the men and women who earned it, then we must make the effort to commemorate and educate this and future generations. Support for this resolution is one way to begin that effort.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, National Purple Heart Recognition Day is August 7, 2007. This year, we celebrate the 225th anniversary of the Badge of Military Merit. This medal, the forerunner of the modern Purple Heart, was designed by GEN George Washington in his headquarters in Newburgh, New York, in the Hudson River Valley.

The badge, given for "any singularly meritorious Action," was the "figure of a Heart in Purple Cloth or Silk edged with narrow Lace or Binding to be worn on the uniform coat above the left breast."

After falling into disuse after the Revolutionary War, GEN Douglas MacArthur had a new medal designed based on the Badge of Military Merit. This medal, the modern Purple Heart, was awarded for meritorious action or for receiving a wound in combat with the enemy.

Since that time, more than 1.5 million people have received the Purple Heart. These men and women sacrificed for our country. Many never came home. The Purple Heart recognizes their sacrifice and their service protecting the rights and liberties we enjoy at home.

National Purple Heart Recognition Day serves to remind the country of those who have suffered injury or death in the defense of our country. It is always right to remember and honor those who have sacrificed, and this resolution encourages Americans to learn more about the history of the Purple Heart and its recipients.

This year, on National Purple Heart Recognition Day, recipients and their families will come together at the Purple Heart Hall of Honor in the town of New Windsor at the New Windsor Cantonment site in the Hudson River Valley of New York, in New York's 19th Congressional District, which I am proud to represent, and Orange County, a county which the aforementioned Congressman Gilman represented so ably. There, they will recognize the anniversary of the Badge of Military Merit, the 75th anniversary of the Purple Heart, and, most importantly, the price that the recipients and their families have paid protecting our country.

I ask that the House pass this resolution to recognize those who will gather in New Windsor on August 7 to honor the sacrifices and suffering of Purple Heart recipients and their families and to remember those who paid the ultimate price and are no longer with us.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 27, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNIZING 75TH ANNIVERSARY OF THE MILITARY ORDER OF THE PURPLE HEART

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 49) recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 49

Whereas the Purple Heart is a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war wielded by the enemy and posthumously to the next of kin in the name of members who are killed in action or die of wounds received in action;

Whereas the Purple Heart was originally conceived as the Badge of Military Merit by General George Washington on August 7, 1782;

Whereas 2007 marks the 225th anniversary of the Badge of Military Merit, the predecessor of the Purple Heart Medal;

Whereas the practice of awarding the Purple Heart was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements;

Whereas over 1.5 million Purple Heart Medals have been awarded to members of the Armed Forces fighting in defense of freedom and democracy in the Civil War, the Spanish-American War, World War I, World War II, the Korean War, the Vietnam War, Somalia, Bosnia, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and other expeditionary conflicts;

Whereas the organization known as the Military Order of the Purple Heart was formed on October 19, 1932, for the protection and mutual interest of members of the Armed Forces who have received the Purple Heart; and

Whereas the Military Order of the Purple Heart is composed exclusively of recipients of the Purple Heart: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces;

(2) commends all recipients of the Purple Heart for their courage and sacrifice on behalf of the United States; and

(3) encourages all Americans to take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 49, introduced by the gentleman from North Carolina (Mr. JONES), my good friend and colleague on the House Armed Services Committee.

This resolution honors the men and women in the Armed Forces who have demonstrated selfless and heroic acts on the field of battle. They are recipients of the Purple Heart. I am also proud to be a cosponsor of this resolution that so rightly honors those in uniform who sacrifice so much for our country.

This year marks the 75th anniversary of a medal awarded to soldiers, marines, airmen and sailors who have been wounded or killed by an enemy in combat. To date, over 1.5 million members of the Armed Forces have been awarded the Purple Heart, or its predecessor, the Badge of Military Merit, in conflicts spanning from the Civil War to the present-day Operation Iraqi Freedom and the war on terrorism.

The Purple Heart was revived in 1932 on the 200th anniversary of President George Washington's birth. Originally awarded only to Army soldiers in 1942, President Franklin Delano Roosevelt extended the honor to all military services. In 1962, President John F. Kennedy extended the honor to civilians working alongside the military in the time of war.

The Purple Heart is recognized as the oldest military honor in the United States that is still in use and the first to be given to any soldier who is wounded or killed by an enemy of the United States.

Faced with situations from which most people would shrink, our Nation's warriors have gone boldly into battle and met democracy's enemies with a fierce commitment to protect those liberties that allow all of us to stand here today. They recognized the truth so often overlooked by their fellow citizens: A free Nation requires constant protection and constant protectors.

Even in our modern age, complete with all the technology that human intellect can muster, our men and women in the Armed Forces continue to prove that it is selfless and patriotic citizens that must ultimately stand tall to protect our great Nation.

Formed in 1932, the Military Order of the Purple Heart has the solemn obligation and duty to foster an environment of goodwill among combat-wounded veterans, promote patriotism, support necessary legislative initiatives, and, most importantly, provide service to all veterans and their families. It fulfills this mission through community and volunteer efforts and by employing low-income combat veterans. Their sacrifice and dedication to this country are a testament to the quality of individuals who volunteer to serve our Nation in uniform.

So it is important that we honor this sacrifice by congratulating the Military Order of the Purple Heart on its 75th anniversary, commend all recipients of the Purple Heart for their courage and sacrifice on behalf of the United States, and encourage all Americans to take time to learn about the Purple Heart and the honor, the courage, and the bravery it symbolizes.

I would also like to note that the Guam Chapter of the Military Order of the Purple Heart has been a tremendous community leader for all veterans on Guam. Their voice is heard through representation on the Guam Veterans Advisory Council. Our Guam chapter is also accredited to provide assistance to veterans who are applying for VA benefits. The group has been a critical partner for our Nation's most deserving, and we know that the Military Order of the Purple Heart has stood just as strong in communities across the Nation.

At this time, Madam Speaker, I would like to thank Mr. JONES, the sponsor, for his leadership in this cause.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentlewoman from Guam for her very kind remarks and comments.

Madam Speaker, I rise in strong support of my resolution that honors the Military Order of the Purple Heart on its 75th anniversary. The Purple Heart was originally conceived as the Badge of Military Merit by GEN George Washington on August 7, 1782. However, it had fallen into disuse after the Revolutionary War.

The practice of awarding the Purple Heart was revived in 1932, as the gentlewoman said, at the 200th anniversary of George Washington's birth. The organization now known as the Military Order of the Purple Heart was also formed in 1932 for the protection and the mutual interest of all who have received the decoration. This year will mark the 75th anniversary of fostering an environment of goodwill and comradery among combat-wounded veterans.

The Purple Heart is a combat decoration awarded to Members of the Armed Forces who are wounded by an instrument of war wielded by the enemy and posthumously to the next of kin in the name of members who are killed in action or die of wounds received in action.

Over 1.5 million Purple Heart medals have been awarded to members of the Armed Forces fighting in defense of freedom and democracy. Today, more than 500,000 recipients of the Purple Heart are still living.

By this resolution, Congress congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces. It strongly commends all recipients of the Purple Heart for their courage and sacrifice. Americans should take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

Madam Speaker, I yield back the balance of my time.

Mr. EMANUEL. Madam Speaker, I rise today in support of H. Con. Res. 49, recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States and in support of S. 27, supporting the goals and ideals of "National Purple Heart Recognition Day."

The Purple Heart is the oldest military decoration in current use. It is awarded to members of the Armed Forces who are killed or wounded during conflict with an enemy force or while held as prisoners of war.

The Purple Heart was originally awarded during the Revolutionary War by the order of then-General George Washington. In 1932 the practice of awarding this prestigious medal was reinstated to honor the 200th birthday of George Washington.

The Military Order of the Purple Heart is the only veteran's organization comprised strictly of combat veterans. It was created for the protection and mutual interest of those who have received the Purple Heart. Since the reintroduction of this high honor, over 1.5 million soldiers have been awarded the Purple Heart; 550,000 of these brave individuals are living today.

Madam Speaker, the recipients of the Purple Heart have made an invaluable contribution to our country that will not be forgotten. They put their lives on the line and made great sacrifices while in service to our country and deserve our deepest respect. I urge my colleagues to support H. Con. Res. 49 and S. 27, and I thank all of our Nation's veterans for their service to our country.

Mr. SHULER. Madam Speaker, I rise today as a proud cosponsor of House Concurrent Resolution 49, which commemorates the 75th anniversary of the Military Order of the Purple Heart, and honors those members of our Armed Forces who have received Purple Hearts for their dedicated service.

The Military Order of the Purple Heart was founded in 1932 and is composed solely of veterans who have received Purple Hearts, making it the only veteran organization that is composed of only combat veterans. The organization promotes education, fraternity, service, and patriotism, and they provide service for veterans and their families who are in need. In addition, they work to support relevant legislative initiatives.

As an organization committed to the care and support of combat veterans, the Military Order of the Purple Heart deserves the recognition of this Congress for 75 years of hard work serving our Nation's brave veterans of the Armed Forces.

I cannot begin to express the gratitude I feel to the members of our Armed Forces, both past and present, for the gift of freedom that they have given to every American. They have given freely of themselves to defend this great Nation deserve our everlasting gratitude and respect.

We have the privilege and responsibility of both taking care of and honoring the sacrificial service of our combat veterans. I urge my colleagues to vote for the adoption of this resolution.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 49, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courage and sacrifice on behalf of the United States.".

A motion to reconsider was laid on the table.

HONORING AND EXPRESSING GRATITUDE TO THE 1ST BATTALION OF THE 133RD INFANTRY OF THE IOWA NATIONAL GUARD

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 568) honoring and expressing gratitude to the 1st Battalion of the 133rd Infantry ("Ironman Battalion") of the Iowa National Guard.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 568

Whereas 476 members of the 1st Battalion, 133rd Infantry of the Iowa National Guard were mobilized for active duty in September and October of 2005;

Whereas 80 members of the 1st Battalion, 133rd Infantry have been providing essential support to the Battalion from Iowa National Guard installations in Waterloo, Iowa, and Dubuque, Iowa, and at least 490 members of the 1st Battalion, 133rd Infantry were deployed to Iraq in April and May of 2006;

Whereas the members of the 1st Battalion, 133rd Infantry have been serving bravely and honorably since those dates in the al-Anbar Province of Iraq, one of the most dangerous parts of the country;

Whereas the 1st Battalion, 133rd Infantry deployed as part of the 1st Brigade Combat Team of the 34th Infantry Division, which has completed the longest continuous deployment of any Army National Guard unit during Operation Iraqi Freedom;

Whereas the 1st Battalion, 133rd Infantry is the longest-serving Iowa Army National Guard unit since World War II;

Whereas the CBS program "60 Minutes" devoted an entire hour to telling the story of the 1st Battalion, 133rd Infantry on May 27, 2007;

Whereas the members of the 1st Battalion, 133rd Infantry have completed over 500 missions providing security for convoys operating in the al-Anbar Province;

Whereas the members of the 1st Battalion, 133rd Infantry have logged over 4 million mission miles, and have delivered over one-third of the fuel needed to sustain coalition forces in Iraq;

Whereas the members of the 1st Battalion, 133rd Infantry have detained over 60 insurgents;

Whereas the members of the 1st Battalion, 133rd Infantry were scheduled to return home in April 2007, but had their tours of duty extended until July 2007;

Whereas the members of the 1st Battalion, 133rd Infantry left behind civilian jobs, friends, and families in order to serve the United States;

Whereas 1st Battalion, 133rd Infantry members Sergeant 1st Class Scott E. Nisely and Sergeant Kampha B. Sourivong gave the ultimate sacrifice for their country when they were tragically killed during combat operations near Al Asad, Iraq, on September 30, 2006; and

Whereas the United States will be forever indebted to the soldiers and families of the 1st Battalion, 133rd Infantry for their sacrifices and their contributions to the United States mission in Iraq: Now, therefore be it

Resolved, That the House of Representatives honors and expresses gratitude for the service and sacrifices of the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon their return home from their deployment in Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 568, introduced by my colleague from Iowa, Mr. BRALEY, which recognizes the bravery and the tremendous self-sacrifice of the 1st Battalion of the 133rd Infantry of the Iowa National Guard.

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Beginning in September of 2005, this "Ironman Battalion" was mobilized for active duty, and by April 2006, 490 members were deployed to al-Anbar Province to support Operation Iraqi Freedom. Since deploying as part of the 1st Brigade Combat Team of the 34th Infantry Division, this Iowa battalion has completed the longest continuous deployment of any Army National Guard unit during the Iraqi war, and is the longest deployed Iowa Guard unit since the Second World War.

They have completed over 500 missions and logged over 4 million mission miles, delivering over one-third of the fuel needed to sustain coalition forces in Iraq.

While performing operations in Anbar, this battalion dutifully detained over 60 insurgents, and they remained steadfast and strong when their tour was extended at a time when this country needed their leadership.

On September 30, 2006, Sergeant First Class Scott E. Nisely and Sergeant Kampha B. Sourivong paid the ultimate sacrifice and courageously laid down their lives for this Nation. It is a solemn and sad occasion when this country's sons and daughters give so much, and often words are insufficient to describe the humble gratitude and dignified thanks that we owe these brave soldiers and their families. In times of war, Madam Speaker, it is important that this Nation, this House, halt for a brief moment and speak with actions what words cannot articulate.

I am honored to rise today on the floor of this House to express the thanks of a grateful Nation to the members and the families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon their return home from their deployment in Iraq.

The story of Iowa's 1st Battalion of the 133rd Infantry is even more remarkable because their extended tour of duty in Iraq was a crucial component of the surge policy. This battalion made a great sacrifice that has impacted their family lives and their jobs. However, their unfaltering willingness to serve an extended tour allowed the National Guard to reset the force and begin the process of serving in more predictable deployment cycles. They not only sacrificed for our freedom, but for the betterment of their fellow guardsmen across the Nation.

I want to take this opportunity to thank the men and women of the Iowa National Guard, including MG Ron Dardis, Iowa's Adjutant General. Today this House joins the Iowa delegation in bringing this deserving recognition of their National Guard. We want to commend Mr. BRALEY for his leadership in support of the National Guard.

Today's resolution again highlights the important role that the National Guard continues to fulfill through wartime requirements. Indeed, the National Guard is now an operational force that can simultaneously provide wartime capabilities while protecting the homeland. And to achieve this mission, it has taken the participation and support of every State and territory National Guard. All of us are very proud of our National Guard units, and I am very proud of the contributions of the Guam National Guard to missions abroad and in the homeland. Today we recognize a National Guard battalion who has sacrificed above and beyond the normal call of duty and expectations placed upon them.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and commend the gentleman from Iowa (Mr. BRALEY) for introducing it. This specific resolution honors and expresses gratitude for the service in Iraq of the 1st Battalion, 133rd Infantry, known as the "Ironman Battalion" of the Iowa Army National Guard. Their service has been long and honorable.

The soldiers of this battalion mobilized in the fall of 2005, deployed to Iraq in the spring of 2006, were due to come home in April of this year, but had their tour extended until July of 2007.

For 15 months, their "boots on the ground" made a difference in the al-Anbar Province, one of the most dangerous areas in Iraq. They completed more than 500 convoy security missions, logged over 4 million mission miles, and delivered over one-third of the fuel needed to sustain coalition forces in Iraq.

The battalion came home to Iowa on July 25 to welcoming and thankful families and communities, completing a 22-month mobilization. That period of honorable service made the battalion the longest serving Iowa Army National Guard unit since World War II.

While serving in Iraq, two members of the battalion were killed in action in September of 2006: Sergeant First Class Scott Nisely and Sergeant Kampha B. Sourivong.

For their ultimate sacrifice and for the service and sacrifice of the members and families of the 1st Battalion, 133rd Infantry, the Nation owes a debt of gratitude. This resolution helps to remind us of that debt. Today, Congress, by this resolution, honors and thanks the men and women of this unit and their families for their dedication and selfless service to the people of America.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Madam Speaker, I thank the gentlewoman for yielding me this time to speak on this very important occasion.

As an original cosponsor of this resolution, I join with my good friend and colleague, and many others, Representative BRALEY of Iowa, as we celebrate the great service this unit has given.

They are brave people. You have heard the time they served. They returned home with the distinction of being the longest serving Iowa National Guard unit since World War II. I want to personally thank them for their service to our country. The brave men and women who make up the unit are something that we are very proud of, and I feel some relation to them, as others do in the Congress, because of my own past service in another war. So I appreciate it very much.

And I am also aware of the sacrifices made by the families. And I think you should know that as the troops were coming up the highway, as they passed under bridges, there were VFW and American Legion and other services and families who were on the bridges with flags walking them home, making them know how much they were appreciated and how much they were missed. Those families play a very important role, which we should all appreciate, in ensuring freedom and liberty.

So I want to thank the mothers and fathers and the spouses and the sons and daughters who had and have loved ones serving around the world.

I appreciate the opportunity to speak here tonight, and hope that we can raise up and give recognition and appreciation to all of our men and women who serve our country and do it with distinction. We should be very proud. I am, and I know all of us are.

Mr. LATHAM. Madam Speaker, I rise in strong support of this resolution honoring the 1st Battalion, 133rd Infantry of the Iowa National Guard. This unit returned last week from a deployment lasting nearly 23 consecutive months in Iraq, which is the longest continuous deployment of any Army National Guard Unit during Operation Iraqi Freedom. This distinction carries on the 1st Battalion's proud historical legacy: Since the Second World War the unit served more consecutive days in the European theatre than any other unit.

In Operation Iraqi Freedom, the 1st Battalion carried out a critical mission in one of the most dangerous areas of Iraq. The unit drove over 4 million miles providing security for convoys supplying thousands of U.S. troops. I want to commend the soldiers of the 1st Battalion for their successful completion of over 500 missions.

These soldiers and their families have made tremendous sacrifices to further the U.S. mission in Iraq and for that we owe them a debt of gratitude. Tragically, this sacrifice included more than 25 wounded and the deaths of two members of the unit who made the ultimate sacrifice. SGT 1st Class Scott Nisely and SGT Kampha Sourivong were killed in combat operations on September 30, 2006. Our Nation will forever be grateful to these heroes who made the ultimate sacrifice to protect our freedoms.

Madam Speaker, I urge my colleagues to support this important recognition of one of our Nation's finest National Guard Units.

Mr. BRALEY of Iowa. Madam Speaker, I rise today to support the passage of H. Res. 568, a bill honoring and expressing gratitude to the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard. My introduction of this bill last week coincided with the long-awaited homecoming of the 1–133rd, known as the "Ironman Battalion," after a long and extended deployment in Iraq. I am glad that the House has moved swiftly to consider this important resolution, and I urge my colleagues to vote in favor of it today in order to pay tribute to this incredible group of Iowans.

Last Wednesday was truly a momentous day in Iowa as the members of the 1–133rd were reunited with their friends, family, and loved ones at a homecoming ceremony in Waterloo after more than a year of service in Iraq. The members and families of the 1–133rd have been in Iowans' thoughts and prayers, and this day of reunion and celebration had been eagerly awaited, since the Battalion left for Iraq last spring.

Iowans' admiration and love for the members of the 1–133rd was palpable in Waterloo as an overflow crowd of an estimated 8,000 people packed Riverfront Stadium to welcome the hundreds of men and women of the Battalion home. As the Battalion drove the final miles from Ft. McCoy in Wisconsin, Iowans lined the road to wave at the 1–133rd and waved American flags from overpasses. Sadly, the day was also made bittersweet by the absence of 1–133rd members SGT 1st Class Scott Nisely and SGT Kampha Sourivong, who gave the ultimate sacrifice for their country when they were tragically killed during combat operations in Iraq on September 30, 2006.

Many of my colleagues here may already be familiar with the men and women of the 1–133rd if they saw the Memorial Day special edition of "60 Minutes" that was dedicated to telling the story of the Battalion. While it is impossible for those who have not served in Iraq to fully understand the experiences of the 1–133rd there, or to comprehend the sacrifices that they and their families have made on behalf of our country, this program gave Americans a small glimpse of the challenges the members of the 1–133rd and their families faced throughout their long deployment, as well as into their incredible perseverance.

Iowans who watched the "60 Minutes" special featuring the 1–133rd saw the story of their friends, neighbors, and loved ones who chose to serve and sacrifice when their country called upon them. We saw the daily threats of roadside bombs, insurgents, and snipers faced by the members of the 1–133rd in Iraq as they helped deliver fuel to coalition forces. We saw families adjusting back home, and banding together to help one another. We saw the hardship and heartache that was experienced by the members and their families when they received the news that their tour of duty was to be extended from April until this summer. We saw children born while fathers were overseas, and we saw the lives of our fellow Iowans cut tragically short. For me, the program reinforced what I had already learned about the members of the 1–133rd from my frequent communications with their commanding officer, LTC Ben Corell: that they are men and women of great strength and character who selflessly and bravely put their lives on the line every day for their country in Iraq.

Throughout their long tour of duty in the al-Anbar province of Iraq, one of the most dangerous parts of the country, the 1–133rd detained over 60 insurgents. They completed over 500 missions providing security for convoys, and logged in over 4 million mission miles. In addition, they have delivered over one-third of the fuel needed to sustain coalition forces in Iraq. Their crucial service, and their extended deployment, are also reflective of the critical and increasing role of the National Guard in our defense missions overseas. Their contributions to the U.S. mission in Iraq are indeed impressive and commendable, which is why I believe that the entire country should honor and thank the men and women of the 1–133rd for their service and their sacrifices there through the passage of this resolution.

The 1st Battalion of the 133rd Infantry of the Iowa National Guard is notable for other reasons as well. They are the longest-serving Iowa military unit since World War II. They are also part of the Army National Guard unit which has served the longest continuous deployment of any Army National Guard unit in support of Operation Iraqi Freedom.

The men and women of the 1–133rd have made me and so many other Iowans and Americans proud through their work and their sacrifices in Iraq, and I hope that it also gives them and their families pride to reflect upon their accomplishments. I feel incredibly honored and privileged to represent them in the U.S. Congress, and I am so pleased today that the entire House of Representatives will commend and thank them for their service through the passage of H. Res. 568.

I am proud to have introduced this bill with the support of 70 bipartisan original co-sponsors, including the entire Iowa Congressional Delegation. The strong support this resolution has on both sides of the aisle is reflective of the pride and gratitude that Americans feel towards our National Guard troops, and all of our men and women serving in uniform.

I would like to thank Armed Services Committee Chairman IKE SKELTON and his staff, and Majority Leader HOYER and his staff, for helping to facilitate the swift consideration of this bill by the full House. The United States will be forever indebted to the members and families of the 1–133rd for their service and their sacrifices in Iraq, and I hope that this resolution comes to serve as a genuine expression of thanks from a grateful state and a grateful nation.

Again, I would like to commend and thank this incredible Battalion for their work, and I urge my colleagues to support the passage of H. Res. 568 today to honor and express gratitude to the men and women of the 1st Battalion of the 133rd Infantry of the Iowa National Guard.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, but I do thank Mr. JONES for managing the resolutions this evening, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 568.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2722) to restructure the Coast Guard Integrated Deepwater Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Integrated Deepwater Program Reform Act".

SEC. 2. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement,

the Secretary submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of the enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC–130J, the helicopter HH–65, the helicopter HH–60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC–A), the Fast Response Cutter B (FRC–B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 3. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§55. Chief Acquisition Officer

"(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

"(1) have acquisition management as that official's primary duty; and

"(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

"(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

"(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

"(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

"(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

"(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

"(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

"(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

"(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

"(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

"(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

"(C) reporting to the Commandant on the progress made in improving acquisition management capability.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"55. Chief Acquisition Officer.".

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 4. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is

authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 5. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG-07-23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG–07–23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 6. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC-130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) IN GENERAL.—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) CONTENTS.—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 7. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) FINDINGS.—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 8. DEFINITIONS.

In this Act:

(1) DEEPWATER PROGRAM.—The term "Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled "Revised Deepwater Implementation Plan 2005", dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Integrated Deepwater Program Reform Act, H.R. 2722, which I authored in my capacity as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, is a critical piece of legislation that will strengthen the management of the Coast Guard's Deepwater procurement program.

H.R. 2722 passed both the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure on a voice vote and has enjoyed bipartisan support from the members of both the subcommittee and the full committee.

I wish to express my deepest appreciation to Chairman JAMES OBERSTAR for his leadership and support on this measure, and, indeed, for his leadership of our committee.

I also express my appreciation to the ranking member of the full committee, Congressman MICA, and the ranking member of the subcommittee, Congressman LATOURETTE, for their leadership and the commitment they have shown to the success of our United States Coast Guard through their work on the bill before us today.

Further, I wish to thank Chairman BENNIE THOMPSON for his wise counsel on this bill and for working with us to get this bill to the floor today.

Deepwater is a $24 billion, 25-year procurement effort through which the Coast Guard will replace or rehabilitate all of its cutters and aircraft. Management of the program was awarded in 2002 through a performance-based contract to a private sector team comprised of Lockheed Martin and Northrop Grumman, now known as the Integrated Coast Guard Systems or ICGS.

Unfortunately, some of the procurements conducted under Deepwater over the past 5 years have experienced unacceptable failures that have delayed the production of needed assets and contributed to a significant shortfall in Coast Guard patrol hours.

Perhaps the most widely publicized failure of the Deepwater program is the failure of the effort to lengthen 110-foot patrol boats already in the Coast Guard's fleet to 123 feet. The lengthening was intended to upgrade these boats and extend their service lives while newer assets were being developed.

Though warned by Navy experts that the proposed designs for the lengthening was inadequate, the Coast Guard proceeded with the effort anyway. Eight boats, which originally cost some $60 million to produce and which had many years of additional service life left, buckled soon after they were lengthened and now sit sadly in the Coast Guard yard in Baltimore waiting for the scrap heap.

Unfortunately, the failure of the 123-foot patrol boats is not the sole failure of the Deepwater program. The initial design of the Fast Response Cutter was also beset by technical failures, though fortunately these were identified before any ships were built. While this acquisition effort has now been revamped, the GAO reported earlier this year that the design failure has delayed the procurement by at least 2 years.

Together, the failed effort to lengthen the 110-foot patrol boats and the failure of the first design of the Fast Response Cutter wasted another $100 million of hard-earned American taxpayer dollars.

Similarly, despite the obligation of another $100 million, the initial design effort on the Vertical Unmanned Aerial Vehicle, which is needed to enhance the surveillance capacity of the National Security Cutter, also failed. This craft had originally been scheduled for delivery in 2007, but the GAO estimates that delivery will now be delayed by as much as 6 years, meaning that the first National Security Cutters will likely enter service without the vehicles.

More recently, the Department of Homeland Security's Office of the Inspector General found that the hull fatigue life on the National Security Cutter, the most expensive asset to be procured under the Deepwater program, may not meet contractual requirements. The IG warns that fixing the hulls of the first two NSCs, which are already well into production, will add potentially significant costs to these ships and may even affect their operational capabilities.

Despite this troubling record of failure and waste, during the first 4 years of the Deepwater program, the Coast Guard ranked the contractor performance between "very good" and "excellent" and awarded the ICGS team some

$16 million in award fees; in other words, in bonuses.

Such a situation is ridiculous and intolerable. Having convened now three hearings on Deepwater in the Subcommittee on Coast Guard and Maritime Transportation in the 110th Congress and having chaired an investigative hearing on the 120-foot patrol boat program convened in the full Committee on Transportation and Infrastructure by Chairman OBERSTAR, we have had the opportunity to closely examine the failures in contractor performance and in Coast Guard management that have occurred since 2002.

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H.R. 2722 responds directly to these failures by requiring the creation of the management systems and the appointment of the personnel needed to enable the Coast Guard to manage Deepwater as effectively as the service managed the truly amazing rescues of victims during Hurricane Katrina.

Under the leadership of Commandant Thad Allen, the service is already moving decisively to correct past mistakes. Admiral Allen has formed a new procurement directorate to professionalize acquisition management and to put the business practices in place needed to effectively oversee contractor performance and to create lines of strict accountability.

The Coast Guard is now also directly managing the procurement of the Fast Response Cutter, and it has issued a solicitation that includes new measures specifically intended to focus the procurement on producing an asset that will meet all performance requirements.

The Integrated Deepwater Program Reform Act, H.R. 2722, would build on the important reforms Admiral Allen has already enacted by putting in place a comprehensive package of reforms that will strengthen the institutional capacity of the Coast Guard to manage not only Deepwater but all other procurements for years to come.

Specifically, H.R. 2722 will require that the Coast Guard be in charge of all technical decisions on Deepwater and would require the use of full and open competition for the procurement of new assets to ensure that the Coast Guard receives the best value for taxpayers' resources.

H.R. 2722 also sets rigorous new standards for the testing and certification of all Deepwater assets.

The bill requires that all new National Security Cutters procured from the date of enactment be certified by an independent third party to meet all contractual requirements.

The DHS Inspector General has testified before our subcommittee that the four audits of Deepwater he has conducted over the past 2½ years have revealed the dominant influence of expediency and schedule over performance quality in the management of this program.

Unfortunately, the shoddy results of the prioritization of expediency and schedule can be seen in the 123-foot patrol boats, which cannot float, and the Unmanned Aerial Vehicle, which did not fly.

Professional certification of the design and construction of NSCs 3 through 8 will help ensure that these assets do not have any structural shortcomings, as such certification should be accommodated in all procurement schedules.

Further, given the serious concerns that currently exist over hull fatigue with NSCs 1 and 2, H.R. 2722 requires that the design used in all future NSCs be submitted to an assessment conducted by the Naval Surface Warfare Center, Carderock Division, before construction on the new NSCs begin.

Carderock identified many of the potential hull fatigue problems with NSC 1 and their expertise will help assess whether proposed design changes for subsequent NSCs truly correct design problems that could shorten the hull fatigue life of those ships.

H.R. 2722 requires that all other new cutters acquired under Deepwater be classified by the American Bureau of Shipping, and it requires that all new aircraft and aircraft engines be certified for airworthiness by an independent third party.

Significantly, H.R. 2722 also requires the appointment of a civilian as the head of the acquisitions directorate. Both the DHS Inspector General and the GAO have testified before the Subcommittee on Coast Guard and Maritime Transportation regarding the importance of personnel continuity in the effective management of acquisitions contracts.

Appointment of a civilian with a career's worth of experience in procurement will bring to the Coast Guard the level of expertise that simply is not cultivated among the service's uniformed personnel given that the service lacks a career path to train acquisitions professionals. Of course, while the appointment of a civilian to head Coast Guard acquisitions functions cannot guarantee continuity, the appointment of a uniformed servicemember will guarantee turnover on a predictable schedule.

With the implementation of these measures that will prepare the Coast Guard to manage Deepwater, H.R. 2722 requires that private sector contractors be phased out as the lead systems integrator by October 1, 2011. This phase-out can occur prior to that date if the Coast Guard certifies they have the personnel and systems in place they need to perform the lead systems integration function.

Madam Speaker, I remain completely confident in Admiral Allen's leadership of the Coast Guard and in his management of the Deepwater program, but I also believe that Congress must act to build within the Coast Guard the systems that will enable the service to effectively manage procurement efforts, and manage taxpayer resources, long after Admiral Allen has retired.

The men and women of the Coast Guard will rely on the assets procured under Deepwater for decades to come to defend our homeland against an ever-growing range of threats. This is a procurement effort that simply must be managed correctly, and I'm confident that the enactment of H.R. 2722 will ensure that it is.

This bill has enjoyed bipartisan support, both in the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure. I also note that the Congressional Budget Office has found that enacting this measure will not affect revenues or direct spending in any way and could result in lower procurement expenditures and reduce the long-term costs of the Deepwater program.

In closing, I again commend Chairman JIM OBERSTAR, chairman of the Committee on Transportation and Infrastructure, for his strong support and his commitment to excellence. Under his inspired leadership, our committee has truly returned oversight and strict accountability to the agenda and is working to enact the ground-breaking policies that are essential to meeting the transportation challenges of the 21st century.

I also commend the ranking member of the full committee, Congressman MICA, for his leadership and support on this measure; and I commend the ranking member of our subcommittee, the distinguished gentleman, Mr. LATOURETTE, for his hard work and his outstanding leadership on the subcommittee.

I urge my colleagues to demonstrate their commitment to our brave young men and women in our Coast Guard, our thin blue line at sea, by supporting H.R. 2722, as amended.

Madam Speaker, I reserve my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2722, the Integrated Deepwater Program Reform Act, makes significant changes to the Coast Guard's Deepwater program and will reform the way that the Coast Guard oversees, manages, and carries out the program as the service takes on the lead systems integrator responsibilities.

I want to add my thanks on the floor tonight and appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider both at the subcommittee and during the full committee markup amendments from our side of the aisle to improve the bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both the subcommittee and full committee markups. I want to thank both chairmen for their efforts to develop this bill in a truly bipartisan manner.

Madam Speaker, I appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider amendments from my side of the aisle to improve this bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both Subcommittee and Full Committee markups. I thank both Chairmen for their efforts to develop this bill in a bipartisan manner.

Our Subcommittee has held four hearings to oversee the Deepwater program over the past six months, and we have delved into the problems that have troubled this critical acquisition program. This bill addresses many of the areas that were identified through our oversight process. This bill will provide the Coast Guard with the framework to turn the program around and to support the successful acquisition of enhanced vessels, aircraft, and systems necessary to carry out the service's many missions.

However, I do want to point out that despite problems with some Deepwater program—most notably the failed 110 to 123 conversion, the program has had successes. Most importantly, the improved communications between shore, sea and air assets have already led to improved operations.

I also want to note that not all of the program's problems result from contracting issues. The program has never been funded at the level the Coast Guard determined it needed to carry out the program in the timeframe it described. Unfortunately, it appears those funding shortfalls will only get worse in the coming fiscal year. In fiscal year 2007, $1.1 billion was appropriated to carry out the Deepwater program. For fiscal year 2008, the Administration sought $837 million for the program, the House has provided $698 million, and the Senate has approved an amount of $770 million. At those levels, acquisitions of new ships and aircraft will be further delayed, meaning that ready-to-be-retired legacy ships and planes will be kept in service longer. Those assets will, in turn, incur higher maintenance costs further reducing the funds available to acquire new assets.

The bill before us today improves the organization and administration of Deepwater and seeks answers to questions about the implementation of the program. However, if Congress and the Administration continue to fail to seek and provide funds at the level planned for, then Deepwater has no chance of meeting its targets and goals.

While this bill will not solve the problems that result from funding shortfalls for the Deepwater program, the bill will give the Coast Guard adequate time to build its in-house staff and capabilities to the level necessary to successfully assume the lead systems integrator role and to put in place arrangements to acquire additional personnel and expertise from the private sector and other Federal agencies. This is a necessary programmatic change.

I support this bill and urge all Members to approve H.R. 2722.

Mr. OBERSTAR. Madam Speaker, today, the House considers H.R. 2722, the "Integrated Deepwater Program Reform Act". This legislation is the product of the lessons learned from a series of hearings delving into the Coast Guard's Deepwater program.

I would like to thank Subcommittee Chairman CUMMINGS for his diligence in thoroughly examining these problems and for developing a comprehensive bill to get this program back on course.

The Committee has held three hearings in the 110th Congress on the Deepwater program—including one that finally adjourned at 11:29 p.m. Committee Members have heard the saga about problems with this program that include inadequate staffing, patrol boats that have been altered in such a way that they are not seaworthy, and construction standards that shorten the fatigue life of cutters below their contracted 30-year life.

During these hearings, the Committee heard testimony from the Coast Guard, contractors, the Office of Inspector General ("OIG") of the Department of Homeland Security, and the Government Accountability Office ("GAO"), and in addition received reports from the Defense Acquisition University ("DAU"), the GAO, and the OIG.

Unfortunately, we learned from the testimony to the Committee that the Deepwater program is an example of a total abdication of governmental responsibility for overseeing its contractors, the quality of their work, and the timeline for completion.

H.R. 2722 will correct this problem. The bill establishes within the Coast Guard the acquisition management systems, and requires appointment of necessary personnel, to effectively manage the $24 billion Deepwater Acquisition Program.

As reported by the Committee, H.R. 2722 prohibits the use of a private sector entity as a lead system integrator beginning at the earlier date of October 1, 2011, or the date on which the Coast Guard certifies to the Committee that the service has the trained personnel and resources to implement the system integration.

I understand that the Coast Guard intends to move forward well before the 2011 date and I can assure you that this Committee will monitor their progress on taking over the Deepwater program.

H.R. 2722 also requires the use of full and open competition for procurements under Deepwater, and sets forth specific provisions to be included in future contracts including requirements subjecting designs to technical review and development of independent cost estimates. Transient electromagnetic pulse emanation ("TEMPEST") standards, as used by the Department of the Navy, must be used for procurements requiring TEMPEST certification. The bill further requires that all contracts include provisions allowing the OIG to privately interview contractor personnel working on Deepwater.

The bill also requires the appointment of a civilian Chief Acquisition Officer within the Coast Guard, who would report directly to the Commandant, and specifies a number of authorities reserved to the Chief Acquisition Officer.

H.R. 2722 sets standards for testing and certification of assets procured under Deepwater. Each cutter—other than a National Security Cutter (NSC)—must be classed by the American Bureau of Shipping (ABS). The design and construction of NSCs, with the exception of NSC 1 and 2, must be certified as capable of being underway for at least 185 days a year for 30 years and the other performance requirements by an independent third-party such as ABS or the Navy. The bill calls for all aircraft to be certified by an independent third-party such as the FAA or the Navy as well.

In addition, the bill requires a number of reports to Congress from the Coast Guard to enhance the Committee's oversight of this important acquisition program.

I would like to thank Ranking Member MICA and Subcommittee Ranking Member LATOURETTE for working with Subcommittee Chairman CUMMINGS and me on this bill.

Madam Speaker, I urge my colleagues to join me in supporting passage of H.R. 2722, the "Integrated Deepwater Program Reform Act of 2007".

Mr. THOMPSON of Mississippi. Madam Speaker, I stand in support of H.R. 2722 because I recognize the importance of the Integrated Deepwater Systems (Deepwater) program to our National security.

We need to replace our aging ships and aircraft that operate offshore to protect our borders. While this program has come under much scrutiny for being more expensive than previously thought and taking more time to complete, it is still a worthwhile endeavor.

Everyday, valiant members of the U.S. Coast Guard risk their lives to rescue and protect Americans. The continued success of this mission is dependent upon Coast Guard assets which are aging by the day. In the mid-1990s, the Coast Guard decided to replace all of these assets in a single procurement program—the Integrated Deepwater System program, typically referred to as Deepwater. The Coast Guard's plan was to set forth broad mission requirements and then rely on private contractors to determine the mix of assets necessary to carry out those missions. Ultimately, the contract went to "Integrated Coast Guard System" (ICGS), a consortium headed by Lockheed Martin and Northrop Grumman.

Deepwater was intended to replace or modernize the approximately 90 ships and 200 Coast Guard aircraft used for missions taking place more than 50 miles offshore. The primary missions carried out in this "deepwater" zone are drug and migrant interdiction operations, search and rescue, homeland security, and fisheries law enforcement. Unfortunately, this program has been beset with problems. One part of the ICGS's Deepwater plan was to lengthen the Coast Guard's existing 110 foot patrol boats by 113 feet. Shortly after the first extended boat was delivered, cracks were found in its hull. The Coast Guard dry-docked the boats in December 2006 due to the lack of operational capacity in heavy seas. On February 14, 2007, the Department of Homeland Security Office of Inspector General released a report concerning whistleblower allegations made against the 123-foot Coast Guard cutter program. The report found that aspects of the C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance) equipment installed aboard the 123-foot cutters do not meet the design standards set forth in the Deepwater contract.

Specifically, the contractor did not install low smoke cabling aboard the 123-foot cutter, despite a Deepwater contract requirement. The intent of this requirement was to eliminate the polyvinyl chloride jacket encasing the cables, which for years produced toxic fumes and dense smoke during shipboard fire.

Additionally, the contractor installed C4ISR topside equipment aboard both the 123-foot cutters and prosecutors, which either did not comply or was not tested to ensure compliance with specific environmental performance requirements outlined in the Deepwater contract. On April 17, 2007, the Commandant of the Coast Guard announced the decommissioning of the entire 123-foot fleet.

Similarly, there are problems with the National Security Cutter. On January 23, 2007, the Department of Homeland Security Inspector General's Office released a report stating that "the National Security Cutter, as designed and constructed, would not meet the performance specifications described in the original Deepwater contract." The report also states that "The National Security Cutter's design and performance deficiencies are fundamentally the result of the Coast Guard's failure to exercise technical oversight over the design and construction of its Deepwater assets."

Furthermore, the Inspector General's Office found that "since the deepwater contract was signed in June 2002, the combined cost of National Security Cutters 1 and 2 has increased from $517 million to approximately $775 million." The $775 estimate does not include costs to correct or mitigate the National Security Cutter's structural design deficiencies, additional labor and materials costs resulting from the effects of Hurricane Katrina, and the final costs of a $302 million Request for Equitable Adjustment (REA) that the Coast Guard is currently negotiating with the contractor. Finally, the report states that the Inspector General's Office "encountered resistance" from the Coast Guard and the contractor in its efforts to evaluate the structural design and performance issues associated with the cutter.

The IG's findings are very serious and I am deeply concerned about the Coast Guard's ability to manage the Deepwater program. Strict Congressional oversight on the part of the new Democratic Congress has forced the Coast Guard to make several significant changes to this much-needed program and continued oversight is needed. The Homeland Security Committee has already held one hearing on the Deepwater Program this year, and more are planned.

H.R. 2722 makes improvements to the Deepwater program that will refine the process and make it effective for protecting the homeland for decades to come. For instance this bill creates a process for the Coast Guard to become the lead systems integrator for the program, it opens up competition for procurements, requires the Coast Guard to provide life-cycle cost estimates, requires the appointment of a Chief Acquisitions Officer, establishes testing and certification requirements for Deepwater assets, provides design criteria for the National Security Cutter, and allows the Department of Homeland Security to work with the United States Navy. These changes to the program are necessary to make Deepwater an effective homeland security program.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of our time.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2722, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 735) to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building under construction at 799 First Avenue in New York, New York, shall be known and designated as the "Ronald H. Brown United States Mission to the United Nations Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown United States Mission to the United Nations Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 735.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished chairman of the committee on Ways and Means, Mr. RANGEL.

Mr. RANGEL. Madam Speaker, thank you so much for giving me this opportunity to share with this body the life of a great American named Ron Brown, and I'm asking your support to have a Federal building, a U.N. missions building if you will, to be named after him.

Even though Ron Brown was an African American from Harlem, his story is more of an American story than one of color, because on the streets of Harlem you don't find too many people exposed to dreams of ever becoming a Secretary of Commerce, indeed an ambassador for this great country.

But Ron never forgot Harlem, and it was the Urban League that drove him to do things in the civil rights movement. It was his dedication to his country that drove him to spend 4 years in the military, but everywhere that Ron Brown would go as Secretary of Commerce, he was there not just to sell businesses to the country. He was there to sell the American flag, the principles of that flag and the thing that we stand for.

I went with him to South Africa to see him negotiating with leaders, political leaders there, but all the time that he was talking to them, it wasn't which party was right or which party was wrong or how to bring about solidarity. He was asking how could America help the people to get clean water, to get medicine, to get food and to let them know that our multinationals were there, not just for the shareholders of their firm but the shareholders of the world.

And so when you come to New York, where you always see diversity, people of different color, different languages, different cultures, and you see the Federal mission to the United Nations, there could not be a sight that would be more reminiscent of Ron Brown than the contributions that he made to my community, my country, but indeed, the entire world.

And so thank you for shepherding this wonderful bill so that his family and his friends and his supporters and kids to follow would know that out of Harlem we planted the seed, and he died for this country on a mission for President Clinton. His memory will never, never be forgotten; and I was proud to be a desk clerk at the time that he was living in a hotel that his father managed in New York. And he will forever be in my mind and I hope in yours as you think about great Americans who lost their lives for this great country.

□ 2100

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

H.R. 735 designates a Federal building under construction at 799 First Avenue, New York, New York, as the Ronald H. Brown United States Mission to the United Nations Building. Ron Brown was born in Washington DC, grew up in New York City, and had a distinguished career and exemplary life. This is a good piece of legislation.

Ron Brown was born in Washington, DC and grew up in New York city. After attending Middlebury College, he commanded several units in the United States Army and served with distinction. Following his service in the Army, Ron Brown attended St. John's Law School.

After finishing law school, Ron Brown began a career as a lawyer and a lobbyist. He served as chief counsel for the Senate Judiciary Committee under the chairmanship of Senator TED KENNEDY. In addition, he chaired the Senior Advisory Committee of the Institute of Politics at the John F. Kennedy School of Government, Harvard University and was an elected member of the Council on Foreign Relations.

Ron Brown's career culminated in his appointment as Secretary of Commerce by President Bill Clinton. Tragically, his life ended abruptly while on a trade mission to Croatia in 1996. Secretary Brown was an accomplished politician and diplomat.

I would like to note that after the Committee on Transportation and Infrastructure marked up this bill, the State Department raised concerns about setting the precedent of naming a U.S. Embassy. I hope the chairman could work with the State Department to resolve this issue before this bill is signed into law.

Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I merely want to associate myself with the words of the chairman of the Ways and Means Committee, Mr. RANGEL. I urge all Members to vote in favor of the bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 735, a bill to designate the United States Mission to the United Nations Building located at 799 First Avenue, New York, NY, as the "Ronald H. Brown United States Mission to the United Nations Building."

Consideration of this bill on the House floor is long overdue. I commend the gentleman from New York (Mr. RANGEL) for his steadfastness in supporting this bill. Congressman RANGEL introduced similar bills to designate the United States Mission to the United Nations in honor of Ron Brown in the 108th and 109th Congresses. I am pleased that today we will finally pass this bill and pay a fitting tribute to the life and achievements of this extraordinary American.

Ron Brown was a man who served his country in many capacities: lawyer, pragmatic bridge builder, statesman, mentor, and trusted friend.

He may be best known for his service as the first African-American Secretary of Commerce. In that position, he became a powerful and influential voice for promoting American products and trade abroad. He championed expanding markets for U.S. goods and services, in order to increase job opportunities and foster job creation here at home.

He also served on President Clinton's National Economic Council, Domestic Policy Council, and Task Force on National Health Care Reform. He served President Clinton on the Trade Promotion Coordinating Committee and was Co- Chair of the U.S.-Russia Business Development Committee.

Secretary Brown served on the Board of Trustees for Middlebury College and received his law degree from St. John's University in New York City. Prior to entering public service, he worked as a welfare caseworker in New York City.

In addition to his many talents and strengths, Secretary Brown was a passionate civil rights activist with a distinguished record of service to his community. His commitment to this Nation and its citizens provides a model for us all.

Secretary Brown's life was tragically ended in April 1996 when he was killed in a place crash in Croatia while on an official Department of Commerce trade mission.

The Department of State had requested that Secretary Brown personally undertake the trade mission to highlight and find opportunities for U.S. businesses to boost economic reconstruction of the war torn region of former Yugoslavia.

Congress has previously designated Federal buildings that serve as Department of State facilities on four separate occasions. In 2000, Congress designated the Department of State headquarters as the "Harry S Truman Federal Building" (P.L. 106–218). In 2004, Congress designated the Foreign Service Institute as the "George P. Schultz National Foreign Affairs Training Center" (P.L. 108–136). In 2005, Congress designated the United States Embassy Annex in Rome, Italy, as the "Mel Sembler Building" (P.L. 108–447) and designated the Federal building in Kingston, Jamaica, as the "Colin L. Powell Residential Plaza" (P.L. 109–89).

Secretary Brown died in service to his country on a mission undertaken at the request of the Department of State. It is fitting and proper to honor this Federal building as the "Ronald H. Brown United States Mission to the United Nations Building."

I urge my colleagues to join me in supporting H.R. 735.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to take this opportunity to express my strong, support for H.R. 735, a bill designating the U.S. Mission to the United Nations for my good friend and former Secretary of Commerce, the late Ronald Herman Brown.

Ron Brown's legacy is one that will forever be synonymous with the term trailblazer. Ron Brown was the first African American to achieve partner at Patton, Boggs, and Blow in 1981.

In 1989, he became the first African-American to head the Democratic National Committee, marking the first time in U.S. history, a African-American had ever lead a major political party.

History was made again in 1993, when President William Jefferson Clinton nominated, and the Senate confirmed, Ron Brown as the first African-American to serve as Secretary of Commerce.

As alluded to previously, Ron Brown was an astute, bright, and compassionate individual. He was a brilliant lawyer, an effective Secretary of Commerce, but most importantly he was a devoted family man to his wife Alma and their two children, Michael and Tracy.

Sadly, death cheated them and this country at a most unexpected hour; however, we all can take great pride in knowing that Ron Brown's legacy shall endure.

In closing Madam Speaker, I would like to commend Transportation and Infrastructure Chairman, Mr. OBERSTAR, Subcommittee Chairwoman, Ms. NORTON, and my dear friend Representative RANGEL for their collective leadership in advancing this long overdue piece of legislation.

This fine measure is a fitting tribute to one of this country's greatest public servants.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 735.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules on H.R. 2750, by the yeas and nays;

Ordering the previous question on H. Res. 580, by the yeas and nays;

Adoption of H. Res. 580, if ordered;

Ordering the previous question on H. Res. 579, by the yeas and nays;

Adoption of H. Res. 579, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NASA 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2750, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 2750, as amended.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 758]

YEAS—402

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Bishop (GA)
Brown, Corrine
Carson
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Granger
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Nunes
Peterson (PA)
Price (NC)
Radanovich
Scott (VA)
Sires
Sutton
Tancredo

□ 2124

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 580, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 188, not voting 28, as follows:

[Roll No. 759]

YEAS—216

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker

Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Stark
Sullivan
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2133

Mr. SHAYS changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 184, not voting 26, as follows:

[Roll No. 760]

YEAS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2139

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 579, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 27, as follows.

[Roll No. 761]

YEAS—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Bishop (GA)
Blunt
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 2146

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 187, not voting 30, as follows:

[Roll No. 762]

YEAS—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble

Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Herger
Higgins
Johnson (IL)
Johnson, Sam
Kind
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Nadler
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2152

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, the Rules Committee is expected to meet Thursday, August 2, to grant a rule which may structure the amendment process for floor consideration of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 5 p.m. on Wednesday, August 1. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as introduced. A copy of the bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by the Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 579, I call up the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ledbetter Fair Pay Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., No. 05–1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

"(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

"(B) In any action under this title with respect to discrimination in compensation, the Commission, the Attorney General, or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Commission.

"(C) In addition to any relief authorized by 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in section (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.".

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking "(d)" and inserting "(d)(1)";

(2) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon"; and

(3) by adding at the end the following:

"(3)(A) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

"(B) In any action under this Act with respect to discrimination in compensation, the Secretary or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Secretary.".

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after "(42 U.S.C. 2000e–5 (f) through (k))" the following: "(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)"; and

(B) in paragraph (2), by inserting after "1964" the following: "(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)".

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following

"(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.".

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and".

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Pursuant to House Resolution 579, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2831

[Strike out all after the enacting clause and insert the part printed in italic]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lilly Ledbetter Fair Pay Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., No. 05–1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

(4) This Act is not intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

"(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

"(B) In addition to any relief authorized by section 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.".

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "(d)" and inserting "(d)(1)";

(3) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon"; and

(4) by adding at the end the following:

"(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.".

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after "(42 U.S.C. 2000e–5 (f) through (k))" the following: "(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)"; and

(B) in paragraph (2), by inserting after "1964" the following: "(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)".

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

"(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.".

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and".

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, discrimination is anathema to everything this country stands for. It is anathema to the promise that is America. Regrettably, the recent Supreme Court's recent Ledbetter v. Goodyear decision threatens to turn back the clock on the progress we have made since the passage of the Civil Rights Act of 1964 more than 40 years ago.

The Supreme Court's decision in Ledbetter severely restricts the right of employees to challenge pay discrimination. It ignores the realities of the workplace, prior precedent, and the clear intent of Congress.

Justice Ginsburg's dissent in this narrowly divided 5-4 decision called on Congress to reverse this decision, and that is what we are here to do today.

Lilly Ledbetter, the plaintiff in this case, worked for Goodyear for over 19 years. When she retired as a supervisor in 1998, she discovered that her salary was 20 percent lower than that of the lowest-paid male supervisor. Not only was Ms. Ledbetter earnings nearly $400 a month less than her male colleagues, she also retired, obviously, with a substantially smaller pension.

A jury found that Goodyear discriminated against Ms. Ledbetter, and she was awarded $3.8 million in back pay and damages. This amount was reduced to the $360,000 damage cap in title VII of the Civil Rights Act.

Despite the jury's finding, the Supreme Court decided that while Goodyear discriminated against Ms. Ledbetter, and it is important that the Members understand that that is what the jury's determination was, they decided that her claim was made too late. Not that she was wrong, not that Goodyear was right. Her claim simply came too late.

Title VII of the Civil Rights Act requires an employee to file an EEOC charge within 180 days of unlawful employment practices. Ms. Ledbetter filed within 180 days, as required, of receiving the discriminatory pay from Goodyear. In fact, she filed as soon as she found out that she was receiving discriminatory pay. She found out thanks to an anonymous note left in her mailbox.

But a slim majority of the Supreme Court found that, because Ms. Ledbetter did not file within 180 days of the discriminatory decision to write those discriminatory paychecks that she received for many, many years, her time had run out. She could not recover anything from Goodyear.

The majority's decision is absurd and entirely shuns the reason in order to satisfy this ideological agenda.

H.R. 2831, the Lilly Ledbetter Fair Pay Act, is narrowly tailored and designed to restore the law on pay discrimination as it was before the Supreme Court's decision, the law as it was for some 35 years, the law as it was reaffirmed in circuit court after circuit court, as it was affirmed by the Congress of the United States.

This bill restores the law so that the 180-day statute of limitations clock runs when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when a person is affected by the pay decision or practice, including whenever she receives a discriminatory paycheck. In other words, every discriminatory paycheck is a violation of the act. That is as the law was for these many, many years. That is what we seek to do.

The bill makes it clear that a victim of pay discrimination is entitled to a full 2 years of back pay. That is as the law currently is. You are entitled to recover up to 2 years' back pay under title VII.

□ 2200

The bill ensures that these simple reforms extend to the Age Discrimination and Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. H.R. 2831 restores the law to what it was for years before this recent Supreme Court decision in the Ledbetter case.

Circuit court after circuit courts have held that the receipt of a discriminatory paycheck is a new violation of the law. Lilly Ledbetter received her last discriminatory paycheck. She was then informed about it, and she filed within 180 days. That's what the law was, that's what she did, and then this Supreme Court decided somehow that she wasn't within her rights and that her claim came too late.

The EEOC, in its own compliance manual, states that "discriminatory paychecks can be challenged so long as one is issued within the filing period, regardless of when the decision to issue them was made." Again, the law before the Supreme Court. In fact, the Congressional Budget Office reports that this would not establish a new cause of action for pay discrimination, it will not significantly effect the number of filings in the EEOC, and it will not significantly increase the cost of EEOC in other Federal courts.

Understand this: Unless Congress acts and employers who have made discriminatory pay decisions before 180 days ago, they will be allowed to lawfully continue discriminating against the people that they employ. If they can hide the discriminatory act for 180 days, they can then continue to discriminate far into the future if they got past the 180 days. That is why this is so important.

The law now tells employers it's okay to discriminate; if you can get away with it for 180 days, you're home free. All we're asking here is to restore the law as it was, which was that each paycheck was a discriminatory act, and under the law you had 180 days to file a claim. That's what this bill says. That's what the law said before. If you file that claim and you're successful, you can receive up to 2 years back pay to make up for that. That's what the law was. That's what we seek to do in this legislation.

This is the only decent thing to do. People say, well, she should have known or she should have asked around or she should have done this, should have done a lot of things. Except we know that also in many instances employers, in fact, have policies where they prohibit employees from asking another employee about their level of pay, about their compensation.

So the fact of the matter is this legislation is absolutely necessary to end these discriminatory practices on pay, be it against a woman, an African American, Hispanic, a person over 60. Whatever the conditions are, it should not be allowed to stand. We should return to the law as it was these many years.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this ill-considered and over-reaching legislation.

Proponents of this bill claim it simply reverses a May 29, 2007, U.S. Supreme Court decision and further clarifies congressional opposition to wage discrimination against employees in the workplace. In reality, however, it will set into motion unintended consequences that its supporters simply are not willing to acknowledge.

At the outset, let me make it clear that opposition to discrimination of any type, be it gender discrimination, racial discrimination, or any other type of discrimination inside or outside the workplace is not confined to one party or the other. Every Member of this Chamber stands in strong opposition to the unfair treatment of any worker, but at the same time we must stand firmly behind a process that ensures justice for all parties, and that includes protecting against the potential for abuse and over-litigation. That, I believe, is where the two parties diverge on the bill before us. We aren't taking sides for or against discrimination in the workplace; rather, we're staking out different positions on fair and equitable justice and the rule of law.

For more than 40 years, title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. And this is a principle upon which all of us, Democrats and Republicans alike, can agree. As such, current law provides that any individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations, which is either 180 or 300 days, depending on his or her state of employment after the alleged workplace discrimination occurred.

The statute of limitations was clearly established in the law to encourage the timely filing of claims, which helps prevent the filing of stale claims and protects against abuse of the legal system.

Consider these worst case scenarios, for example. Without a statute of limitations in place, an employee could sue for discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20, 40, or even more years earlier. And without a statute of limitations in place, it is entirely conceivable that a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

H.R. 2831 would essentially dismantle the statute of limitations and replace it with a new system under which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. While fair-minded and principled, this dramatic change in civil rights law would have incredibly far-reaching impact, one that supporters of the bill have yet to take the time to thoroughly and appropriately consider. And B, under H.R. 2831, the worst case scenarios I just described would become commonplace. And let's not kid ourselves; our Nation's trial lawyers would seize upon them.

Because H.R. 2831 would dismantle the critical statute of limitations, the Bush administration last week threatened to veto, should the bill ever arrive at his desk. Specifically, the administration noted that the legislation "would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved."

Furthermore, the effect of elimination of any statute of limitations in this area would be contrary to the centuries' old notion about limitations, period, for all lawsuits.

At this time, Mr. Speaker, I would like to enter the Statement of Administration Policy into the Record.

Executive Office of the President, Office of Management and Budget,
Washington, DC, July 27, 2007.

Statement of Administration Policy H.R. 2831—Lilly Ledbetter Fair Pay Act of 2007 (Rep. Miller (D) CA and 31 Cosponsors)

The Administration supports our Nation's anti-discrimination laws and is committed to the timely resolution of discrimination claims. For this and other reasons, the Administration strongly opposes the Ledbetter Fair Pay Act of 2007. H.R. 2831 would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. H.R. 2831 constitutes a major change in, and expanded application of, employment discrimination law. The change would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. Furthermore, the effective elimination of any statute of limitations in this area would be contrary to the centuries-old notion of a limitations period for all lawsuits. If H.R. 2831 were presented to the President. his senior advisors would recommend that he veto the bill.

Meaningful statutes of limitations in these sorts of fact-intensive cases are crucial to the fair administration of justice. The prompt assertion of employment discrimination permits employers to defend against—and allows employees to prove—claims that arise from employment decisions instead of having to litigate claims that are long past. In such cases, evidence often will have been lost, memories will have faded, and witnesses will have moved on. Moreover, effective statutes of limitations benefit employees by encouraging the prompt discovery, assertion, and resolution of employment discrimination claims so that workplace discrimination can be remedied without delay.

H.R. 2831 purports to undo the Supreme Court's decision of May 29, 2007, in Ledbetter v. Goodyear Tire & Rubber Co. by permitting pay discrimination claims to be brought within 180 days not of a discriminatory pay decision, which is the rule under current law, but rather within 180 days of receiving any paycheck affected by such a decision, no matter how far in the past the underlying act of discrimination allegedly occurred. As a result, this legislation effectively eliminates any time requirement for filing a claim involving compensation discrimination. Allegations from thirty years ago or more could be resurrected and filed in federal courts.

Moreover, the bill far exceeds the stated purpose of undoing the Court's decision in Ledbetter by extending the expanded statute of limitations to any "other practice" that remotely affects an individual's wages, benefits, or other compensation in the future. This could effectively waive the statute of limitations for a wide variety of claims (such as promotion and arguably even termination decisions) traditionally regarded as actionable only when they occur.

This legislation does not appear to be based on evidence that the current statute of limitations principles have caused any systemic prejudice to the interests of employees, but it is reasonable to expect the bill's vastly expanded statute of limitations would exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims.

Mr. Speaker, as the President's veto threat makes clear, H.R. 2831 is not a matter of tinkering around the edges as its supporters would have the American people believe. Rather, it is a fundamental overhaul of long-standing civil rights laws. The last major change to these laws occurred more than 15 years ago and after several years of debate. Yet, here we are, barely 2 months removed from a Supreme Court decision ready to grab headlines before we return home for the month of August by advancing a highly flawed bill without any regard to the long-term ramifications it could have should it ever make its way into law.

H.R. 2831 represents bad policy, and even worse processing, and for these reasons I will oppose it. I urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. I thank the chairman for yielding, and I rise in strong support of this legislation.

Mr. Speaker, our friend, the ranking member of the full committee, just said that this bill repeals the statute of limitations. This is completely wrong. The bill does not repeal the statute of limitations for these claims; it restores the statute of limitations that has been in existence for nearly four decades under this law, an interpretation of the statute of limitations that virtually unanimously, in the Circuit Court of Appeals, has been held to be the law.

What is this standard? It says that if a person works in a workplace, as most workplaces are, where knowing what your coworker makes is discouraged or even prohibited, that if you're the victim of discrimination because of your race or your gender or your religion or your nationality, then you have the right to pursue that claim each time a new paycheck is issued that manifests and evidences that discrimination. This is not a novel theory. This has been the law for nearly 40 years. And this bill restores that law.

Second, our friends on the other side talk about these cataclysmic events that are going to occur if the law is restored, people filing suits 70 years after discrimination took place. What an odd plaintiff that would be, Mr. Speaker, someone who has been victimized for 60 or 50 or 40 years by discrimination, but because they want to game the legal system, sit and wait it out? I've never met that plaintiff, Mr. Speaker, and I don't think anybody really has.

If all of these cataclysmic events were going to happen, why haven't they happened for the last 40 years? Why haven't people sued 40 or 50 years after discrimination took place? It's because that's not what this statute of limitations permits, and that's not human nature.

My friend makes reference, Mr. Speaker, to the worst case scenario. My friends, Lilly Ledbetter lived the worst case scenario. She worked for nearly 20 years for Goodyear. She was very good at her job. She got awards for being an excellent employee. Very late in her career she found out that she was making 20 percent less than the men doing the same job because she was a woman, so she went to the EEOC. She pursued her claim in Federal court. Goodyear stood up and said, oh, no; she was discriminated against not because she's a woman, but because she wasn't as good at her job as the men. And a jury of her peers heard that defense, heard that evidence, and ruled in her favor.

Up the ladder the case went to the United States Supreme Court, and the Court said, she may have been discriminated against, she may have been wronged, but she just didn't do anything about it soon enough; never mind that she followed the rules that had been in effect for nearly 40 years.

This is a restoration of the statute of limitations, not a new statute of limitations or an abrogation of it. And more importantly, it is a restoration of justice for people like Lilly Ledbetter who deserve better than this Supreme Court ruling and deserve the passage of this bill.

I urge my colleagues to vote "yes."

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from California for the time.

Mr. Speaker, today I'm rising to oppose this bill.

We are all for fair pay; we are all for equal pay for equal work, and we are all against discrimination. But, Mr. Speaker, H.R. 2831 does much more than just simply overturn a Supreme Court case in order to provide relief to one plaintiff, Lilly Ledbetter. It constitutes a major change in and extended application of employment discrimination law.

In my opinion, what this change would do would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. The bill essentially limits the 1964 Civil Rights Act statute of limitations regarding almost every claim of discrimination available under Federal law and potentially broadens the scope and application of the civil rights laws to entirely new fact patterns, practices and claims.

It also would allow an employee or any individual who can arguably claim to be affected by an allegedly discriminatory decision relating to compensation wages, benefits, or any other practice to sue for discrimination that may have occurred years or even decades in the past. The anticipated increase in legal and recordkeeping costs created by this legislation would, indeed, be staggering.

Congress should not be in the business of removing incentives for prompt resolution of discrimination claims. And that is what this would do; it would remove the incentive to find a prompt and timely resolution to discrimination claims.

I thank the gentleman from California, and I encourage my colleagues to vote against the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Lilly Ledbetter was shortchanged; shortchanged by her employer, by consistent pay discrimination lasting years; shortchanged again by the Supreme Court with its decision limiting a woman's ability to sue their employers for pay discrimination under title VII of the Civil Rights Act.

As Justice Ginsburg suggested in her dissent, Congress now has an obligation to correct the Court's decision. That's why we are here, to make it clear the title VII statute of limitations runs from the date a discriminatory wage is actually paid, not simply some earliest possible date which has come and gone long ago.

I commend Congressman MILLER for acting with urgency to correct the injustice. It is time to value the work that women do in our society, respecting the work that women do, and to value it.

□ 2215

"The plant manager at Goodyear said, The plant did not need women, women did not help it, and women caused problems."

The President's threat to veto this legislation suggests he is happy to limit women's access to equal pay. Let's turn this around, fix the decision and make sure that women who face discrimination, like Lilly Ledbetter faced, have a right to fight against it.

Mr. McKEON. Mr. Speaker, I now yield 4 minutes to the gentleman from Florida (Mr. KELLER), the subcommittee ranking member.

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the practical effect of this legislation is to do away with the statute of limitations in employment disputes. On May 29, 2007, the United States Supreme Court ruled that Ms. Ledbetter's claim was barred by the statute of limitations.

There is a strong public policy reason for having a statute of limitations in the employment context. Witness' memories fade, documents are lost, and employees die. We want these disputes to be resolved while witness' memories are fresh, documents are available, and the employees are alive.

The Ledbetter case is a perfect example. Ms. Ledbetter alleged sexual harassment misconduct by a single Goodyear supervisor, yet she waited 19 years after the former supervisor passed away from cancer to file a lawsuit.

On June 12, 2007, Ms. Ledbetter testified before our Education and Labor Committee. She stated, "My story began in 1979 when Goodyear hired me to work as a supervisor in their tire production plant in Gadsden, Alabama. I worked there for 19 years. One of my supervisors asked me to go down to a local hotel with him and promised if I did, I would get good evaluations. He said if I didn't, I would get put at the bottom of the list. I didn't say anything at first because I wanted to try to work it out and fit in without making waves."

At our hearing, I spoke with Ms. Ledbetter at length. She seemed like a nice lady to me. The conversation she described about the motel made you angry about it and sympathetic to her. I wondered what that supervisor would have said 19 years ago. Would he admit it? Would he deny it but not be very credible? Or would he have said that it couldn't have happened because he was in Canada at the time and here is my proof of that?

Well, it turns out that the U.S. Supreme Court was thinking the same type of thoughts I was about this matter. Their opinion makes their concerns crystal clear.

On page 12 of its opinion, the U.S. Supreme Court wrote: "The passage of time may seriously diminish the ability of the parties and the factfinder to reconstruct what actually happened. This case illustrates the problems created by tardy lawsuits. Ledbetter's claims of sex discrimination turned principally on the misconduct of a single Goodyear supervisor, who, Ledbetter testified, retaliated against her when she rejected his sexual advancements during the early 1980s. Yet, by the time of trial, this supervisor had died and therefore could not testify. A timely charge might have permitted his evidence to be weighed contemporaneously."

Supporters of the legislation say that the time period of 300 days in most jurisdictions, 180 days in some, is not enough because an employer might hide the fact that the female employee's salary was less than the amount paid to men for the same work.

There are two responses to that. First, the judicial doctrine of equitable tolling would be available to those type of plaintiffs.

Second, the plaintiffs could file a claim under the Equal Pay Act. This Federal law forbids paying women less than men for the same work. It has a longer statute of limitations and an easier burden of proof. Ms. Ledbetter filed a Equal Pay Act claim, but it was thrown out on the merits by the trial judge who found that Goodyear paid Ledbetter less because of her performance, not sex. Significantly, Ledbetter abandoned this Equal Pay Act claim.

Mr. Speaker, there is an old saying, hard cases make bad law. That applies here. Do we throw out the statute of limitations in employment cases because a nice lady waited 19 years to file a lawsuit? Common sense tells you the answer is no.

The same public policy reasons for a statute of limitations are still there. We want witness' memories that are fresh, documents that are available and employees who are still alive to tell what actually happened.

Mr. Speaker, I urge my colleagues to vote "no."

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, this legislation overturns the Supreme Court's 5-4 decision, which offered a very restricted and decidedly unrealistic reading of just when a discriminatory action regarding compensation actually occurs. In doing so, this legislation restores the common and long-standing understanding of employees, employers and the circuit courts alike, that when it comes to discriminatory pay, the protection of title VII extends not only to pay decisions and practices, but to each and every paycheck as well.

Let me say a word about the plaintiff in this case, Lilly Ledbetter. Lilly will not reap the benefits of our legislation, and, as a result, will continue to feel the effect of the court's discriminatory decision to pay her less than her male colleagues for the rest of her life.

Lilly Ledbetter went to work at Goodyear Tires every day for 19 years. She was one of the few female supervisors at the plant. That was quite an accomplishment in and of itself. But what she didn't realize was that for all those years, she was paid less than her male colleagues, 20 percent less by the time she retired, because of discrimination based on her gender.

A jury found that she was discriminated against. They gave her over $3.8 million in back pay and damages. But the Supreme Court said to her, Ms. Ledbetter, you didn't file your claim within 180 days of the decision to discriminate, and, even though each and every one of your paychecks reflects the discriminatory decision, and you didn't have proof of the discrimination until long after the decision was made, you are out of luck. Lilly Ledbetter, we don't care that your monthly pension and your Social Security benefits also reflect that discrimination.

Now, the President says that he is planning to veto this legislation, and we shouldn't be surprised. But as a tribute to Lilly Ledbetter and other women who work hard to support their families, to get ahead, who face discrimination every day of their lives, vote for H.R. 2831.

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the subcommittee ranking member.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I appreciate your leadership for the people of the United States.

Mr. Speaker, I rise in strong opposition to H.R. 2831. This legislation is being improperly classified as a narrow bill with limited ramifications, that simply overturns a Supreme Court decision made on May 29, 2007. In actuality, it is one of the most overreaching pieces of wage discrimination legislation that has ever been considered. If enacted, this legislation would make it impossible for businesses to defend themselves against actions that occurred years in the past.

We all oppose discrimination. Action against those who discriminate in the workplace should be taken quickly. Current laws ensure that disputes over discrimination are addressed expeditiously and with certainty. This bill would eliminate the 1964 Civil Rights Act statute of limitations governing the time within which a party must make a pay discrimination claim, currently 180 days or 300 days, depending on the State of employment.

As an inactive attorney and a person who practiced for 25 years and the proud father of an attorney, who appreciates the legal profession, I believe a statute of limitation serves many purposes. It encourages the timely filing of claims, helps prevent the filing of stale claims, and, most importantly, protects against abuse of the legal system.

Cases should be brought to court as soon as possible after an incident occurs to guarantee memories are fresh and witnesses are available to testify. In the absence of a statute of limitation, a worker or retiree could sue for pay discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20 or even 30 years earlier. This same worker or retiree could seek damages against a company run by employees and administrators that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

I am grateful for the leadership of the Education and Labor Committee ranking member Buck McKeon on this issue. I urge my colleagues to oppose this flawed legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, and I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee for his commitment and dedication to bringing this bill to the floor.

Title VII of the Civil Rights Act of 1964 was enacted to protect individuals from discrimination they face in the workplace. This bill amends title VII to ensure employees have a realistic remedy to pay discrimination. The bill reinstates the paycheck accrual rule, a law widely interpreted by eight Federal circuit courts to mean that the 180 day time limit for filing a charge of discrimination with the Equal Employment Opportunity Commission begins each time a discriminatory paycheck is received.

I would like to stress that this bill does not amend the rule that an aggrieved person may only recover back pay for the 2 years preceding the filing of the charge, so there will be no incentive to wait 5, 10, 15 or 20 years, as our opponents claim, to bring such a lawsuit. Moreover, employers prior to the Ledbetter decision were not inundated with stale pay discrimination claims, and this law will in fact not promote the filings of such claims.

The Ledbetter decision was a shocking decision for many of us, because we know what it is like to face pay discrimination in the workplace. It is not as though employers announce that they are going to engage in pay discrimination. Employees are not encouraged to discuss what they are making, so it is very difficult to find out that this kind of discriminatory action is even taking place.

Supreme Court Associate Ruth Bader Ginsburg strongly disagreed with the majority decision stating, "In our view, the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination." She urged the Congress to act by passing this kind of legislation.

I urge my colleagues to vote strongly in favor of this bill.

Mr. McKEON. Mr. Speaker, I am happy now to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of the committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, like all of my colleagues here on the floor and in the House of Representatives, I fully support efforts to end all forms of discrimination. I admire Ms. Ledbetter's bravery for standing up for her right to work in an environment free from discrimination.

I know what it is like. I sat in law school class and was told by my professor that I was taking up the place of someone who belonged there, a man. As a woman who has felt discrimination, I understand her frustration and I am pleased that Congress is discussing this important issue.

If this bill were an anti-discrimination bill, I would be happy to vote for it and would encourage others to support it. But this bill is not about discrimination. It is about the statute of limitations.

The statute of limitations is an institution in American jurisprudence that pertains to all cases and all causes of action. For instance, for torts the statutes of limitations is 2 years; for contracts, it is 6 years; for employment determination or discrimination, it is 6 months. We can't legislate change in the statute of limitations just because we don't like a particular Supreme Court ruling.

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The statute of limitation requires plaintiffs to bring a claim or a cause of action within a reasonable time. And that is so witnesses don't disappear or die off, memories don't fade, and supervisors don't move on and documents are not discarded or destroyed.

That is why I cannot support the legislation before us today. H.R. 2831 would dismantle the statute of limitation for filing a charge with the Equal Employment Opportunity Commission. If enacted, this legislation would allow an employee to bring a claim against an employer years, even decades, after the alleged act of discrimination.

In addition, this legislation would discourage the prompt investigation and resolution of discrimination. I think everyone would agree that if there is discrimination at an individual's place of work, it should be investigated and addressed as soon as possible to ensure fairness and prevent further discrimination.

Unfortunately, because no hearings were held on this legislation, I think the majority is rushing it through the House with little discussion on the bill itself. We can only speculate as to what all of the ramifications of this bill might be. I know that the gentleman is probably going to say there was a hearing, but it wasn't directly on this bill. So I would encourage my colleagues to oppose this well-intentioned but misguided statute of limitation legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for moving so quickly to fix this bill because we really can't wait. Fixing this bill, and thank you for taking us back to 1964, because that is about what happens here. The bill as it was intended, and this is not a hypertechnical statute of limitations bill. In fact, interestingly, the statute of limitations is not involved at all. It is the same 180 days as it always was.

The bill before us reinstates the law as it was consistently applied and interpreted by the courts, including the United States Supreme Court before, during and after I administered this law as the Chair of the Equal Employment Opportunity Commission and administered this very section. Once before the Supreme Court misread this, and Congress rushed to change it. And here we are back to a Supreme Court really reaching very hard away from what we had already fixed in the 1991 Civil Rights Act.

I want to remind my colleagues that the first pay cases under this act were not brought by women at all. They were brought by black men who were working in Southern factories in a segregated part of those factories, paid less than white men. Imagine if we said, Look, you fellas, go and see if you can find out what the white men, who won't even let you work in the same part of the factory, are earning. Of course we didn't. And of course nobody can require that of women or African Americans, who are just as affected by what we do today as women are.

Imagine, the most secretive information a person has, besides your medical information, is how much money you earn. How many in this Congress, before your earnings were a matter of public record, knew how much the person sitting beside you earned? And particularly, if you are a minority, a woman or a minority, you are not going to go up, and if you are, you are not going to find out.

We have got to fix this. The American people have demanded it. We have to fix it for women. And remind you, we have to fix this for black people, for people of color who bring the majority of pay cases in our country today.

Mr. McKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) has 14½ minutes, and the gentleman from California (Mr. GEORGE MILLER) has 13½ minutes.

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from California for yielding me this time.

Along with everyone else here, I feel it is important to say that I am very much opposed to discrimination. It makes me ill to even think about discrimination that has occurred in this country in the past. But I am also very much opposed to this legislation. We don't need to be throwing the baby out with the bathwater.

When I first went to the North Carolina Senate, I was troubled by the way a lot of things were done there. And someone said to me, If you think that people operate here on logic, you are sadly wrong. They operate on emotion.

We have heard some very emotional comments made about this legislation and why it should be passed. Those of us who are opposing it are opposing it on very logical reasons.

This bill makes dramatic changes to civil rights law and would have an incredibly far-reaching impact, one which supporters of the bill have yet to take the time to thoroughly and appropriately consider. The underlying bill constitutes a major change in and expanded application of employment discrimination law.

Traditionally, civil rights laws have had adequate time for thoughtful review and consideration. However, this bill was brought before the Education and Labor Committee about 24 hours prior to markup and rushed to the floor under a closed rule. It is critical that legislation of this complexity and with the potential for such significant impact be carefully considered and not rushed through only weeks after its introduction.

Many other things have been thoughtfully and rightfully said on our side, but I want to say that we need to talk about an area that is most likely to be dramatically impacted is that of our Nation's retirement system. This legislation contains a pension annuity check rule where charges could be brought many years after the discrimination occurs, and it could have long-standing impact on benefits. It could wind up discriminating against a lot more people than we are trying to help as a result of this legislation.

It is going too fast. We need to slow it down and do it right. We want to not have discrimination, but this is not the way to do it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill would restore to employment discrimination victims the realistic chance at justice that the Supreme Court recently took away from them. What is important to understand about the Court's decision is that everyone agreed that Lilly Ledbetter was the victim of intentional discrimination for 19 years. The Court said something truly astonishing, that the only discriminatory act was the initial decision to pay Lilly Ledbetter less than her male coworkers. Once the employer had successfully concealed that fact from her for 180 days, she was out of luck and Goodyear could openly go on paying her less just because she was a woman forever. The initial decision to discriminate was illegal, but the continuing decision to continue paying her less was perfectly okay. This upset 40 years of settled law, 40 years in which the companies of this country went under the rule that this bill would restore.

The Court's decision is an open invitation to employers to violate the law with virtual impunity. Once again, Congress must correct the Supreme Court and instruct it that when we said discrimination in employment was illegal, we meant it, and we meant for the courts to enforce it. And anyone who says that discrimination in employment should be illegal but should not be enforceable if the employer can hide the discrimination for 6 months is really saying let the discrimination go on forever. Let the women and the racial minorities and other people who are discriminated against be discriminated against forever.

Shame on the Supreme Court, and shame on those who would make employment discrimination victims helpless by opposing this bill. I urge adoption of this bill.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), a member of our elected leadership.

Ms. GRANGER. Mr. Speaker, I rise in strong opposition to the Democrats Lilly Ledbetter Fair Pay Act. At first glance, I simply disagree with the name of the bill. The Democrat's Fair Pay Act is not fair at all, not for employers, employees or our legal system.

Every American is entitled to an honest day's pay and we have laws on the book to ensure that is the case. But this bill goes well beyond its scope by effectively eliminating the statute of limitation in workplace discrimination cases.

This imposes a huge burden on businesses and opens them up to litigation years after alleged cases of discrimination. While it is inexcusable for anyone to face discrimination for pay or otherwise, to overturn the Supreme Court decision would allow for a flood of decades-old claims to resurface. The laws we have in place allow adequate time to file a charge against your employer and offers a set of guidelines to help individuals file a claim.

The burden this would place on small business owners and any company to track down a claim that occurred 20 years ago, for example, would cripple the system we have in place. The statutes of limitations are in place to help the employee-employer relationship so when something improper happens, the issue can be dealt with in a timely manner. Merely eliminating these guidelines would allow for someone to reopen a claim after 5, 10 or even after they have retired. Those involved may no longer work at the company or even be alive, for that matter.

If this passes, it will also eliminate the statute of limitations for the Age Discrimination in Employment Act, the American with Disabilities Act, and the Rehabilitation Act.

The Civil Rights Act and the employment discrimination laws currently on the books provide adequate protections for our employees. We should work to ensure that existing laws are enforced to protect employees against discrimination rather than passing overly broad laws that subject employers to open-ended liability.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act. This important legislation overturns the recent Supreme Court decision, Ledbetter v. Goodyear Tire, a decision which undermines title VII of the Civil Rights Act of 1964.

The Ledbetter decision forces victims of discriminatory pay decisions to live with discriminatory paychecks for the duration of their career if they fail to file a claim within 180 days of the discrimination, possibly even if they had no knowledge of the discrimination within the 180 days. In other words, after 180 days, an unsuspecting female, minority, elderly, or disabled worker would simply be out of luck.

This would even be the case if the employer admitted to the discrimination and continued to discriminate after the 180-day limitation had passed.

Mr. Speaker, we hear comments that there would be no statute of limitations. That is not true. Under the bill, there is still a statute of limitations; 180 days still applies. The plaintiff has to show that a discriminatory paycheck was issued within the last 180 days. And if the employer would simply stop discriminating and went a whole 180 days without discriminating, then the statute of limitations would apply and it would be too late to bring a case.

Under the Supreme Court decision, that unjust outcome under the case is not in keeping with title VII's remedial purpose or the spirit of the civil rights cases.

Now, Justice Ginsburg noted in her dissent, "Congress never intended to immunize forever discriminatory pay differentials unchallenged within 180 days of their adoption." I agree with Justice Ginsburg. And she also noted that Congress should correct this injustice. This bill corrects the injustice by appropriately expressing Congress's intent that title VII will hold employers accountable for unlawful employment discrimination.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, in this debate tonight I think we can all stipulate that discrimination in the workforce is wrong. It is wrong if it is against employees, and it is wrong if it is against employers. This bill may very well be seen as discrimination against honest American employers, job creators, because it has a seemingly unending period to file a lawsuit.

With that, women may very well experience real discrimination in that they may find that future employers are reluctant to hire them in the first place for fear of a lawsuit 5, 10, 20, maybe even 40 years down the road. Let's face it, memories fade, people die, they move away, and it becomes difficult, if not downright impossible, for a job creator to defend themselves.

It is a very impractical bill that we are looking at and could likely result in even more paperwork and higher cost for employers, and ultimately less wages for all American employees.

Congress needs to stop discriminating against American companies that are just trying to provide decent jobs to great employees. Instead, I think Congress should focus on enhancing American competitiveness and American prosperity.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

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Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lilly Ledbetter during the House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. Lilly Ledbetter described for us in Judiciary how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Now, as much as our colleagues on the other side of the aisle would like to wish it to be otherwise, until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

When they were confirmed, Chief Justice Roberts and Justice Alito promised to follow precedent. They promised to practice judicial restraint. Instead, they rewrote the law and pushed an activist, conservative agenda. They denied Lilly Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after a discriminatory decision has been made to file suit, even if that employee would have no way of knowing about it. This standard is impossible to meet. The opponents of this bill expect employees to be clairvoyant.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck, and I'm surprised at my colleagues, particularly my female brethren on the other side of the aisle, who are standing in front of this House and asking the House to continue and repeat the practice of discrimination against women who have been unfairly treated for years and years.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. MCKEON. Mr. Speaker, I'm happy now to yield to the gentleman from New Mexico (Mr. PEARCE) 2½ minutes.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this legislation today. Many have stated it well, that discrimination is not the subject here tonight. It is the end of the statute of limitations which is at issue.

I would like to just make a point that often we're accused in Congress of appealing to the special interests, and I can't tell what the motivation is on this particular piece of legislation. It could have been narrowly scripted to where it applied only to the person that was being affected, to where the question of whether or not it applies to the full statute of limitations really would not even be a question.

I can tell you that on Thursday of last week we sat in the Resources Committee, and we heard testimony that talks about the Hard Rock Mining bill that is coming up to regulate Hard Rock Mining. There is a provision written by a former Clinton solicitor who is now working for a special interest group. That provision in that legislation we read says, "Notwithstanding the decision of the United States Court of Appeals for the Tenth Circuit in High Country Citizens' Alliance v. Clarke," and then it goes on to say that all the decisions in court are going to be set aside, and we're going to allow this group to go back to court once more.

Keep in mind that the district court found against the group, then the appellate court found against the group, and finally, the Supreme Court said we will not hear the case. So all three levels of judicial review had been listened to and turned down, and yet this Congress, this majority, says we're going to set it aside. That was last week Thursday.

Last week Friday, we had the Imams case, the John Does. You will recall that how innocent people who report suspicious behavior would be taken to court. Three-quarters of this House voted against that, and yet the House's leadership found it necessary to strip the provision out in conference. That provision was stripped out, and that provision was added then only under great pressure from this country.

And now we're at this case. It would have been possible and could have been possible to narrowly craft this legislation to where the question did not come up. I feel that it is the special interests of the trial lawyers who in each case would have had open venue, open access to many millions of Americans which was at stake, and I feel that's what's like at stake here.

It is not good for American business. It is not good for American competitiveness. I'm deeply opposed to this legislation, and I thank the gentleman for yielding

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve my time.

Mr. McKEON. How much time do we have?

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) has 6½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining.

Mr. McKEON. Mr. Speaker, I'm happy to yield at this time to the gentleman from Minnesota (Mr. KLINE) 3 minutes, ranking member on the subcommittee.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to oppose H.R. 2831. I think it's been really an interesting debate this evening. We've heard views on both sides, and clearly, we simply disagree on some fundamental aspects of this, and I want to address that as well during my 3 minutes.

Speaker after speaker on this side of the aisle has stood up and said that this legislation effectively eliminates the statute of limitations for a broad range of discrimination claims. I believe that's correct.

The gentleman from Florida (Mr. KELLER) stood up here and recounted for us the activities of the Supreme Court, and he quoted from the justices the language that pertained, and it seemed clear to me that there was a fairness issue here. And while our hearts were all touched by the testimony of Lilly Ledbetter and by the circumstances of her case, it was clear to the court and to Mr. KELLER and to me that it's simply unreasonable to allow year after year after year to go by after a discriminatory act occurs before you make the claim, when in some cases people will have left, perhaps have died and moved on.

This is a huge boon to the trial lawyers of America. It's going to bring forward endless litigation, case after case going on day after day. What businesses will have to do in terms of recordkeeping is staggering in its scale.

This imperils pensions. One of our colleagues brought up that issue. It is not at all clear, despite some findings language in the bill, that our pensions will be protected in this legislation. Potentially, you can have pensions who simply don't have the funds to pay the earned benefits. This is bad policy, Mr. Speaker, and it's made in haste.

Mr. Speaker, it is very clear that this legislation amounts to a significant change in our civil rights laws. It's very clear to me, and unfortunately, many of the questions of concern raised by the Ledbetter case have yet to be answered. In the normal legislative process, such questions would have been raised in committee hearings, subcommittee and full committee. Concerns would have been debated in good faith.

Unfortunately, this was not the process that brought this bill to the floor. The Committee on Education and Labor had no legislative hearings. The bill was not before us the one time we had some witnesses before us to talk about this at all. The time elapsed from the bill's introduction to committee markup was little more than 24 business hours, and we learned on Friday that we were going to be debating this bill on the floor today. Surely, a huge change like this to our civil rights laws deserves more of our time, attention and effort than the majority has seen fit to provide.

Once again, the majority has chosen haste and speed over quality in making public policy. My concerns and unanswered questions can only lead me to say that the Ledbetter bill makes for bad policy, creating a flawed legislative process.

I urge my colleagues to vote against this legislation.

Mr. GEORGE MILLER of California. If I can inquire of the Chair as to the allocation of time?

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes. The gentleman from California (Mr. McKEON) has 3½ minutes.

Mr. GEORGE MILLER of California. As I understand, I have the right to close.

The SPEAKER pro tempore. The gentleman has the right to close.

Mr. GEORGE MILLER of California. We're reserving 3 minutes; is that right?

Mr. McKEON. It was my understanding we were going to finish up tomorrow.

Mr. GEORGE MILLER of California. So we're reserving 3 minutes each. You've got a half minute. You and I will close, and we will each have 3 minutes for tomorrow.

Mr. McKEON. So you want me to take 30 seconds?

Mr. GEORGE MILLER of California. Yes.

Mr. McKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, as Mr. KLINE just said, I think we have had a good debate here tonight.

As we did have that hearing on Ms. Ledbetter's case, the bill wasn't before us, but we did hear her story. And all of us I think felt bad for her for the things that happened to her 20, 30 years ago.

But what was also said, as we're sent here to represent all of our constituents, we can't totally let emotion guide our decisions. We have to make good law, sound law, and I think we're worried about losing the statute of limitations. I think that's something we really need to protect against.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let us understand something here. They can say it until the cows come home, but the fact of the matter is, this legislation restores the law to what it was before. Up until the Supreme Court made its ruling, each discriminatory check that was issued was a violation of the law, and you had 180 days from the issuance of that check when you discovered it to file a claim. This legislation would restore that law as it was.

If you file that claim, if you were successful in proving your claim, you could receive up to 2 years back pay. That was the law up until the Supreme Court decision. That would be the law if we passed this legislation.

Now, my colleagues on the other side of the aisle have said that if we pass this law, the courts will be inundated with lawsuits. The people will wait 5, 10, 15, 20 to file a lawsuit, that there will be cases where the witnesses die and memories fade and long times will expire and we won't be able to have justice. It will be a huge cost on the business community. It will change our competitive stature in the world. It will limit economic growth. All of that from little Lilly Ledbetter.

What's the problem with that? If all of that was true, why haven't my colleagues come to the floor of the House in the 12 years they controlled the House of Representatives and the United States Senate and asked to change the law? Why hasn't the President of the United States, who's been in office for 6½ years, asked to change the law?

Why hasn't that happened? Because none of the things you talked about happened under the previous law. It didn't change our competitiveness. They weren't involved in thousands of cases. People didn't wait 40 or 50 years to get 2 years back pay. No, none of those things happened.

But they want to scare people into believing if we go back to the law as it was before the Lilly Ledbetter case and the Supreme Court overturned all of these years of laws and justice and fairness and anti-discrimination provisions, that somehow all of these terrible things would happen, but they didn't happen, and that's been the law all of these years.

So, tomorrow we will get an opportunity to vote to restore the protections of every American citizen against pay discrimination, to restore justice to the workplace, to restore the right of an individual to be paid the same as those who are doing the same job for the same reasons and the same purposes. That's what we seek. That's all Lilly Ledbetter sought, but she couldn't get justice at the Supreme Court. No, she couldn't get it even though a jury found that that could be the situation.

So we're going to have to restore this for the people of this country, and again, we'll simply be restoring the law. You can tell the doomsday scenarios all day long. You can predict all of the things that are going to happen, but none of them have happened in the last 35 years. None of them have happened in the last 35 years.

So at least you ought to properly represent what the law was and what the law will be, and with that, I look forward to the conclusion of the debate tomorrow.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lily Ledbetter during a House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. She told me how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

When they were confirmed, Chief Justice Roberts and Justice Alito promised to follow precedent—they promised to practice judicial restraint. Instead, they rewrote the law and pushed an activist, conservative agenda. They denied Lily Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after a discriminatory decision has been made to file suit—even if that employee would have no way of knowing about it! This standard is impossible to meet.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. STARK. Mr. Speaker, I rise in strong support of pay equity.

The rationale for the Ledbetter Fair Pay Act of 2007 should be obvious. All people, regardless of gender, race, ethnicity, and religious or sexual orientation, should receive equal pay for equal work.

Unfortunately, that is not the case today in America. African-Americans make only 77 cents for every dollar made by men, black families make about 60 cents of every dollar made by whites, and gays, lesbians and other minorities regularly face discrimination in the workplace.

The Supreme Court's recent decision makes it incredibly difficult for employees to challenge acts of discrimination. The decision limits to six months the period in which victims can challenge their employers and be compensated for discrimination.

Such a time limit was insufficient for Lily Ledbetter, whose pay slowly slipped in comparison to the pay of her male coworkers over a period of nineteen years. It would also be insufficient for millions of other workers, who often learn of pay discrimination only after the fact. The majority of companies do not release information on comparable salaries, making it, difficult if not impossible for employees to determine if wage discrimination is taking place.

In a typicaly shortsighted move, Bush has threatened to veto this bill on the grounds of preventing frivolous lawsuits. The word "frivolous" can be used to describe many things, but it most certainly cannot be used to describe a bill that brings the people of this country a step closer to the equality that they deserve. For someone who claims he wants to spread the principles of equality and democracy to the people of the Middle East, it is unfathomable that he would fail to uphold these ideals for the people of this country.

As representatives of a country that was founded on the idea of equality for all, there is no excuse for denying citizens the opportunity to contest acts of discrimination. I urge my colleagues to support this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Ledbetter Fair Pay Act of 2007 (H.R. 2831), which is an important step in ensuring the fair and equal pay deserved by women in our workforce.

Women have made tremendous strides forward in America's workforce. Earlier this year I was proud to see the election of the first female Speaker of the House. Today, women serve as executives at some of America's largest corporations and in distinguishing professions such as medicine and law. However, 43 years after the Civil Rights Act was enacted by Congress, women such as Lilly Ledbetter continue to struggle to receive payment equal to their male counterparts. These women, who perform the same jobs with the same responsibilities, on average earn only 77 cents for every dollar that their male counterparts earn. They have had to overcome one obstacle after another on their way to earning equal pay and equal respect for their work.

On May 29th, 2007, the United States Supreme Court threw yet another obstacle into the path of women in the workforce with the decision of Ledbetter v. Goodyear. According to this decision, if an employee fails to file a claim within 180 days of their employer's decision to pay them less, rather than when she receives a discriminatory paycheck, she will be barred forever from challenging the discriminatory paychecks that follow and forced to live with the discriminatory pay for the rest of her career. If this is allowed to stand, it will be a severe setback to women everywhere.

I am proud to be a cosponsor of H.R. 2831, which would restore protections guaranteed under Title VII of the Civil Rights Act for victims of pay discrimination who are entitled to justice and fair pay. Contrary to what opponents of this legislation have said, this bill does not eliminate the statute of limitations on claims. What it does is ensure that the clock on the statute of limitations begins once a discriminatory paycheck is received rather than from the point a decision was made to discriminate against an employee. Every discriminatory paycheck will be a new violation of this law and restart the clock for filing a claim. Until the Ledbetter decision, this was the accepted understanding of Title VII and this bill will restore the law prior to Ledbetter.

Mr. Speaker, we must continue the fight for pay parity begun by Congress over 40 years ago. I would like to thank Chairman GEORGE MILLER for his leadership on this important issue in the House Education and Labor Committee. This piece of legislation, as well as the Paycheck Fairness Act (H.R. 1338) introduced by my good friend Representative ROSA DELAURO of which I am also a cosponsor, are needed to ensure women continue to receive equal treatment. I urge all my colleagues to stand up for women workers and vote in favor of this bill.

Mr. LOEBSACK. Mr. Speaker, I rise today, in strong support of the Lilly Ledbetter Fair Pay Act of 2007. This bill will rectify the 5–4 Supreme Court decision in the case of Lilly Ledbetter and preserve worker's rights everywhere.

Lilly Ledbetter was a female production supervisor at a Goodyear plant in Gadsden, Alabama. She worked for 19 years and retired in 1998. Six months prior to her retirement she filed a charge with the EEOC alleging various claims of sex discrimination.

Despite receiving awards for top performance, Ms. Ledbetter received several unfair, negative evaluations and her pay dropped well below that of her male counterparts. Ledbetter's supervisor even admitted that 1 year her pay fell below the minimum threshold for her position.

Ms. Ledbetter's case went to trial, and an Alabama court found in her favor, but Goodyear appealed and the case eventually went to the Supreme Court. Unfortunately, the Supreme Court tossed aside prior law and ruled against Ms. Ledbetter.

This case has far reaching effects on all worker's civil rights. If an employee does not file a charge within 180 days of a discriminatory pay decision, the employer's pay decision is immunized. The employee must live with discriminatory pay for the rest of her tenure, and the employer reaps the financial benefits of unlawfully underpaying the employee.

There are numerous problems with this line of reasoning. Employees often don't know about a discriminatory decision until it is too late. Pay disparities are difficult to discern. Many employers prohibit employees from discussing their salaries, and workplace norms warn against asking coworkers about their salaries. Additionally, a minor pay disparity adopted for discriminatory reasons in the beginning of a career may go unnoticed until, years later, after subsequent percentile adjustments, it is too large to ignore.

This bill overturns the Ledbetter v. Goodyear decision and restores the longstanding interpretation of Title VII of the Civil Rights Act and states that each paycheck that results from a discriminatory decision is itself a discriminatory act that resets the clock on the 180-day period within which a worker must file.

This bill acknowledges the realities of the workplace and provides necessary protections to hardworking men and women. I urge my colleagues to support its passage.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2831, The Lilly Ledbetter Fair Pay Act of 2007.

I want to thank my friend, Congressman George Miller, for sponsoring this bill and for his tireless efforts on behalf of working American families everywhere.

This past May, the Supreme Court handed down a decision with disastrous consequences for many Americans. With their ruling on the Ledbetter v. Goodyear case, the Court severely limited the right of workers to sue their employers for discrimination in pay.

If allowed to stand, this decision will strip many of the rights of employees who have been discriminated against on the basis of sex, race, color, or religion.

Today's bill rectifies the Supreme Court's misguided decision.

By restoring the longstanding interpretation of Title VII of the Civil Rights Act—Congress is ensuring that every American has the basic workplace protection they deserve.

Currently—women earn 76 cents to every dollar a man earns. This is unacceptable. Discrimination in the workplace must no longer be tolerated. We must ensure equal pay for equal work.

It is our duty to protect the rights of every American—no matter their skin color, gender, or income level.

I urge my colleagues to protect the rights of working Americans and to vote in favor of H.R. 2831.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act of 2007.

The Supreme Court ruled in a narrow 5–4 decision that Lilly Ledbetter was not entitled to any remedy after demonstrating she had been paid as much as 40 percent less than male workers doing the same job for 19 years. The decision was founded on a narrow misreading of the intent of Congress in the Civil Rights Act of 1964. The Court erroneously ruled that Ms. Ledbetter could only rely on paychecks she received in the final 180 days of her career at Goodyear to prove discrimination.

Mr. Speaker, the Supreme Court's narrow reading of the law prompted me to introduce my own legislation to correct this injustice. I was joined by Congresswoman Carolyn Kilpatrick and Congresswoman Debbie Wasserman Schultz as original authors of H.R. 2660, the "2007 Civil Rights Pay Fairness Act". I want to thank them both for working with me on this issue, and I commend our Chairman George Miller for moving expeditiously to right this wrong. Chairman Miller's bill brings about a different remedy in H.R. 2831, but it is no less forceful, and I am proud to also be a cosponsor.

Both bills clarify the intent of Congress by amending the Civil Rights Act of 1964 to make clear that courts must consider a pattern of pay decisions that recur and are cumulative. H.R. 2660 and H.R. 2831 are bills that ensure that victims of workplace discrimination receive effective remedies. The decision of the Court in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights.

Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it. As a former prosecutor and County Executive, I fought against this kind of injustice and I am pleased this House is ready today to stand up and correct the error of the Supreme Court in the Ledbetter case.

Mr. Speaker, I urge my colleagues to vote in favor of the Lilly Ledbetter Fair Pay Act of 2007 to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the principle of equal pay for equal work and the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831.

On May 29, 2007, the Supreme Court issued a disturbing and retrobressive ruling. In a 5–4 ruling the Court issued its decision in a sex discrimination case, Ledbetter v. Goodyear, that fundamentally changed protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

As a member of the House Committee on Education and Labor, I participated in a hearing on the flawed ruling in Ledbetter v. Goodyear. During that hearing the Committee heard testimony from Lilly Ledbetter describing the pay discrimination that resulted in her earning twenty percent less than the lowest paid man in the same position at Goodyear.

Applying the law as it was written and intended, the trial court awarded Lilly Ledbetter backpay and compensatory damages because of Goodyear's illegal sex discrimination. On appeal it went all the way to the Supreme Court, where Justice Samuel Alito led the 5–4 majority in dismissing the case. According to Justice Alito, when Lilly Ledbetter failed to file a discrimination case within the statutorily provided 180 days from the initial decision to pay her less than her male colleague, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

In a strongly worded dissent Judge Ginsburg noted the fallacy of the Majority's argument regarding the timeliness of Lilly Ledbetter's filing. She reminded the Court that a previous ruling that held each "paycheck perpetuating a past discrimination . . . are actionable not simply because they are 'related' to a decision made outside the charge-filing period . . . but because they discriminate anew each time they are issued."

Judge Ginsburg explicitly called on Congress to intervene and uphold the protections provided by the letter and the spirit of the law, saying "the ball is in Congress' court."

Today, we answer Judge Ginsburg's call and reverse this disturbing Supreme Court decision. Today, we make clear that Congress is committed to protecting the rights of American workers and to ensuring that they have adequate remedies if they are discriminated against in the workplace.

The passage of the Lilly Ledbetter Fair Pay Act of 2007 clarifies that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices. Any reasonable citizen who believes that we need protect the rights of workers for fair treatment at the workplace and fair pay would surely find the Supreme Court decision unreasonable. We must act once to reestablish fairness. I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my unexpired time, and I reserve the 3 minutes for tomorrow.

☐ 2300

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, further proceedings on the bill will be postponed.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. GRIJALVA. Madam Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107-65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the "Eightmile River Watershed Management Plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05-18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(__) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

"(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

"(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

"(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

"(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

"(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.".

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the "Eightmile River") shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—For the purposes of the Eightmile River, the zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) ACQUISITION OF LANDS.—The provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River. The authority of the Secretary of the Interior to acquire lands for the purpose of managing the Eightmile River as a component of the National Wild and Scenic Rivers System shall be—

(A) limited to acquisition by donation or acquisition with the consent of the owner of the lands; and

(B) subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore (Ms. SHEA-PORTER). Pursuant to House Resolution 580, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110-264, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107-65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the "Eightmile River Watershed Management Plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(__) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

"(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

"(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

"(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

"(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

"(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.".

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the "Eightmile River") shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (B). The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore. The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself as much time as I may consume.

H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by my friend and colleague, Representative Joe Courtney, who has been a strong and effective advocate for this designation.

H.R. 986 would protect portions of the Eightmile River that have been found to have outstandingly remarkable values, including an intact watershed with a natural flow, very high water quality, unusual geological features, and large numbers of rare plants and animals.

The bill would designate five segments of the river and its tributary as scenic under the Wild and Scenic River Act.

The designated segments would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act.

The administration supports the legislation. The National Park Service has found these segments of the river and its tributaries to be eligible and suitable for designation. Under the provisions of the bill, the river will be managed pursuant to a partnership agreement as envisioned in section 10(e) of the Wild and Scenic River Act.

H.R. 986 is cosponsored by the entire Connecticut House delegation. Both Connecticut centers support the designation, as does the Republican Governor of Connecticut and the State legislature.

I submit for the RECORD a letter from Governor Rell, dated July 11, 2007, in support of the bill.

EXECUTIVE CHAMBERS,
STATE OF CONNECTICUT,
July 11, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives.
STENY HOYER,
House Majority Leader.
JOHN BOEHNER,
House Minority Leader.
ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER, AND BLUNT: I am writing to express my support for H.R. 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic Rivers System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Kelo decision, and I am pleased that H.R. 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,

M. JODI RELL,
Governor.

The legislation also enjoys ample support from the affected local communities, including the local governments of the towns of Salem, East Haddam and Lyme.

During the committee consideration of the bill, there had been expressed concern about the private property provisions in the legislation.

To ensure that the bill is absolutely clear on this point, I offered, and the Natural Resources Committee adopted, language that deems the zoning ordinances adopted by the towns of Salem, East Haddam and Lyme to satisfy section 6(c) of the Wild and Scenic River Act, and thus the bill expressly prohibits the use of Federal condemnation of authority under the Wild and Scenic River Act.

In addition, the bill goes on to expressly forbid Federal condemnation for the Eightmile River designation. The authority contained in the bill to acquire land is limited to donation or acquisition with the consent of the owner of the property. We have not one but two provisions, making it abundantly clear there will be no Federal condemnation along the Eightmile River.

These provisions track the language used in several wild and scenic river designations in the east, including the designation of Connecticut's other wild and scenic river, the Farmington River. The language has been in effect for over a decade without questions or ambiguity on those rivers or in court.

The opposition has said that they only want to add language to deny Federal condemnation. Given the language already in the bill, this would be plainly redundant. We simply ask that when all else fails, that they read the bill.

The specific language of H.R. 986 denies the Federal Government any condemnation authority. The Bush administration has assured us that they consider the language to be absolutely unambiguous.

H.R. 986 was originally considered by the House on July 10. When the vote was taken, the bill got a clear majority on a vote of 239–173 but failed to get the two-thirds necessary for passage under suspension of the rules.

Since the only amendment that opponents have raised is clearly unnecessary, we believe the procedure under which the bill is being considered in the House today will allow the House to work its will on the measure.

This is a good bill. I want to commend my colleague from Connecticut, Representative COURTNEY, for his commitment and leadership on this matter.

We support the passage of H.R. 986, as amended, and urge its adoption by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I have had the wonderful opportunity, or privilege, I guess, at different times, of standing, sitting in this chair, standing at this mike either to present bills or to control time or to present rules. Oftentimes, I was perplexed at the discussion that went on, because oftentimes our side would be giving wonderful speeches and their side would be giving wonderful speeches but never on the same topic. We didn't even have the terms defined. That will not happen today with this particular bill, because there is but one issue, and the issue is clear, and it is precise.

We do not have a problem with the creation of the wild and scenic river for this Eightmile area in the State of Connecticut. I am under the assumption that at the public hearings that were held in Connecticut, issues that could be of concern, for example, if you have a kid and want to add a bedroom, if you want to add a garage to your home, if you want to fix the roof to your house, if you want to repair a road that's been washed out or even ask to clear some of the brush next to the river, that not only could that possibly be prohibited, but it would probably be prohibited because there is precedent in other wild and scenic areas where that exact same thing has happened.

But, with that, and I am sure it was covered in those public hearings, I am convinced a majority of residents in this area supported the wild and scenic area. I was somewhat disenchanted, when we were told in the hearing it was unanimous support. Later on, we found out it was not that and the record has been amended to illustrate that.

In one city, in which one of the letters I received said only five people were opposed to it, in reality it was about a 400-person meeting with about a third, about 40 percent who were opposed to it. Still not a majority, so I am not opposed to the scenic river.

What is significant, though, is there is a significant minority of individuals in this area that are fearful of what may happen to their homes in this area. Their rights and their fears should be considered and should be considered carefully. It is ironic that this happens to be in the district in which both the leaders of the State and local government turned their backs on Susette Kelo and brought about that infamous court case decision dealing with Kelo, imminent domain issues.

We do not want that to be replicated, which is clearly why the Republicans presented language in both the Resources and Rules Committee to make it specifically clear what was the intent of this bill. The language we propose simply says, no Federal funds may be used to condemn land to carry out the purposes of this act or the amendment made by subsection B. Nothing would be done. It is puzzling to us why the Democratic Party would not support that language, when all the Democrats from the sponsor to the committee chairman say that is, indeed, their goal.

If their goal is not to use condemnation, then you should say so. Why this wasn't accepted in a bipartisan way is, for me, puzzling. Otherwise, this bill need not to be here today; it could easily be handled by unanimous consent.

The language that the chairman of the subcommittee gave you does not prohibit condemnation. It is based on zoning ordinances, zoning ordinances.

It is unusual that, indeed, Federal statute should be contingent on local governments coming up with their zoning ordinance as of a specific date.

What happens if they don't have those? What happens if they change those zoning ordinances, as has already happened?

This is like a trial lawyer's dream come true in being able to take this language to a court and say, Look, Congress didn't specifically protect property rights with no condemnation language; they put their emphasis on local control. Ergo, local control should take precedence.

They claim that the only land that will be taken will be done by donations or willing sellers. Another phrase, we have problems, simply because we have files that are bulging, of citizens who became willing sellers only after years of harassment put on them by Federal agencies.

If you mean that you don't want condemnation, say it. Say it in logical terms that any citizen, any lawyer or any judge will clearly understand.

If you don't mean it, then use doubletalk, use loopholes. There is more that we need to talk about on this particular issue.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, local ordinances are being changed, and that will allow the National Park Service to invoke its condemnation authority as one of the issues that my good friend brought up now.

What I would like to say, the specific language of the bill denies the National

Park Service any condemnation authority. Even if a local government were to change this ordinance, the National Park Service wanted to exercise condemnation authority, they would have to come back and they would have to get this law changed.

Madam Speaker, I yield as much time as he may consume to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I rise in strong support of H.R. 986 and commend Representative COURTNEY for his outstanding work.

JOE COURTNEY, in so many ways, is a story about so many people who come to the House of Representatives, not unlike "Mr. Smith Goes to Washington" and finds out that, when he presents a bill that's straightforward and works diligently at it and presents it on the floor, only to find that opposition rises where there should be unanimity.

Now, my good friend and colleague from Utah talks about the concern of imminent domain, and yet the bill clearly forbids this. More important than the bill, however, that local authorities in the communities of Salem, East Haddam and Lyme and the entire Connecticut legislature, as well as the Republican Governor from the State of Connecticut, as well as the entire Connecticut delegation, including Republican CHRIS SHAYS.

It seems as though Mr. COURTNEY has, perhaps, committed the grievous sin of coming to Washington and being able to accomplish more in 6 months than his predecessor accomplished in 6 years. For this, he is to be punished.

This bill should be by unanimous consent, an acclamation, because of the way it was worked on, because of the kind of support that it has, because of how important it is to the citizens of the State of Connecticut, who, indeed, on a local level and at the State level through the legislature, and for a party that claims to be for States' rights, why they would oppose the will of the local entity, and the State legislative body, and the Governor of the State of Connecticut, is somewhat astounding.

☐ 2315

Now, I am sure if that happened in Utah, if the legislature in Utah passed it, if the Governor in Utah agreed with it and local municipalities approved of it in the impacted region, you would oppose it as well. I think not. But such is the case here.

And I am pleased that the gentleman from Arizona outlined and articulated this very important piece of legislation for the citizens of the State of Connecticut. As I said, and I will repeat again, it has the support of the entire Connecticut delegation, including our two United States Senators. Why? Because this is a project that has been worked on for 10 years, because it has gone through a very thoughtful process. And the difference being that they finally elected an individual who is effective, who has the capability of bringing people together on all sides of the issue and making sure that he gets the job done.

Congratulations, Joe. Job well done.

Mr. BISHOP of Utah. I am very pleased to yield to the gentleman from New Mexico (Mr. PEARCE) such time as he may consume.

Mr. PEARCE. I thank the gentleman from Utah and recognize the hard work of my friend from Arizona (Mr. GRIJALVA).

I think that we all agree patently that the underlying bill is not a problem. The problem is a very simple sentence that my friend from Utah would have included: no Federal funds may be used to condemn land, carry out the purposes of this act, or the amendment made by subsection B. It is a very simple amendment, one that is very clear.

One would have to ask: Are there circumstances where we would be concerned about confiscation? Is it a valid concern? Has it been done before? Is it a worry that land owners or property owners might have to fear that confiscation would actually reach in and take their property and wrestle it away from them? That is the essential question before us.

As the chairman of the Parks Subcommittee last year, we had the opportunity to listen to people along the Appalachian Trail. The Friars case was most prevalent. It is not the actual condemnation; it is the threat of condemnation that is the tool that is most often used; that we begin to persist from the Federal Government that we are going to take your land; that we can; that you need to just get along. So we have seen up and down the Appalachian Trail problems that come when land owners get in the way of a very strong central government.

A couple of weeks ago I had the opportunity to be in Shenandoah National Park. I was amazed at the boldness of the park superintendent there. The entire visitors center was filled with stories of exactly the same thing, where a too strong Federal Government came in and began to take people and move them off the land because they were just so inconvenient. These constitutional rights of private property ownership were so inconvenient that we simply confiscated their land and moved about 4,000 families out of that whole Shenandoah area.

Confiscation is a very real thing to people of New Mexico. The White Sands missile range extends for 100 miles north to south, 40 miles east to west. Ranch was confiscated because the Defense Department felt like it wanted to create a training base. Now, all of us in the area support the training base. We support that it is the largest overland missile training proving ground in the world. We are able to do magnificent things there. But we cannot turn a blind eye to the way that parcel of land was put together, by taking people and evicting them off their land.

Recently, I had the opportunity to stumble across one of the books that people in dire frustration write in their home. No major publisher would pick it up and do it. It wasn't very well written, maybe. But it was published on a small printer or maybe even one of the old copying machines that we used to have in high school, but it talked about 50 years of confiscation there in that one section of New Mexico.

So, yes, we do in this country face a problem of a too strong central government. I don't know if it is going to be a problem; Mr. BISHOP alludes to the fact that we have land owners there who are expressing their concern of what is going to happen to them. None of us can say what any bureaucracy would do in the future. All we can do is offer the security of this one simple sentence: no Federal funds may be used to condemn land to carry out the purposes of this act or the amendments made by this subsection (b).

Now, there are those who completely oppose this kind of restriction. Recently, I volunteered to help with the Continental Divide Trail that runs north-south, through the United States. It starts at the Mexican border, goes all the way to the Canadian border, and runs all the way north to south through New Mexico. That trail was originated in 1978 language, but in the intervening years not one mile across private property had ever been gotten. I volunteered to take that task on, but the one reassurance people wanted was, don't let them come and take my land later.

I am sympathetic to the rights of private property owners. I think that we all should be, because private property ownership is at the heart of the success of our democracy and this Republic that we represent people in. Private property ownership is the basis of our Constitution. It is the basis of the economic way of life that we have in this country, and we should jealously guard it even to the point of putting in simple language like that that Mr. BISHOP has suggested. It is not an unreasonable request.

And, no, it is not some scheme rigged up to make it look like someone didn't get their job done. It is simply the people out West, where 60 and 70 and 80 percent of our States are owned by Federal Governments. Those people out West have a different view than those people on the east coast where almost nothing is owned by the Federal or State government. And we out West say, please, just take the time to put in this one simple sentence, to take the precautions that would protect the constitutional rights and liberties of our residents. It is not an unreasonable request, and we simply ask that the

bill be voted against because of that one provision that is missing. I thank the gentleman for yielding.

Mr. GRIJALVA. I thank the gentleman from New Mexico. And I would just point out that every time, and I am guilty of that, too, when we vote for a highway bill, a defense bill, a water bill that comes before us, we are voting for the ability of the Federal Government to conduct condemnation. This is not the case in this legislation. It is specifically prohibited in two sections of this bill.

I yield to the sponsor, my good friend from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I thank the gentleman for his leadership on this legislation. And I also want to thank my colleague from Connecticut (Mr. LARSON) for his strong words in support of this measure, which again is something that people in Connecticut are watching anxiously in terms of the actions of this body.

Madam Speaker, I submit for printing in the RECORD letters of support for this legislation from the Republican Governor of Connecticut, Jodi Rell; the first selectman of the town of East Haddam, Brad Parker; the Republican first selectman from the town of Salem, Larry Reitz; the Republican first selectman of the town of Lyme, Ralph Eno; and also a letter of support from the State of Connecticut's Attorney General, Richard Blumenthal, all of whom have reviewed this legislation and have, very mindful of the situation that occurred in London, a year ago, have examined the question of whether or not this legislation opens the door to condemnation of eminent domain, and all have expressed their support for the committee bill which is before the House this evening and will be voted on tomorrow.

ATTORNEY GENERAL,
STATE OF CONNECTICUT,
Hartford, CT, July 19, 2007.

Hon. JOSEPH D. COURTNEY,
U.S. Congressman,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: I am writing to support H.R. 986, the Eightmile Wild and Scenic River Act, which designates certain areas of the Eightmile River in Lyme, Salem and East Haddam as part of the National Wild and Scenic Rivers System. This river is a great asset to the people of Connecticut, and such designation will enhance efforts to preserve and protect its beauty and environmental integrity.

The proposal also protects the property rights of land owners within the designated areas from federal eminent domain takings by expressly stating that the Secretary of the Interior's authority to acquire property in this area "shall be limited to acquisition by donation or acquisition with the consent of the owner thereof . . ." Section 2(g).

The Secretary's general statutory authority under the Wild and Scenic Rivers Act to acquire land is already severely circumscribed. The Act flatly prohibits use of eminent domain if the lands are subject to local zoning laws that conform to proposes of the Act. According to the Interior Department, there have been no condemnations under this Act in the past 30 years. Nevertheless, H.R. 986 goes even further by prohibiting the use of eminent domain by the Secretary under any circumstance.

I commend your leadership on this critical legislation.

Very truly yours,
RICHARD BLUMENTHAL.

LYME, CT,
July 11, 2007.

CONGRESSMAN JOE COURTNEY,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: I am writing to reaffirm my longstanding support for legislation to secure federal "wild and scenic" designation for the Eight Mile River. The towns of Lyme, East Haddam and Salem have invested considerable time and effort to protect this vital asset common to our communities.

Approval of your bill is key to insuring the integrity of the stream as well as safeguarding the rural character and quality of life in Lyme, I cannot stress its importance to our respective communities strongly enough.

Thank you for your efforts on our behalf.

Best Regards,
RALPH ELIO,
First Selectman.

JULY 9, 2007.

Hon. JOSEPH COURTNEY,
Canon House Office Building,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: As First Selectman for the Town of Salem I would like to reiterate Salem's strong commitment to protecting and preserving the Eight Mile River and the surrounding watershed. Resources such as this are critically important in the health and well being of all residents in this part of Southeastern Connecticut, and need to be recognized for their intrinsic value.

Federal designation as a Wild and Scenic River is an important part of preserving this natural resource. The Town of Salem is pleased that you have chosen to sponsor this effort and guide it through the legislative process. Thank you, and if we can be of any additional assistance in support of your efforts please do not hesitate to contact us.

Sincerely,
R. LARRY REITZ,
First Selectman.

SELECTMEN'S OFFICE,
TOWN OFFICE BUILDING,
East Haddam, CT, July 6, 2007.

Hon. JOSEPH COURTNEY,
Congressman, Second District,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for your time and effort in this important matter. I am writing to reassure you that the citizens and elected officials of East Haddam are overwhelmingly in favor of Wild & Scenic designation.

Over ten years ago my predecessor, along with the First Selectmen from Lyme and Salem signed the Eightmile River Watershed Conservation Compact. That inter-municipal agreement represented East Haddam's commitment to a regional project that our town has participated in and endorsed widely. The Compact states: "We understand that 1) land use in our towns is the key determinant to the health of the Watershed's natural resources; 2) a healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth."

This broad view of the Eightmile River Watershed including its rural character, economic well being and intact natural resources has led to a heightened awareness and concern for this fragile system by a broad spectrum of town residents. Over the 12 years of East Haddam's participation in the Eightmile work, I have heard of only a small number of individuals who oppose the project. We have overwhelming support from the business community and private citizens alike. In fact, our river front landowners are some of the strongest advocates—they deeply understand the risks that unchecked development and sprawl will have on the river in their own back yards. The town has also taken measures to protect much of the open space in the watershed area.

Thanks again for your time and attention to our pristine Eightmile Watershed.

Sincerely,
BRAD PARKER,
First Selectman.

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS,
Hartford, CT, July 11, 2007.

Congresswoman NANCY PELOSI,
Speaker of the House of Representatives,
Congressman STENY HOYER,
House Majority Leader,
Congressman JOHN BOEHNER,
House Minority Leader,
Congressman ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER AND BLUNT: I am writing to express my support for HR 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic River System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Keto decision, and I am pleased that HR 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,
M. JODI RELL,
Governor.

As Mr. GRIJALVA has indicated, this effort has been 10 years in the making. It has been a grass-roots effort. There have been meetings of planning and zoning commission, inland wetland commission, town meetings in the district. The idea of trying to protect this gem, this beautiful river in one of the most densely populated parts of the country, is something that people in these towns have come together on a bipartisan basis, Republican and Democrat, property owners and public officials, and have embraced the idea of the Wild and Scenic Act designation as a way of preserving this river with unique and special characteristics.

There are 168 rivers in this country protected by the Wild and Scenic law and program that has been in place for over 30 years. Now, maybe we are just not getting news in our part of the

country, but we have not read of any wave or epidemic of condemnation or eminent domain that is taking place across this country as a result of this legislation. It is not about ownership by the government. What it is about is preserving water quality and preserving species and vegetation flora and fauna that have been identified by the National Park Service through a very strict system of screening to qualify for the status. And what it does is it triggers support and grants so that the characteristics that have been identified will continue to be conserved and preserved into the future.

In 2001 this Congress approved the report authorization for a study to be done of this river again on a bipartisan basis. And in every one of the areas and categories that the National Park Service examines to determine whether or not a river qualifies, Eightmile River passed with flying colors.

The legislation, which was drafted by nonpartisan staff, is based exactly verbatim on Wild and Scenic Act designations that have occurred as recently as the 109th Congress. The gentleman from Utah said that he was surprised that local zoning was being referenced in Federal statutes. Well, he shouldn't be surprised, because the last Congress when they approved a river in the State of New Jersey used exactly the same language. And as Mr. GRIJALVA has indicated, that was also the case with the Farmington River Wild and Scenic Act designation 10 years ago, again, referencing local zoning provisions that triggered the anticondemnation plan and program which the National Park Service has incorporated into the underlying act, into the underlying law that governs the National Wild and Scenic Act provisions.

But let's cut to the chase here. What are the zoning ordinances that we are talking about in these three communities of East Haddam, Salem, and Lyme? They are in fact wetland review requirements for property owners who border the body of water, the river. In the town of Lyme there is a 100-foot setback where you need to get a permit to build, 75 feet in Salem, and 75 feet in East Haddam.

Now, let's be clear here. These wetland requirements existed before, and I want to say that again, before the Eightmile River Project was ever contemplated. These were not the result of the threat of condemnation or the threat of eminent domain. These are zoning ordinances in wetland protection provisions that these towns had adopted long before this project was ever contemplated, and never has there ever been any indication that those wetland review requirements, which again are frankly commonplace throughout Connecticut. I was a town attorney of the community that I come from, and again you have got to get a permit if you are building in a wetland. You can build in a wetland if the wetland commission gives you permission. But if you disturb wetlands or disturb a body of water, you have to mitigate for it. That is basic land use law, certainly in the State of Connecticut and I imagine in many, many other parts of the country.

So when the National Park Service looked at this application and saw what inland wetland protections these towns had already adopted, they clearly indicated that it triggers the anticondemnation provisions of the Wild and Scenic Act. And as Mr. GRIJALVA has stated, the acquisition of lands provision of this statute clearly states that the Federal acquisitions are prohibited and that the provisions of the Wild and Scenic Act that prohibit Federal acquisition of lands by condemnation shall apply to this project, to this request.

Now, again, we had some discussion at the public hearing, and I apologize if I in my exuberance overstated the support that existed in the area. What I guess I meant to say is that the Land Use Commission all came together in support of it. But I know New England town meetings; I have been through enough of them as a town attorney to know that unanimity is hard to find almost on any agenda item that comes before it.

But the fact of the matter is that we used statutory language which has verbatim been used in other Wild and Scenic Act designations, drafted by nonpartisan staff. I think Mr. GRIJALVA bent over backwards to try to accommodate the concerns when there was a debate at the time the committee reported the bill out.

□ 2330

And again, I emphasize the fact that this anticondemnation provision would be incorporated into the very statute, it wasn't just simply relying on National Park Service's representations, and brought the bill to the floor on the suspension calendar thinking that that really was the end of the debate over that issue. Well, obviously it wasn't. It was requested, a rollcall vote, and although 18 Republicans did support us at the time the vote was taken, it was not sufficient to hit the two-thirds number.

Now, press releases went out to local newspapers in Connecticut breathlessly exclaiming that JOE COURTNEY was out there trying to push a bill that was going to create eminent domain or condemnation in the area, and I've got to tell you, it was greeted by ridicule and guffaws in Connecticut.

The Hartford Current, there's a clip here that we're presenting, dismissed the concerns as just simply none of it was true. The New London Day, the paper of record in the community of New London, which was, again, where the Kelo case was located, wrote an editorial after reviewing the claim that somehow this bill was going to create eminent domain in the Eightmile River region completely dismissed it out of hand. And both newspapers called on Congress to get serious and to act swiftly and to make sure that the 10 years of hard bipartisan work that has gone on in these communities is completed by passage of this legislation, just like we did in the 109th Congress for a New Jersey river, using verbatim, the same language incorporating local zoning as the trigger for anticondemnation provisions by the National Park Service. And that's exactly what we've done with this legislation, and we are asking no more and no less than what Congress has done in numerous instances where wild and scenic act designation took place.

This is a beautiful, beautiful part of Connecticut. I invite anyone to come up there. When the river's running high, you can kayak on the Eightmile River, fly fishing during the summer. In the winter, take a walk in the woods like Robert Frost described. It is spectacular and amazing, given, again, the fact that we live in such a densely populated part of the country.

Mr. PEARCE. Would the gentleman yield?

Mr. COURTNEY. Sure. I'd be happy to yield.

Mr. PEARCE. The gentleman understands, I mean, it is a very straightforward, transparent thing that we're suggesting. What was offensive about this particular amendment that simply says no Federal funds may be used to condemn, and it just gets really clear, because again, those of us in the West, maybe we're overly sensitive, but so much land has been taken from us that it is, it is a point at which we begin to resist. Why wasn't that amendment simply agreed to?

Mr. COURTNEY. Well, again, I don't sit on the Resources Committee, on the day that this was deliberated on, but, I think clearly, and I don't want to put words in the Chairman's mouth, and he can probably answer this when maybe the microphone goes back to him, but my understanding is that basically they wanted to follow the basic statutory format that has worked in all the other designations that this Congress has taken up in the past, and where really honestly there has not been a problem of condemnation or eminent domain of the property owners. But that's the best of my knowledge.

Mr. PEARCE. I appreciate the gentleman's comments. And if he would yield further, just point out that, again, we have had so many people come and testify about the Appalachian Trail that came through there, and I wouldn't call it systematic, but enough to where we began to feel, I began to feel uncomfortable with a too-strong National Park Service that was very energized about just getting this little parcel here, and it would make things fit so well that they began to really use their power in a way that was distressing. And that's, again, it's a very simply straightforward, transparent piece that is the problem.

We've got some magnificent vistas out West that might not equal what you're talking about, but we share our love for those things, and it's unfortunate that this bill is kind of the focal point for this particular dispute. But again, it's certainly nothing to do with the gentleman's underlying assumption or his belief that this river is worth protecting, but is instead one that we're expressing our concern as cleanly as we can that a government can be too strong and too large and too heavy-handed. And we worry about that.

But I thank the gentleman for yielding.

Mr. COURTNEY. And in conclusion, again, I'd be happy to submit an excerpt from the Eightmile River Watershed management plan, which again confirms what the zoning and wetland regulations, which ones were examined by the National Park Service and by the committee, again, the 75-foot and the 100-foot setback for wetland permits, which, again, were satisfactory in terms of triggering the anticondemnation provisions of the wild and scenic act, which, again, I think have worked without a hitch based on any data and information, facts or law that the committee staff and the committee leadership has examined.

In conclusion, I just want to thank, again, the leadership of the committee for the work that they've done on this legislation. I hope maybe this colloquy has reassured people that this is not a plan which is about trying to ram through government authority to take people's property rights away. It has been fashioned and designed in a way that accommodates people's input and participation with, again, property owners in strong support of it. Their names were submitted to the committee during the committee process. And again, I want to thank Mr. GRIJALVA for his leadership on this issue.

ADEQUACY OF PROTECTION

An important component of the management plan development process was determining the adequacy of existing protection mechanisms to protect and enhance the watershed's outstanding resource values. Determining adequacy achieves objectives:

(1) Proving that local communities meet the requirements of Section 6(c) of the Wild & Scenic Rivers Act.

Section 6(c) of the Wild & Scenic Rivers Act states:

"(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act and (8) the protection af the bank lands by means of acreage, frontage, and setback requirements on development."

Local, state and federal regulations, combined with protected lands and physical constraints to development (i.e. floodplains, wetlands, topography, etc.) create enough of an existing protection scheme to make federal condemnation of lands unreasonable and unnecessary. While no new actions are deemed required by the towns to meet the requirements of Section 6(c), the management recommendations in Section VI are considered critical to the overall long-term quality of the watershed's outstanding resource values.

At the local and state level, a number of key actions underscore the current level of protection and the dedication to river and watershed conservation:

Local upland review areas are in place in all three communities. These are the areas within 100 feet of wetlands and watercourses in East Haddam and Lyme, and 75 feet in Salem. Municipal Inland Wetland and Watercourse Commissions can regulate activities in upland review areas that would likely impact wetland or watercourse function. Reviews in upland areas may include assessing and regulating impacts from a proposed activity on hydrologic, water quality and ecological functions.

All three towns have adopted net buildable area requirements in their subdivision regulations recognizing new construction should be compatible with the carrying capacity of the land to sustain it. In addition, Salem requires 75% of the net buildable area be outside of the upland review area, and Lyme requires all of the net buildable area be at least 100 feet back from wetlands and watercourses.

Local communities, working in partnership with local land trusts, the state and The Nature Conservancy, have directly preserved 28% of the watershed (over 11,000 acres of land), and 25% of all river frontage within 100 feet of the 160 miles of river and stream in the watershed.

Mr. BISHOP of Utah. If I could ask the gentleman from Arizona how many more speakers you have.

Mr. GRIJALVA. We have no additional speakers.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

As I said before, there are some significant issues that always take place on these particular types of bills. Indeed, there is no basic statutory structure for wild and scenic bills. They've gone all over the place, including the now infamous one in New Jersey, which I think was actually the last bill to go through during the last session.

These are the issues that we've talked about before which can, indeed, take place under wild and scenic areas where people do not have the right to fix their roof, do not have the right to expand their garage, do not have the right to clear areas on their own property. It is not just a possibility; it is actually a probability. There is precedent for all of those.

But once again, this isn't this key issue. We are willing to have 8 miles of scenic river in Connecticut. The key issue is defending those people in Connecticut and establishing a precedent that is significant the rest of the way.

It's not simply a matter of reading the bill; it's a matter of reading the law. The language of zoning requirement, which once again is a conditional one. You mentioned the Attorney General from the State of Connecticut wrote a letter and once again he said the act flatly prohibits use of eminent domain if, and once again that's the conditional language, if the lands are subject to local zoning laws that conform to the purposes of the act. And once again the date that these zoning laws should have been in effect, the zoning ordinances have already been changed from that particular date.

But the key element is that that zoning language, that willing seller language, is inserted into the existing bill and it comes directly after this sentence, and the sentence is very clear. Nothing contained in this section, which is everything we've been talking about in this bill, nothing contained in this section however, shall preclude the use of condemnation. Nothing that you add as far as zoning ordinances or willing sellers precludes the right the Secretary of Interior has in the rest of the bill and the rest of the section from condemnation, unless you simply adopt the Republican language, and that is why we hit over and over and over again on this issue.

It is important that we stand up for property rights and personal property. It's important that people have some sense of security and safety in their own homes. And this bill doesn't take away this provision of the act which says, nothing contained in this section shall preclude the use of condemnation. That is to which we object. That is the problem with this bill. That is what must change.

The Republican option was clear, simple and to the point. The Democrat option, whatever the motive was, is somewhat double-talk. It's a loophole. This language that we propose is very similar to what this body adopted by a voice vote with the Department of Interior appropriations bill.

And in conclusion, Madam Speaker, I'm actually sad that we had this bill before us at all. There is no reason this bill should be before us with a closed rule. I wish that the Democrats had moved in a bipartisan way to work with us to meet what are legitimate concerns. And if, indeed, protection of private property is a partisan issue, I'm more than happy to be on the side of private property. That's the right side to be on in this issue. This bill may indeed sometime become a metaphor for this entire section where we can see how much muscle can be flexed to push through issues rather than sitting down and trying to solve problems.

I truly hope that in the future we can work in a bipartisan way, that we can actually talk together to find language that is mutually acceptable to both sides of the aisle for these issues, because there's no reason that we should actually have to go through a closed rule on this type of a bill.

But the issue is simply black and white or yellow and black, I guess. Will you actually ensure, by taking the money away, there is no condemnation, or do you leave the language in the act? It's clear. It's understandable. It should be clear to our colleagues. It will be clear to our constituents and our voters.

Madam Speaker, I yield back the balance of my time, with the exception of 2 minutes, which I reserve for tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Mr. GRIJALVA. Madam Speaker, I thank my good friend from Utah, the ranking member.

Just in closing, let me say that the Appalachian Trail that was referenced by the gentleman from New Mexico has, in the legislation, condemnation as part of it. This particular bill does not. And there is separate language, aside from the section that my good friend from Utah presented today, that adds an additional prohibition and a protection for the acquisition of private property in this legislation

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 986, the Eightmile Wild and Scenic River Act, which would add the Eightmile River to the Wild and Scenic Rivers System.

This legislation has overwhelming bipartisan support from the National Park Service, the bipartisan Connecticut House delegation, the Republican Governor of Connecticut, the Attorney General of Connecticut, the three local mayors, and the State legislature, which passed a resolution in support of Wild and Scenic designation.

Concerns have been raised that H.R. 986, the Eightmile Wild and Scenic River Act, would allow land condemnations within the Eightmile River corridor. This is not the case. The bill prohibits eminent domain, condemnation or any takings.

H.R. 986 also explicitly states: "The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan." This prohibits condemnations regardless of how local zoning laws apply.

The Eightmile River is a worthy addition to the Wild and Scenic Rivers System. I strongly urge passage of H.R. 986.

Mr. GRIJALVA. Madam Speaker, I yield back all but 2 minutes and reserve the 2 minutes until tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Pursuant to section 2 of House Resolution 580, further proceedings on the bill will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. SHEA-PORTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE "HORN IN THE WEST" HISTORICAL DRAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor "Horn in the West," which this year is in its 56th consecutive season and is the third oldest outdoor drama in the United States. "Horn in the West" is also the oldest Revolutionary War drama in the Nation. It brings theatre-goers into the life and times of that legendary frontiersman Daniel Boone.

Located in Boone, North Carolina, "Horn in the West" outdoor drama captured the heart of this great struggle for freedom that was fought by mountain settlers in Appalachia during the Revolutionary War. In its 56 years of existence, the show has wowed more than 1.4 million people with its storytelling ingenuity and historical acumen. To this day it is not only entertaining thousands each year; it is also preserving a valuable story drawn from our Nation's early formative years.

"Horn in the West" was written by Dr. Kermit Hunter, an accomplished author and playwright who wrote more than 40 other historical productions. Dr. Hunter, who passed away in 2001, was a dedicated spokesman for the genre of the outdoor drama. His drama highlights the early freedom-seeking settlers who migrated to the Blue Ridge Mountains in an attempt to escape from the tyranny of British rule.

The story of "Horn in the West" is told through the lens of Dr. Geoffrey Stuart, who came to the Blue Ridge with his family to study smallpox. A freedom lover himself, Stuart joined the band of colonists in opposition to the British. "Horn in the West" ushers the audience into a great moment in the lead-up to the Revolutionary War when this group of patriots suffers defeat and capture at the hands of the British in 1771 at the Battle of Alamance.

Dr. Stuart, a model of the American spirit to forge ahead in the face of opposition, must rescue his son who is one of those captured by the British. The story weaves its way through Stuart's life, his important intervention with the Cherokee tribe, and his partnership with Daniel Boone. "Horn in the West" is the story of a man and a Nation coming to terms with the meaning of liberty and independence in a tumultuous time.

I am proud to commend the people at "Horn in the West" for their steadfast commitment to bringing this important time and place to life for audiences in the town of Boone every year. They embody the ideals of America that this production encompasses: a love of freedom, a strong belief in the common man, and a dedication to what is right even in the face of uncertain odds.

The cast and supporting staff and board are dedicated to "Horn" and are doing a great job with very limited resources.

The Daniel Boone Theatre that houses the outdoor production of "Horn in the West" is a magnificent setting for this historical play. When it was first reviewed, the critics raved that the theatrical setting was "one of the most beautiful, if not the most beautiful, in America" and that "the theatre alone is worth the price of admission."

The Daniel Boone Theatre merits such praise. It is a masterful blend of architecture and landscape. Designed by the NC State School of Design and built in 1952, it deserves its title as the best outdoor theatre in the east. It sits on 35 acres of Blue Ridge Mountain terrain and was designed specifically with "Horn in the West" in mind. The theatre blends into the mountains with its careful use of native stone and landscaping. The theatre's designers took great pains to integrate existing vegetation into the landscape so that today enormous rhododendron which were moved up the hill create a natural screen between the theater and the parking lot.

The "Horn in the West" production and the Daniel Boone Theatre are priceless pieces of North Carolina and American history. They preserve something of our past that in today's era of sound bite and image-obsessed is desperately needed. They remind us of our roots in a liberty-loving and free people who would give everything they held dear for the cause of freedom.

My hope is that "Horn in the West" continues to dazzle audiences with its depiction of our shared history. It is a valuable part of our history and culture, and I wish it many more decades of successful production.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, I rise today to recognize and congratulate the Southern Christian Leadership Conference, SCLC, as it celebrates 50 years of promoting non-violent action as a means to achieve social, economic, and political justice. The opportunity to serve as the first African-American Chairman of the House Judiciary Committee is a tribute to the efforts of the SCLC to promote equal opportunity and equal justice.

Without the courage and sacrifice of members of the SCLC, namely its first President, Dr. Martin Luther King, Jr., and those Presidents that followed—Ralph Abernathy, Joseph Lowery, and Martin Luther King III, we simply would not be where we are today. And while we have much work to do, we are living the legacy of the Southern Christian Leadership Conference everyday.

This August will be the 50th anniversary of the Southern Christian Leadership Conference. The SCLC traces its roots to the Montgomery Bus Boycott of 1955, which began with the quiet yet courageous efforts of one woman: Rosa Parks. I had the privilege of working with Rosa Parks for over 20 years when she agreed to join my staff after I was elected to Congress in 1964. The Montgomery Bus Boycott brought together two local ministers, Dr. Martin Luther King, Jr., and Ralph Abernathy, who established the Montgomery Improvement Association to lead the boycott efforts. As the movement to desegregate public transportation spread beyond Montgomery County into surrounding States, it was clear that the organization needed to expand, both in size and in scope.

Following the success of the Montgomery Bus Boycott, a group of 60 organizers from 10 States met in Atlanta, Georgia to plan the next steps. The result was the founding of the Southern Leadership Conference on Transportation and Nonviolent Integration. The organization's title was shortened to its current name, the Southern Christian Leadership Conference during its first convention, held in Montgomery in August 1957. Next week, the SCLC will be hosting its 49th annual convention in Atlanta, GA.

Leading the efforts of the SCLC to end segregation was Dr. Martin Luther King, Jr., a man I am honored to have been able to call a friend and confidant. In fact, it was Dr. King that endorsed me for Congress when I first ran and was elected to serve in 1964. Significantly, Dr. King personally awarded me with the Southern Christian Leadership Conference Award in 1967. Having walked alongside Dr. King, a fearless leader who challenged continued racial segregation and believed that "oppressed people cannot remain oppressed forever," I am committed to continuing the legacy of Dr. King and the SCLC.

Under the helm of President Joseph Lowery for much of its existence—from 1977 until 1997, the SCLC advanced Dr. King's dream for an America—a society united behind the banner of equality and freedom. Today, the SCLC remains strong under the leadership of Dr. Charles Steele, Jr., promoting a number of programs in the areas of economic empowerment, health advocacy, education, and criminal justice. The SCLC has also established the Martin Luther King, Jr., Conflict Resolution Center, an international initiative to promote Dr. King's principle of nonviolence as a means to resolving conflicts throughout the world.

We've come a long ways over the last 50 years, and the work of the SCLC continues to be of critical importance. It is to the credit of Dr. King and other leaders of the SCLC that today the torch of the civil rights movement is carried by many hands. One of those hands is Dr. King's son, Martin III, who headed the SCLC from 1997 until 2003 and remains committed to the organization's vision. So following the lead of Martin III, Joseph Lowery, Ralph Abernathy, and of course Dr. King, let us continue the work and legacy of the Southern Christian Leadership Conference on its 50th anniversary.

Mr. COHEN. Madam Speaker, I rise today to commemorate the 50th anniversary of the Southern Christian Leadership Conference.

The Southern Christian Leadership Conference, SCLC, originated through the Montgomery Bus Boycott when a courageous young woman by the name of Rosa Parks refused to give up her seat and move to the back of the bus on December 5, 1955. The Montgomery Bus Boycott brought two dynamic ministers together: Martin Luther King, Jr., and Ralph Abernathy. Through the guidance of Dr. King, Dr. Abernathy and Dr. Joseph Lowery, this boycott led to a new phase of a long struggle to be known as the modem day "Civil Rights Movement."

The Southern Christian Leadership Conference, SCLC, is best known for its commitment to nonviolent civil disobedience as a means for securing equal rights for African Americans and other oppressed people worldwide. The Southern Christian Leadership Conference, SCLC, adopted the motto: "Not one hair of one head should be harmed." This motto not only proved effective for the civil rights movement but should be applied in today's challenges in the world.

After the success of the Montgomery Bus Boycott, the Southern Christian Leadership Conference founded the Student Non-violent Coordinating Committee and cooperated with SNCC and other civil rights organizations seeking social justice for over 45 years.

I myself have witnessed the power and effectiveness of the Southern Christian Leadership Conference in the city of Memphis, when Dr. King and the Memphis Chapter of the Southern Christian Leadership Conference, SCLC, and the labor movement organized 1,300 city sanitation workers to go on strike for fair and honest wages and benefits.

I rise today and urge everyone to remember and respect 50 years of good works by the Southern Christian Leadership Conference, SCLC. It has been living, fulfilling and perpetuating the dream of Dr. King. Its legacy, vision, and commitment to nonviolent action is highly regarded by this younger generation. The Southern Christian Leadership Conference has not just served the purpose of assuring rights for African Americans but all Americans.

Mr. HASTINGS of Florida. Madam Speaker, I rise today to join my colleagues of the Congressional Black Caucus to express my concern for diminishing access to higher education opportunities.

We live in a country where the education system is flawed from the ground up. The lack of proper instruction throughout elementary, middle, and secondary school has left many of the under-represented minorities even further behind their classmates. The lack of provisions and support provided to schools in historically black neighborhoods has caused the number of African-Americans applying and enrolled in professional schools to drop.

The number of African-Americans in both the medical and legal professions is anemic compared to the number that live in our country. Even though African Americans make up over 13 percent of the country's population, a recent study found that they make up only 3.9 percent of lawyers and 3.3 percent of physicians.

Madam Speaker, there are a multitude of reasons as to why African-American presence in law school dropped from 7.5 percent to 6.8 percent from 1994 to 2004. Many blame the law school admissions' over-reliance on the LSAT (Law School Admissions Test). This test, which has never been proven to be a successful forecaster of achievement in law school or aptitude as a lawyer, usually makes up over half the criteria that law school admissions counselors use to base their admissions decisions on. The inflated dependence on the LSAT, which studies show is in and of itself biased, has led to a sharp decline of both applications and enrollment by African-Americans into law school.

The necessity for schools to raise the median LSAT scores of the applicants they accept has caused a dramatic drop in the number of African-American law school students. In a study from 2002 to 2004, the 25th percentile LSAT score for law schools in my home State of Florida rose from 149 to 151. In that same time period, African-American enrollment in Florida law school dropped from 557 to 508 students, or nearly 10 percent, while total enrollment rose by 14 percent.

Madam Speaker, we need to challenge this disturbing trend or we are facing a future in which there is a complete lack of African-American presence in the legal world. This trend challenges the right of African-Americans to engage in the legal process of this great Nation.

One major issue that we can influence is the lack of support and education for those interested in a career in law. Many young African-American high school and college students have not had the exposure or have become discouraged by the mass of reports of diminishing African American law school enrollment. With encouragement from current black lawyers and those in support of more diversity in the legal profession, we can help build a proper education system for all students of this Nation.

This is not just about law school. We need to work together, from as early as elementary school, to provide the necessary tools to challenge the current pattern of disinvestment in education. Our educational system must give everyone the proper training and experience necessary to enter higher education and, someday, the professional world.

SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for half the time until midnight as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor tonight for what was to be the leadership hour, but the hour has gotten so late that this will really only be a few minutes of discussion on the reauthorization of the State Children's Health Insurance Program, the program known as SCHIP.

This program was introduced 10 years ago by a Republican House of Representatives. It was a bipartisan plan to help low-income children to have health care coverage. This program was to be reauthorized in 10 years' time. That 10 years is up on September 30, 2 months from tonight.

We all agree, on both sides of the aisle, that we want to make sure children of low-income families have the health care coverage that they need. But, Madam Speaker, we are also anxious to be certain that we don't do so at the expense of senior citizens on Medicare. We would like to make sure we don't raise taxes to do this. And a lot of us are concerned about permanently expanding yet another entitlement program. Anyone who reads the newspaper today knows that we already have trouble with the entitlement programs that are already there.

The problems with the bill that has been introduced by the Democrats that we had read in our committee last week: the Democratic bill reauthorizes the SCHIP program as a permanent entitlement, $159 billion over 10 years. One of the biggest problems is there is no income limit for SCHIP eligibility. Current SCHIP guidelines are for families at or below 200 percent of the Federal poverty limit. Some States go higher than that. But, Madam Speaker, look what happens when you go to these higher levels:

The current authorization, again, is for 200 percent of the Federal poverty limit; 50 percent of those children actually already are covered under a private insurance or Medicaid. As you go to successively higher income limits, between 300 and 400 percent of poverty, nearly nine out of ten children are already covered on a private insurance plan or Medicaid. The SCHIP program, by expanding it to these levels, will crowd these individuals out of private insurance and drive them onto government-subsidized health care. I would ask you if that is the best expenditure of our Federal health care dollar.

The open-ended Federal funding in the program proposed by the Democrats allows States to go over their budget. It shifts children participating in private insurance to government insurance. A child is now defined as an individual up to 25 years of age, and, once again, adults are covered under this plan, which really has been one of the failings of the previous SCHIP authorization.

A big problem is cutting Medicare Advantage plans by $157 billion, denying seniors access to plans that have enjoyed widespread popularity in areas where they have been introduced. It cuts Medicare provider payments, reduces inpatient hospital payments, cuts skilled nursing facilities and home health care, and reduces payments for imaging and oxygen or mobility devices.

It does increase taxes. It creates an entirely new tax, one that has yet to be scored by the Congressional Budget Office on all private health insurance plans, an assessment, if you will, on private health insurance plans. It increases taxpayer liability for immigrants and illegal aliens. It eliminates the 5-year waiting period for people who are in this country legally to participate in Medicaid and CHIP. Wisely, a moratorium for 5 years was placed on SCHIP and Medicaid so that people would not seek to come to this country simply to participate in the welfare state but would come because they wanted to be good citizens and be workers and produce in this country. More pernicious, in my opinion, is allowing illegal aliens to receive Medicaid and SCHIP by weakening citizen verification standards.

A net cost of $76 billion over 10 years certainly flies in the face of fiscal responsibility. And, more importantly, it repeals the trigger that was put in the Medicare Modernization Act 3 years ago that would require the President and the Congress to reaffirm if Medicare expenditures went above a certain amendment.

Madam Speaker, there is a right way to do this, and I don't want to get too bogged down in process because the time available to me is very short, but recently we underwent an FDA reauthorization bill in my committee, the Committee on Energy and Commerce. It went through subcommittee. It went through full committee. And at the end of the day, we had a bill that was much better than the bill that was originally delivered to us, the committee print of the bill.

We weren't allowed to do that on the SCHIP bill. The subcommittee legislative markup was completely eliminated. We just bypassed it. We didn't even do it. The committee print was dropped on the minority members of the committee some 24 hours before we had the legislative markup in full committee. There was no time to evaluate this nearly 500-page bill that had many, many new provisions in it. And as a consequence, many of those on my side of the aisle felt it was inappropriate to deal with such a large transformational piece of legislation in such a short time interval.

Now, it is important to note that there is a Republican alternative out there. It is called the Barton-Deal SCHIP reauthorization, and I think this is a balanced approach to actually getting back to the original intent of what the State Children's Health Insurance Program was, in fact, to be: a program for low-income children. The original intent was to cover those children whose parents made too much for them to be covered under Medicaid, but not enough to be on private health insurance. That gap between 150 percent of poverty and 200 percent of poverty was identified as the level at which SCHIP benefits really would have the maximum impact.

And in the Barton-Deal reauthorization legislation, it allows States to continue that program, but after a State covers at least 90 percent of the children that should be covered, they can then expand that coverage up to 250 percent of the Federal poverty level. The Federal poverty level for a family of four would be about $41,000 per year at the 200 percent of poverty. At 250 percent of poverty, it is about $51,000 or $52,000 a year for a family of four

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BURGESS. Madam Speaker, I ask is there anyone to claim time?

The SPEAKER pro tempore. There being no Democrats here, the gentleman from Texas is recognized for the remaining time until midnight.

Mr. BURGESS. Madam Speaker, under the Barton-Deal plan, new enrollees would be strictly limited to services provided to children and pregnant women with household incomes under 200 percent of the Federal poverty level. And, again, when those States can demonstrate that they are covering the 90 percent of the kids in the bracket, then they could expand to the 250 percent of poverty level.

Under the Barton-Deal plan, it does require citizenship to be verified. Many people in my district, certainly many people across the country, feel very strongly about this position, and I have heard from constituents even just this morning in a community coffee in a small town in north Texas. This was something that people were very vocal about it.

Once again, we need to reaffirm that the SCHIP program was designed for children who were in need, not for children who had access to health care coverage by other means. The Barton-Deal plan does allow for some individual choice in health care and really, once again, reaffirms that the "C" in SCHIP stands for children. And, indeed, that is as it should be.

I also want to draw Members' attention to the fact that in the Democratic bill they do attempt to deal with the physician payment cuts that many doctors are going to see. The way they have gone about this, though, I believe is a flawed process. A much better process is one that has been put forth in H.R. 2585, which would actually be a repeal of what is called the SGR formula. That is the thing that has been bedeviling physicians for years and years, certainly since I first came to Congress. This is good legislation that should be looked at. If a Member is concerned about being able to provide or postpone or eliminate those provider cuts that are going to happen to physicians in future years, I don't think the SCHIP bill gets you there. I don't think it takes you far enough to where you want to be. Indeed, there are exclusions for 2008 and 2009, but what happens after 2010? You basically fall off a cliff again. And that is the problem we have had year in and year out with doing these 1- or 2-year fixes on physician reimbursement. H.R. 2585 is a much more sensible way to go about this because it actually puts you on a trajectory for repeal of the SGR and getting out from underneath the tyranny of that SGR formula once and for all.

And, again, one of the other final things I would mention is that there is nothing in this SCHIP bill that makes any impact on one of the fundamental problems we have in the practice of medicine today, and that is dealing with the liability crisis that we have had in this country and that we still have in this country. My home State of Texas has made significant strides towards sensible, commonsense liability reform. I was hoping we could see language incorporated via the amendment process in the SCHIP reauthorization, but apparently that is not to be, either.

Madam Speaker, I know it has been a long day on the floor of the House. I appreciate the indulgence of the Chair in allowing me the extra time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 26, 2007 AT PAGE 20855

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part A of House Report 110-261, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill is as follows:

H.R. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm, Nutrition, and Bioenergy Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Adjustments to base acres.
Sec. 1102. Availability of direct payments.
Sec. 1103. Availability of counter-cyclical payments.
Sec. 1104. Availability of revenue-based counter-cyclical payments.
Sec. 1105. Producer agreement required as condition of provision of direct payments and counter-cyclical payments.
Sec. 1106. Planting flexibility.
Sec. 1107. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Deadline for repayment of marketing assistance loan for peanuts.
Sec. 1211. Commodity quality incentive payments for healthy oilseeds.

Subtitle C—Sugar

Sec. 1301. Sugar program.
Sec. 1302. United States membership in the international sugar organization.
Sec. 1303. Flexible marketing allotments for sugar.

Subtitle D—Dairy-Related Provisions

Sec. 1401. Dairy product price support program.
Sec. 1402. Dairy forward pricing program.
Sec. 1403. Dairy export incentive program.
Sec. 1404. Revision of Federal marketing order amendment procedures.
Sec. 1405. Dairy indemnity program.
Sec. 1406. Extension of milk income loss contract program.
Sec. 1407. Dairy promotion and research program.
Sec. 1408. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1409. Federal Milk Marketing Order Review Commission.

Subtitle E—Administration

Sec. 1501. Administration generally.
Sec. 1502. Suspension of permanent price support authority.
Sec. 1503. Payment Limitations.
Sec. 1504. Adjusted gross income limitation.
Sec. 1505. Adjustments of loans.
Sec. 1506. Personal liability of producers for deficiencies.
Sec. 1507. Extension of existing administrative authority regarding loans.
Sec. 1508. Assignment of payments.
Sec. 1509. Tracking of benefits.
Sec. 1510. Upland cotton storage payments.
Sec. 1511. Government publication of cotton price forecasts.

TITLE II—CONSERVATION

Subtitle A—Conservation Programs of the Food Security Act of 1985

Sec. 2101. Conservation reserve program.
Sec. 2102. Wetlands reserve program.
Sec. 2103. Conservation security program.
Sec. 2104. Grassland reserve program.
Sec. 2105. Environmental quality incentives program.
Sec. 2106. Regional water enhancement program.
Sec. 2107. Grassroots source water protection program.
Sec. 2108. Conservation of private grazing land.
Sec. 2109. Great Lakes basin program for soil erosion and sediment control.
Sec. 2110. Farm and ranchland protection program.
Sec. 2111. Farm viability program.
Sec. 2112. Wildlife habitat incentive program.

Subtitle B—Conservation Programs Under Other Laws

Sec. 2201. Agricultural management assistance program.
Sec. 2202. Resource Conservation and Development Program.
Sec. 2203. Small watershed rehabilitation program.

Subtitle C—Additional Conservation Programs

Sec. 2301. Chesapeake Bay program for nutrient reduction and sediment control.
Sec. 2302. Voluntary public access and habitat incentive program.

Subtitle D—Administration and Funding

Sec. 2401. Funding of conservation programs under Food Security Act of 1985.
Sec. 2402. Improved provision of technical assistance under conservation programs.
Sec. 2403. Cooperative conservation partnership initiative.
Sec. 2404. Regional equity and flexibility.
Sec. 2405. Administrative requirements for conservation programs.
Sec. 2406. Annual report on participation by specialty crop producers in conservation programs.
Sec. 2407. Promotion of market-based approaches to conservation.
Sec. 2408. Establishment of State technical committees and their responsibilities.
Sec. 2409. Payment limitations.

Subtitle E—Miscellaneous Provisions

Sec. 2501. Inclusion of income from affiliated packing and handling operations as income derived from farming for application of adjusted gross income limitation on eligibility for conservation programs.
Sec. 2502. Encouragement of voluntary sustainability practices guidelines.
Sec. 2503. Farmland resource information.

TITLE III—TRADE

Sec. 3001. Agricultural Trade Development and Assistance Act of 1954.
Sec. 3002. Export credit guarantee program.
Sec. 3003. Market access program.
Sec. 3004. Food for Progress Act of 1985.
Sec. 3005. McGovern-Dole International Food for Education and Child Nutrition program.
Sec. 3006. Bill Emerson Humanitarian Trust.
Sec. 3007. Technical assistance for specialty crops.
Sec. 3008. Technical assistance for the resolution of trade disputes.
Sec. 3009. Representation by the United States at international standard-setting bodies.
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SEC. 1001. DEFINITIONS.

In this title:

(1) AGRICULTURAL ACT OF 1949.—The term "Agricultural Act of 1949" means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 171 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301), section 1602(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992(b)), and section 1502(b) of this Act.

(2) BASE ACRES.—The term "base acres", with respect to a covered commodity on a farm, means the number of acres established under sections 1101 and 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7952), as in effect on the day before the date of the enactment of this Act, subject to any adjustment under section 1101 of this Act.

(3) COMPARABLE UNITED STATES QUALITY.—The term "Comparable United States Quality", with respect to upland cotton, means upland cotton classified as Middling (M) $1\frac{3}{32}$-inch cotton with a micronaire of 3.7 to 4.2, strength 30 grams per tex, and uniformity of 83.

(4) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers on a farm under section 1103 or 1104.

(5) COVERED COMMODITY.—The term "covered commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, peanuts, and other oilseeds.

(6) DIRECT PAYMENT.—The term "direct payment" means a payment made to producers on a farm under section 1102.

(7) EFFECTIVE PRICE.—The term "effective price", with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1103 to determine whether counter-cyclical payments are required to be made for that crop year under that section.

(8) EXTRA LONG STAPLE COTTON.—The term "extra long staple cotton" means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) FAR EAST PRICE.—The term "Far East price" means the Friday through Thursday average price quotation for the three lowest-priced growths of upland cotton, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C/F Far East.

(10) LOAN COMMODITY.—The term "loan commodity" means wheat, corn, grain sorghum, feed barley, malt barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, short grain rice, soybeans, peanuts, other oilseeds, wool, mohair, honey, dry peas, lentils, and small chickpeas.

(11) OTHER OILSEED.—The term "other oilseed" means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or, if designated by the Secretary, another oilseed.

(12) PAYMENT ACRES.—The term "payment acres", with respect to a covered commodity on a farm, means 85 percent of the base acres for the covered commodity, on which direct payments and counter-cyclical payments are made.

(13) PAYMENT YIELD.—The term "payment yield" means the yield established for direct payments and counter-cyclical payments under section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912; 7952), as in effect on the day before the date of the enactment of this Act, for a farm for a covered commodity.

(14) PRODUCER.—

(A) IN GENERAL.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(15) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(16) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(17) TARGET PRICE.—The term "target price" means the price per bushel (or other appropriate

unit in the case of upland cotton, rice, peanuts, and other oilseeds) of a covered commodity used to determine the payment rate for counter-cyclical payments under section 1103.

(18) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

(19) UNITED STATES PREMIUM FACTOR.—The term "United States Premium Factor" means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) $1\frac{1}{8}$-inch cotton and for M $1\frac{3}{32}$-inch exceeds the difference in the applicable premiums for comparable international qualities delivered C/F Far East.

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. ADJUSTMENTS TO BASE ACRES.

(a) TREATMENT OF CONSERVATION RESERVE CONTRACT ACREAGE.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever either of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary.

(2) SPECIAL PAYMENT RULES.—For the crop year in which a base acres adjustment under paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(B) Any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(c) PERMANENT REDUCTION IN BASE ACRES.—

(1) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(2) ADMINISTRATION.—The reduction shall be permanent and made in the manner prescribed by the Secretary.

SEC. 1102. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity, the Secretary shall make direct payments to producers on farms for which payment yields and base acres are established.

(b) PAYMENT RATE.—The payment rates used to make direct payments with respect to covered commodities for a crop year are as follows:

(1) Wheat, $0.52 per bushel.
(2) Corn, $0.28 per bushel.
(3) Grain sorghum, $0.35 per bushel.
(4) Barley, $0.24 per bushel.
(5) Oats, $0.024 per bushel.
(6) Upland cotton, $0.0667 per pound.
(7) Rice, $2.35 per hundredweight.
(8) Soybeans, $0.44 per bushel.
(9) Other oilseeds, $0.0080 per pound.
(10) Peanuts, $36.00 per ton.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—In the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—At the option of the producers on a farm, up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years shall be paid to the producers in advance.

(B) MONTH.—

(i) SELECTION.—The producers shall select the month within which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested through the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

(e) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total direct payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the direct payment to the producer.

SEC. 1103. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B, except that, for the purpose of calculating counter-cyclical payments under this section for rice and barley, the Secretary shall establish national average all rice and all barley loan rates.

(2) The payment rate in effect for the covered commodity under section 1102 for the purpose of making direct payments with respect to the covered commodity.

(c) TARGET PRICE.—For purposes of subsection (a), the target prices for covered commodities shall be as follows:

(1) Wheat, $4.15 per bushel.
(2) Corn, $2.63 per bushel.
(3) Grain sorghum, $2.57 per bushel.
(4) Barley, $2.73 per bushel.
(5) Oats, $1.50 per bushel.
(6) Upland cotton, $0.70 per pound.
(7) Rice, $10.50 per hundredweight.
(8) Soybeans, $6.10 per bushel.
(9) Other oilseeds, $0.1150 per pound.
(10) Peanuts, $495.00 per ton.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—If the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, the Secretary shall make the counter-cyclical payments for the crop as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(3) TIME FOR PARTIAL PAYMENTS FOR 2008 THROUGH 2010 CROP YEARS.—If the Secretary is required to make partial payments available under paragraph (2) for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 6 months of the marketing year for the covered commodity; and

(B) the final partial payment shall be made as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for each of the 2008 through 2010 crop years shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

(g) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total counter-cyclical payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the counter-cyclical payment to the producer.

SEC. 1104. AVAILABILITY OF REVENUE-BASED COUNTER-CYCLICAL PAYMENTS.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF REVENUE-BASED COUNTER-CYCLICAL PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1103 with respect to each covered commodity on a farm, the Secretary shall give the producers on the farm an opportunity to elect to instead receive revenue-based counter-cyclical payments under this section for the 2008 through 2012 crop years.

(2) SINGLE ELECTION; TIME FOR ELECTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall provide notice to producers regarding their opportunity to make the election described in paragraph (1). The notice shall include the following:

(A) Notice that the opportunity of the producers on a farm to make the election is being provided only once.

(B) Information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive counter-cyclical payments under section 1103 for all covered commodities on the farm.

(b) PAYMENT REQUIRED.—In the case of producers on a farm who make the election under subsection (a) to receive revenue-based counter-cyclical payments, the Secretary shall make revenue-based counter-cyclical payments to such producers with respect to a covered commodity on the farm, if the Secretary determines that the national actual revenue per acre for the covered commodity is less than the national target revenue per acre for the covered commodity, as determined pursuant to this section.

(c) NATIONAL ACTUAL REVENUE PER ACRE.—For each covered commodity for each of the 2008 through 2012 crop years, the Secretary shall establish a national actual revenue per acre by multiplying the national average yield for the given year by the higher of—

(1) the national average market price received by producers of the covered commodity during the 12-month marketing year established by the Secretary; or

(2) the loan rate for the covered commodity under section 1202, except that, for the purpose of calculating national actual revenue per acre for rice and barley, the Secretary shall establish national average all rice and all barley loan rates.

(d) NATIONAL TARGET REVENUE PER ACRE.—The national target revenue per acre shall be, on a per acre basis, as follows:

(1) Wheat, $149.92.
(2) Corn, $344.12.
(3) Grain Sorghum, $131.28.
(4) Barley, $153.30.
(5) Oats, $92.10
(6) Upland cotton, $496.93.
(7) Rice, $548.06.
(8) Soybeans, $231.87.
(9) Other oilseeds, $129.18.
(10) Peanuts, $683.83.

(e) NATIONAL PAYMENT YIELD.—The national payment yield shall be as follows:

(1) Wheat, 36.1 bushels per acre.
(2) Corn, 114.4 bushels per acre.
(3) Grain Sorghum, 58.2 bushels per acre.
(4) Barley, 48.6 bushels per acre.
(5) Oats, 49.8 bushels per acre.
(6) Upland cotton, 634 pounds per acre.
(7) Rice, 51.28 hundredweight per acre.
(8) Soybeans, 34.1 bushels per acre.
(9) Other oilseeds, 1167.6 pounds per acre.
(10) Peanuts, 1.496 tons per acre.

(f) NATIONAL PAYMENT RATE.—The national payment rate used to make revenue-based counter-cyclical payments for a crop year shall be the result of—

(1) the difference between the national target revenue per acre for the covered commodity and the national actual revenue per acre for the covered commodity; divided by

(2) the national payment yield for the covered commodity.

(g) PAYMENT AMOUNT.—If revenue-based counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year for the covered commodity shall be equal to the product of—

(1) the national payment rate for the covered commodity;

(2) the payment acres of the covered commodity on the farm; and

(3) the payment yield for counter-cyclical payments for the covered commodity.

(h) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—If the Secretary determines that revenue-based counter-cyclical payments are required to be made under this section for the crop of a covered commodity, the Secretary shall make the counter-cyclical payments for the crop as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that revenue-based counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the revenue-based counter-cyclical payments projected to be made for that crop of the covered commodity.

(3) TIME FOR PARTIAL PAYMENTS FOR 2008 THROUGH 2010 CROP YEARS.—If the Secretary is required to make partial payments available under paragraph (2) for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 6 months of the marketing year for the covered commodity; and

(B) the final partial payment shall be made as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected revenue-based counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for each of the 2008 through 2010 crop years shall be equal to the difference between—

(i) the actual revenue-based counter-cyclical payments to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers on a farm under subparagraph (A) for that crop year.

(5) REPAYMENT.—Producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual revenue-based counter-cyclical payments to be made for the covered commodity for that crop year.

(i) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total revenue-based counter-cyclical payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the revenue-based counter-cyclical payment to the producer.

SEC. 1105. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1106;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm for an agricultural or conserving use, and not for a nonagricultural commercial or industrial use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary.

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers

on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments and counter-cyclical payments among the producers on a farm on a fair and equitable basis.

SEC. 1106. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—In addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project in the State of Indiana under which paragraphs (1) and (2) of subsection (b) shall not limit the planting of tomatoes grown for processing on up to 10,000 base acres during each of the 2008 through 2012 crop years.

(2) CONTRACT AND MANAGEMENT REQUIREMENTS.— To be eligible for selection to participate in the pilot project, a producer must—

(A) have a contract to grow tomatoes for processing; and

(B) agree to produce the tomatoes as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits.

(3) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted to tomatoes under the pilot program.

(4) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (3) shall expire at the end of the crop year, unless the producers on the farm elect to continue to participate in the pilot project for the subsequent crop year.

(5) RECALCULATION OF BASE ACRES.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of tomatoes under the pilot project shall be considered to be the same as the planting, prevented planting, or production of a covered commodity. Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

SEC. 1107. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) TREATMENT OF CERTAIN COMMINGLED COMMODITIES.—In carrying out this subtitle, the Secretary shall make loans to producers on a farm that would be eligible to obtain a marketing assistance loan, but for the fact the loan commodity owned by the producers on the farm commingled with loan commodities of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producers obtaining the loan agree to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286).

(d) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) PEANUT-RELATED LOAN PROVISIONS.—

(1) OPTIONS FOR OBTAINING LOANS.—A marketing assistance loan for peanuts under this section and loan deficiency payments for peanuts under section 1205 may be obtained at option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(2) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(3) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) LOAN RATES.—The loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of malt barley, $2.50 per bushel.

(5) In the case of feed barley, $1.90 per bushel.

(6) In the case of oats, $1.46 per bushel.

(7) In the case of the base quality of upland cotton, $0.52 per pound.

(8) In the case of extra long staple cotton, $0.7977 per pound.

(9) In the case of long grain rice, $6.50 per hundredweight.

(10) In the case of medium grain rice and short grain rice, $6.50 per hundredweight.

(11) In the case of soybeans, $5.00 per bushel.

(12) In the case of other oilseeds, $0.1070 per pound for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(13) In the case of dry peas, $5.40 per hundredweight.

(14) In the case of lentils, $11.28 per hundredweight.

(15) In the case of small chickpeas, $8.54 per hundredweight.

(16) In the case of peanuts, $355.00 per ton.

(17) In the case of graded wool, $1.10 per pound.

(18) In the case of nongraded wool, $0.40 per pound.

(19) In the case of honey, $0.60 per pound.

(20) In the case of mohair, $4.20 per pound.

(b) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(12).

(c) SPECIAL RULES FOR CORN AND GRAIN SORGHUM.—

(1) SINGLE COUNTY AND NATIONAL AVERAGE LOAN RATE.—The Secretary shall—

(A) establish a single county loan rate for corn and grain sorghum in each county;

(B) establish a single national average loan rate for corn and grain sorghum; and

(C) determine each county loan rate and the national average loan rate for corn and grain sorghum and any and all other program loan rates applicable to corn and grain sorghum from a data set that includes prices for both commodities.

(2) ADMINISTRATION.—With respect to corn and grain sorghum, the Secretary—

(A) shall administer the applicable loan, marketing loan, counter-cyclical payment, and related programs from a single loan rate for corn and grain sorghum that. is identical in each individual county;

(B) shall provide that any adjustment in the loan rate for location shall be determined and applied on the basis of the combined data set such that any transportation adjustment shall be the same for corn and grain sorghum in each individual county; and

(C) may provide for adjustments for grade, type, and quality as appropriate for the corn or grain sorghum involved in each specific transaction.

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, short grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at the lesser of the following:

(1) The loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(2) A rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries, if applicable.

(b) REPAYMENT RATES FOR UPLAND COTTON AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, medium grain rice, and short grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for upland cotton, which shall be based on the Far East price of upland cotton;

(2) a formula to determine the prevailing world market price for—

(A) long grain rice; and

(B) medium and short grain rice;

(3) a mechanism by which the Secretary will announce periodically the prevailing world market price for upland cotton, long grain rice, and medium and short grain rice; and

(4) a mechanism by which the Secretary will make the adjustments, required by subsection (e), to the prevailing world market price for upland cotton, long grain rice, and medium and short grain rice.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON AND RICE.—

(1) RICE.—The prevailing world market price for long grain, medium grain, and short grain rice determined in subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton, determined in subsection (d) shall be—

(A) adjusted to United States quality and location, with such quality adjustment to include—

(i) any existing United States loan schedule premiums for Comparable United States Quality; and

(ii) a reduction equal to any United States Premium Factor to upland cotton of a quality higher than Middling (M) $1\frac{3}{32}$-inch; and

(B) adjusted to take into account average costs to market the commodity, including average transportation costs, as determined by the Secretary.

(f) ADDITIONAL ADJUSTMENT AUTHORITY REGARDING PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(1) IN GENERAL.—During the period beginning on the date of the enactment of this Act through July 31, 2013, the Secretary may further adjust the prevailing world market price for upland cotton (adjusted under subsection (d)) if the Secretary determines such adjustment necessary—

(A) to minimize potential loan forfeitures;

(B) to minimize the accumulation of stocks of the commodity by the Federal Government;

(C) to allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally;

(D) to ensure that United States cotton is competitive in world markets; and

(E) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of the current marketing year only if there are less than three current-crop price quotations and only if such forward-crop price quotation is the lowest such quotation available.

(2) GUIDELINES FOR ADDITIONAL ADJUSTMENT.—In further adjusting the prevailing world market price for upland cotton under this subsection, the Secretary shall establish a mechanism for determining and announcing such adjustments in order to avoid undue disruption in the United States market.

(g) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(h) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of the enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C/F Far East, exceeds the Far East price there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (1) and entered into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) DEMAND.—The term "demand" means—

(i) the average seasonally adjusted annual rate of domestic mill consumption during the most recent 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) ISSUANCE OF MARKETING CERTIFICATES OR CASH PAYMENTS.—During the period beginning on the date of the enactment of this Act through July 31, 2013, the Secretary shall issue, on a monthly basis, marketing certificates or cash payments, at the option of the recipient, to domestic users of upland cotton for all documented use of upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be 4 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that such funds shall be used only for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as determined necessary to carry out the provisions of this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be liable to repay such assistance to the Secretary, plus interest, as determined by the Secretary, and shall be ineligible to participate in the program established by this subsection for a period of 12 months following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment

of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

(e) FORM OF PAYMENT.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. DEADLINE FOR REPAYMENT OF MARKETING ASSISTANCE LOAN FOR PEANUTS.

(a) JUNE 30 REDEMPTION DEADLINE.—Notwithstanding any other provision of law, a marketing assistance loan for peanuts may not be redeemed after June 30 of the year subsequent to the year in which the peanuts were harvested.

(b) EFFECT OF FAILURE TO REDEEM.—A marketing assistance loan for peanuts that is not redeemed before the deadline imposed by subsection (a) shall be deemed to be forfeited to the Commodity Credit Corporation.

SEC. 1211. COMMODITY QUALITY INCENTIVE PAYMENTS FOR HEALTHY OILSEEDS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to the availability of funds for this purpose, the Secretary shall provide commodity quality incentive payments during the 2009 through 2013 crop years for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed that has, as determined by the Secretary—

(1) been demonstrated to reduce or eliminate the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; and

(2) 1 or more traits for which compelling impediments to commercialization have been identified.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—An entity may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) each trait of the oilseed described in subsection (b)(2) and the value of the trait as a matter of public policy;

(B) the projected market size and value of the trait;

(C) the projected impact of the proposal on—

(i) the future price of loan commodities; and

(ii) if appropriate, on Federal Government farm program outlays to support loan commodities;

(D) a range for the amount of total per bushel premiums to be paid to producers;

(E) a per bushel amount of incentive payments requested for each year under this section that—

(i) does not exceed ⅓ of the total premium offered for any year; and

(ii) declines over time;

(F) the period of time, of not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis so as to allow successful applicants to offer production contracts to producers beginning in advance of the spring planting season for the 2009 crop year.

(2) MULTIYEAR CONTRACTS.—A successful applicant may enter into a multiyear contract with—

(A) a specific group of producers; or

(B) various groups of producers.

(3) TIMING OF PAYMENTS.—The Secretary shall make payments under this section after the Secretary receives documentation that the total premium offered for crops produced under a contract (including the amount of incentive payments) has been made to covered producers.

(e) ADMINISTRATION.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent years under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. SUGAR PROGRAM.

"(a) SUGARCANE.—The Secretary shall make loans for raw cane sugar available to processors of domestically grown sugarcane at a rate equal to 18.5 cents per pound for each of the 2008 through 2012 crop years.

"(b) SUGAR BEETS.—The Secretary shall make loans for refined beet sugar available to processors of domestically grown sugar beets at a rate equal to 23.5 cents per pound for each of the 2008 through 2012 crop years.

"(c) TERM OF LOANS.—

"(1) IN GENERAL.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

"(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

"(B) the end of the fiscal year in which the loan is made.

"(2) SUPPLEMENTAL LOANS.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

"(A) be made at the loan rate in effect at the time the first loan was made; and

"(B) mature in 9 months less the quantity of time that the first loan was in effect.

"(d) LOAN TYPE; PROCESSOR ASSURANCES.—

"(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

"(2) PROCESSOR ASSURANCES.—

"(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

"(B) MINIMUM PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

"(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

"(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

"(e) LOANS FOR IN-PROCESS SUGAR.—

"(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

"(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

"(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

"(4) FURTHER PROCESSING ON FORFEITURE.—

"(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

"(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

"(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

"(i) the difference between—

"(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

"(II) the loan rate the processor received under paragraph (3); by

"(ii) the quantity of sugar transferred to the Secretary.

"(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

"(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

"(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

"(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) INVENTORY DISPOSITION.—

"(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

"(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

"(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

"(g) INFORMATION REPORTING.—

"(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

"(2) DUTY OF PRODUCERS TO REPORT.—

"(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

"(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

"(3) DUTY OF IMPORTERS TO REPORT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

"(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

"(4) COLLECTION OF INFORMATION ON MEXICO.—

"(A) COLLECTION.—The Secretary shall collect—

"(i) information on the production, consumption, stocks and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

"(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups, including United States exports of high fructose corn syrups to Mexico.

"(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

"(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

"(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

"(h) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

"(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane."

(b) TRANSITION.—The Secretary of Agriculture shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of the enactment of this Act.

SEC. 1302. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary of Agriculture shall work with the Secretary of State to restore United States membership in the International Sugar Organization within one year after the date of enactment of this Act.

SEC. 1303. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITION OF HUMAN CONSUMPTION.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products.".

(b) SUGAR ALLOTMENTS.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

"SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

"(a) SUGAR ESTIMATES.—

"(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

"(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

"(B) the quantity of sugar that would provide for reasonable carryover stocks;

"(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

"(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether such articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

"(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

"(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but no later than the beginning of each of the second through fourth quarters of the crop year.

"(b) SUGAR ALLOTMENTS.—

"(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether such sugar beets or in-process beet sugar was produced domestically or imported) at a level sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

"(2) MINIMUM.—The level of allotments established under paragraph (1) may not be less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(3) PRODUCTS.—The Secretary may include sugar products, whose majority content is sucrose, in the allotments established under paragraph (1) if the Secretary determines that the inclusion of such sugar products is appropriate for controlling the supply of sugar for human consumption.

"(c) COVERAGE OF ALLOTMENTS.—

"(1) IN GENERAL.—The marketing allotments provided for in this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane or sugar beets or in-process beet sugar (whether such sugar beets or in-process beet sugar was produced domestically or imported).

"(2) EXCEPTIONS.—Consistent with the administration of marketing allotments during crop years 2002 through 2007, the marketing allotments shall not apply to sugar sold—

"(A) to facilitate the exportation of such sugar to a foreign country, except that such exports of sugar shall not be eligible to receive credits under re-export programs for refined sugar or sugar containing products administered by the Secretary;

"(B) to enable another processor to fulfill an allocation established for such other processor, except that such sales must be made before May 1 and must be reported to the Secretary; or

"(C) for uses other than domestic human consumption.

"(d) PROHIBITIONS.—

"(1) IN GENERAL.—During any crop year or portion thereof for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for such processor, except to enable another processor to fulfill an allocation established for such other processor or to facilitate the exportation of such sugar.

"(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.

"(3) DEFINITION OF MARKET.—For purposes of this part, the term 'market' shall mean to sell or otherwise dispose of in commerce in the United States, including—

"(A) the forfeiture of sugar under the loan program for sugar under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) and such forfeited sugar shall be deemed to have been marketed during the crop year in which the loan was made;

"(B) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

"(C) the sale of sugar for the production of ethanol or other bioenergy product, if such ethanol or bioenergy product is the subject of a payment under the feedstock flexibility program for bioenergy producers.".

(c) ESTABLISHMENT.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) OVERALL ALLOTMENT QUANTITY.—

"(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (in this part referred to as the 'overall allotment quantity') at a level sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation.

"(2) MINIMUM.—The overall allotment quantity established under paragraph (1) may not be less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(3) ADJUSTMENT.—Subject to paragraphs (1) and (2), the Secretary shall adjust the overall allotment quantity—

"(A) to maintain raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

"(B) to maintain adequate supplies of raw and refined sugar in the domestic market.";

(2) in subsection (d)(2), by inserting before the period the following: "or in-process beet sugar";

(3) in subsection (g)(1), by inserting at the end the following new sentence: "However, the overall allotment quantity may not be reduced to a quantity less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year."; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking "Except as otherwise provided in section 359f(c)(8), if" and inserting "If"; and

(2) in paragraph (2), by striking subparagraphs (H) and (I) and inserting the following new subparagraph:

"(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

"(i) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATING SINCE BEFORE 1998.—If a New Entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

"(I) assign an allocation for beet sugar to the New Entrant that provides a fair and equitable distribution of the allocations for beet sugar in order to enable the New Entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly situated processors; and

"(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the New Entrant.

"(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—If a New Entrant acquires an existing factory that has processed sugar beets from the 1998 or later crop years and has a production history, then, upon the mutual agreement of the New Entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the New Entrant a portion of allocation of the current allocation holder to reflect the historical contribution of the production of the acquired factory to the total allocation of the current allocation holder. In the absence of mutual agreement, the new entrant shall be ineligible for a beet sugar allocation.

"(iii) APPEALS.—Any decision made under this subsection may be appealed to the Secretary pursuant to section 359i.

"(iv) DEFINITION.—In this subparagraph, the term 'New Entrant' means an individual, corporation, or other entity that does not have an allocation of the beet sugar allotment under this part, is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (known as a 'third party'), and will process sugar beets produced by sugar beet growers under contract with the New Entrant for the production of sugar at the new or re-opened factory that is the basis for the New Entrant allocation.

"(v) AFFILIATION.—For purposes of this subparagraph, a New Entrant and a third party shall be deemed to be 'affiliated' if—

"(I) the third party has an ownership interest in the New Entrant;

"(II) the New Entrant and the third party have owners in common;

"(III) the third party has the ability to exercise control over the New Entrant by organizational rights, contractual rights, or any other means;

"(IV) the third party has a contractual relationship with the New Entrant by which the New Entrant will make use of the facilities or assets of such third party; or

"(V) any other similar circumstance exists by which the Secretary determines that the New Entrant and the third party are affiliated.".

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in both paragraphs (1)(D) and (2)(C) by inserting "of raw cane sugar" after "imports".

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) in paragraph (2), by striking "quantity of sugarcane" and inserting "quantity of sugar produced from sugarcane";

(2) in paragraph (5)(C), by inserting "for sugar" before "in excess of the farm's proportionate share";

(3) in paragraph (7), by striking "amount of sugarcane" and inserting "amount of sugar from sugarcane"; and

(4) by striking paragraph (8) and inserting the following new paragraph:

"(8) SEED DEFINITION.—In this subsection, the term 'seed' includes only varieties of seed dedicated to the production of sugarcane from which is produced sugar for human consumption, and excludes seed of high-fiber cane varieties dedicated to other uses, as determined by the Secretary.".

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) TRANSFER OF ACREAGE BASE HISTORY.—

"(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

"(2) CONVERTED ACREAGE BASE.—

"(A) IN GENERAL.—Sugarcane base acreage established under section 359f(c) that has been or is converted to non-agricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

"(B) NOTIFICATION.—Not later than 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, or the subsequent conversion of sugarcane base acreage to a non-agricultural use, the Secretary, acting through the Farm Service Agency, shall notify the affected landowner (or landowners) of the transferability of the applicable sugarcane base acreage.

"(C) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to one or more farms owned by the owner.

"(D) GROWER OF RECORD.—If the transfer under subparagraph (C) cannot be accomplished within the time period prescribed in such subparagraph, then the grower of record with regard to the base acreage on the date on which the acreage was converted to non-agricultural use shall be so notified, and shall be afforded 90 days from the date of the receipt of such notification to transfer the base to one or more farms operated by the grower.

"(E) POOL DISTRIBUTION.—If the transfers under subparagraphs (B) and (C) cannot be accomplished within the time periods prescribed therein, then the county committee for the applicable parish shall place the acreage base in a pool for possible assignment to other farms. After providing reasonable notice to farm owners, operators, and growers of record in the parish, the county committee shall accept requests from owners, operators, and growers of record in the parish. The county committee shall assign the base to other farms in the parish that are eligible and capable of accepting such base, based on a random drawing from among the requests received from owners, operators, and growers of record with eligible farms.

"(F) STATEWIDE REALLOCATION.—Any base remaining unassigned after the processes in subparagraphs (A) through (E) shall be made available to the State committee for allocation among the remaining county committees in the State representing parishes with farms eligible for assignment of the base. The remaining base shall be reallocated to requesting county committees based on a random drawing. Any county committee receiving base under this subparagraph shall allocate the base to eligible farms using the process described in subparagraph (E).

"(G) STATUS OF REASSIGNED BASE.—Once reassigned pursuant to this paragraph, the acreage base shall remain on the farm, and will be subject to the transfer provisions of paragraph (1).";

(2) by striking subsection (d) and inserting the following new subsection:

"(d) TRANSFERS OF MILL ALLOCATIONS.—

"(1) TRANSFER AUTHORIZED.—A producer in a proportionate share State, upon written consent from all affected crop-share owners (or the representative of the crop-share owners) of a farm may deliver sugarcane to another processing company if the additional delivery, when combined with such other processing company's existing deliveries, does not exceed the processing capacity of the company.

"(2) ALLOCATION ADJUSTMENT.—Notwithstanding section 359d, the Secretary shall adjust the allocations of each of such processing companies affected by a transfer under paragraph (1) to reflect the change in deliveries, based on—

"(A) the number of acres of sugarcane base being transferred; and

"(B) the pro-rata amount of allocation at the processing company holding the applicable allocation that equals the grower's contribution to the processing company's allocation for the sugarcane base acres being transferred.".

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting "or 359g(d)" after "359f"; and

(2) by striking subsection (c).

(i) ADMINISTRATION OF TARIFF RATE QUOTAS.—The Agricultural Adjustment Act of 1938 is amended by striking section 359k (7 U.S.C. 1359kk) and inserting the following new section:

"SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

"(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum necessary to comply with obligations under international trade agreements that have been approved by the Congress. This subsection shall not apply to specialty sugar.

"(b) ADJUSTMENT.—

"(1) BEFORE APRIL 1.—

"(A) INITIAL ADJUSTMENT REQUIRED.—Before April 1 of a fiscal year, in the event that there is an emergency shortage of sugar in the United States market that is caused by war, floods, hurricanes, or other natural disaster, or other similar event, the Secretary shall take action to increase supply as provided under sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports.

"(B) ADDITIONAL ADJUSTMENT.—If, after adjustment under subparagraph (A), there is still a shortage of sugar in the United States market, and marketings of domestic sugar have been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if such further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

"(2) ON OR AFTER APRIL 1.—

"(A) INITIAL ADJUSTMENT AUTHORIZED.—On or after April 1 of a fiscal year, the Secretary may take action to increase supply as provided under sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports.

"(B) ADDITIONAL ADJUSTMENT.—If, after adjustment under subparagraph (A), there is still a shortage of sugar in the United States market, and marketings of domestic sugar have been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if such further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

"(c) ORDERLY SHIPPING PATTERNS FOR MAJOR SUPPLIERS.—

"(1) IN GENERAL.—The Secretary of Agriculture shall establish orderly shipping patterns for major suppliers of sugar to the United States under the tariff rate quotas in accordance with this subsection.

"(2) VERY LARGE MAJOR SUPPLIERS.—If a country holds quota allocations of at least 100,000 metric tons of sugar, the Secretary shall allow the country to export up to 25 percent of the country's quota allocation to the United States in each calendar quarter. Sugar permitted to enter into the United States in a calendar quarter, but not actually entered in that quarter, may be entered into the United States at any time during the remainder of the fiscal year.

"(3) LARGE MAJOR SUPPLIERS.—For countries holding quota allocations of more than 45,000 metric tons of sugar, but less than 100,000 metric tons of sugar, the Secretary shall require that the country may ship not more than 50 percent of the country's quota sugar to the United States in the first six months of the year.".

(j) EFFECTIVE DATE.—The Agricultural Adjustment Act of 1938 is amended by inserting after section 359k (7 U.S.C. 1359kk) the following new section:

"SEC. 359l. EFFECTIVE PERIOD.

"This part shall be effective only for the 2008 through 2012 crop years for sugar.".

(k) TRANSITION.—The Secretary of Agriculture shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in part VII of title III of the Agricultural Adjustment Act of 1938, as in effect on the day before the date of the enactment of this Act.

Subtitle D—Dairy-Related Provisions

SEC. 1401. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, through December 31, 2012, the Secretary of Agriculture shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(b) PURCHASE PRICE.—To carry out subsection (a) during the period specified in such subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(c) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (b) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 200 million pounds of cheese, but do not exceed 400 million pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (b) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 400 million pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (b) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 450 million pounds of butter, but do not exceed 650 million pounds, the Secretary may reduce the purchase price under

subsection (b)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 650 million pounds of butter, the Secretary may reduce the purchase price under subsection (b)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 600 million pounds of nonfat dry milk, but do not exceed 800 million pounds, the Secretary may reduce the purchase price under subsection (b)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 800 million pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (b)(4) during the immediately following month by not more than 10 cents per pound.

(d) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (a) shall be uniform for all regions of the United States.

(e) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (b) that is available for unrestricted use in inventories of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (b) for that commodity.

(f) NET REMOVALS DEFINED.—In this section, the term "net removals" means—

(1) the sum of the quantity of a product described in subsection (a) purchased by the Commodity Credit Corporation under this section and the quantity of such product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the amount of such product sold for unrestricted use by the Commodity Credit Corporation.

(g) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds of the Commodity Credit Corporation to carry out this section.

SEC. 1402. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Agriculture shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be deemed to satisfy —

(1) all uniform and minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 627), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of paragraph (C) of such subsection.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with the limitation in paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the handler's obligations with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers, and such producer or cooperative association may continue to have their milk priced under the order's minimum payment provisions. The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts, and if the Secretary finds evidence of such coercion, the Secretary shall take appropriate action.

(e) DURATION.—No forward price contract may be entered into under this program after September 30, 2012, and no forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1403. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Subsection (a) of section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by striking "2007" and inserting "2012".

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act (Public Law 99-198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and"; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

"(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act (Public Law 99-198; 7 U.S.C. 1731 note) during that year.".

SEC. 1404. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Subsection (17) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended to read as follows:

"(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

"(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d, applicable to orders shall be applicable to amendments to orders.

"(B) ADVANCE NOTICE OF HEARING.—Notice of a hearing upon a proposed amendment to any order issued pursuant to this section shall be given not less than 3 days before the date fixed for the hearing, and such notice shall be deemed to be due notice of the hearing.

"(C) PROMPT RESPONSE TO REQUESTS FOR AMENDMENT HEARINGS.—Not more than 30 days after receipt of a written request for an amendment hearing regarding a milk marketing order, the Secretary shall—

"(i) issue a denial of the request; or

"(ii) issue notice of the hearing, which shall begin no more than 60 days, and conclude no more than 90 days, after receipt of the request.

"(D) SUBMISSION AND USE OF EVIDENCE.—The proponents of any amendment proposed to be made to a milk marketing order shall file with the Secretary all testimony and other evidence in support of the amendment, in written form, at least 7 business days before the date fixed for the hearing. The Secretary shall make such written testimony and other evidence available to interested members of the public. Subject to any evidentiary objections and cross examination of submitting witness, the written testimony and evidence shall be entered into evidence without being read at the hearing.

"(E) ISSUANCE OF DECISION.—The Secretary shall issue a recommended decision on a proposed amendment to a milk marketing order not later than 90 days after the date set by the Administrative Law Judge for the submission of post-hearing proposed findings and conclusions and written arguments or briefs. The final decision shall be issued not later than 60 days after the date on which the recommended decision was issued.

"(F) AVOIDING DUPLICATION.—The Secretary shall not be required to call a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on such proposed amendment if the application requesting the hearing is received by the Secretary within 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order and the two proposed amendments are essentially the same.".

SEC. 1405. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90-484 (7 U.S.C. 450l) is amended by striking "2007" and inserting "2012".

SEC. 1406. EXTENSION OF MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)(B)), as amended by section 9006(a) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28, 121 Stat. 217), is amended by striking "2007" and inserting "2012".

SEC. 1407. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF PROMOTION AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking "2007" and inserting "2012".

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) by striking subsection (l) and inserting the following new subsection:

"(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;"; and

(2) in subsection (m), by striking "(as defined in subsection (l))".

(c) DEFINITION OF UNITED STATES FOR RESEARCH PROGRAM.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 1408. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of these procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of the enactment of this Act.

SEC. 1409. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary of Agriculture shall establish a commission to be known as the "Federal Milk Marketing Order Review Commission", in this section referred to as the "commission", which shall conduct a comprehensive review and evaluation of—

(1) the current Federal milk marketing order system; and

(2) non-Federal milk marketing order systems.

(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) increasing the responsiveness of the Federal milk marketing order system to market forces;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy farmers;

(7) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers; and

(8) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 16 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, commission members shall be appointed as follows:

(A) Two members appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of the Committee on Agriculture of the House of Representatives.

(B) Two members appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of the Committee on Agriculture, Nutrition and Forestry of the Senate.

(C) Fourteen members appointed by the Secretary of Agriculture.

(3) SPECIAL APPOINTMENT REQUIREMENTS.—In the case of the members to be appointed under paragraph (2)(E), the Secretary shall comply with the following requirements:

(A) At least one member shall represent a national consumer organization.

(B) At least four members shall represent land-grant universities or ASCARR institution with accredited dairy economic programs, with two of these members being experts in the field of economics.

(C) At least one member shall represent the food and beverage retail sector.

(D) Four dairy producer and four dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(4) CHAIR.—The commission shall elect one of its appointed members to serve as chairperson for the duration of the commission's proceedings.

(5) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(6) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary of Agriculture from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—Not later than two years after the date of the first meeting of the commission, the commission shall submit to the Secretary of Agriculture and Congress a report setting forth the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate. The report findings shall reflect, to the extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are non-binding.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decision making process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend such funds as necessary from existing budget authority to carry out this responsibility.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate immediately after submission of the report under subsection (d).

Subtitle E—Administration

SEC. 1501. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under subtitles A through E that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)), as in effect on the date of enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

SEC. 1502. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1503. PAYMENT LIMITATIONS.

(a) EXTENSION AND REVISION OF LIMITATIONS.—

(1) EXTENSION.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking "Farm Security and Rural Investment Act of 2002" each place it appears (other than in subsection (d)(1) of section 1001 of such Act) and inserting "Farm, Nutrition, and Bioenergy Act of 2007".

(2) COMBINATION OF LIMITS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is

amended by striking subsections (b) and (c) and inserting the following new subsections:

"(b) LIMITATION ON DIRECT AND COUNTER-CYCLICAL PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership) in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for 1 or more covered commodities (except for peanuts) may not exceed $60,000.

"(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for one or more covered commodities (except for peanuts) may not exceed $65,000.

"(c) LIMITATION ON DIRECT AND COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership) in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for peanuts may not exceed $60,000.

"(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for peanuts may not exceed $65,000.".

(b) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

"(A) owns land or an agricultural commodity; or

"(B) produces an agricultural commodity.

"(3) PERSON.—The term 'person' means a natural person, and does not include a legal entity.";

(2) by striking subsections (d) through (e) and inserting the following new subsections:

"(d) ATTRIBUTION OF PAYMENTS.—

"(1) IN GENERAL.—In implementing subsections (b) and (c), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive such payments.

"(2) PAYMENTS TO A PERSON.—Every payment made directly to a person shall be combined with the person's pro rata interest in payments received by a legal entity in which the person has a direct or indirect ownership interest.

"(3) PAYMENTS TO A LEGAL ENTITY.—

"(A) IN GENERAL.—Every payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity.

"(B) ATTRIBUTION OF PAYMENTS.—

"(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

"(ii) EXCEPTION.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

"(4) FOUR LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

"(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through four levels of ownership in entities.

"(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier entity by the person.

"(C) SECOND LEVEL.—Any payments made to a first-tier entity that is owned in whole or in part by another legal entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the second-tier entity's ownership in the first-tier entity. If the second-tier entity is owned in whole or in part by a person, the amount of the payment made to the first-tier entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier entity by the person.

"(D) THIRD AND FOURTH LEVELS.—The Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C) unless the fourth-tier of ownership is that of a fourth-tier entity and not that of a person, in which case the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that represents the indirect ownership in the first-tier entity by the fourth-tier entity.

"(e) SPECIAL RULES.—

"(1) MINOR CHILDREN.—Payments received by a child under the age of 18 shall be attributed to the child's parents, except that the Secretary shall issue regulations which provide the conditions under which payments received by a child under the age of 18 will not be attributed to the child's parents.

"(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by its members which are marketed by such association on behalf of its members but shall apply to such producers as persons.

"(3) TRUSTS AND ESTATES.—

"(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer the provisions of this subtitle in such manner as the Secretary determines will ensure that fair and equitable treatment of the beneficiaries of such trusts and estates.

"(B) IRREVOCABLE TRUST.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement must not allow for modification or termination of the trust by the grantor, allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust, or provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years from the date the trust is established except in cases where the transfer is contingent on the remainder beneficiary achieving at least the age of majority or is contingent on the death of the grantor or income beneficiary.

"(C) REVOCABLE TRUST.—A revocable trust shall be considered to be the same person as the grantor of the trust.

"(4) CASH RENT TENANTS.—

"(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

"(i) for cash; or

"(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

"(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation is eligible to receive a payment described in subsection (b) only if the tenant makes a significant contribution of equipment used in the farming operation.

"(5) FEDERAL AGENCIES.—

"(A) IN GENERAL.—Federal agencies shall not be eligible to receive any payment described in subsection (b) or (c).

"(B) RENTS LAND.—A person or legal entity that rents land owned by a Federal agency may receive such payments.

"(6) STATE AND LOCAL GOVERNMENTS.—

"(A) GOVERNMENTS INELIGIBLE.—

"(i) IN GENERAL.—Except as provided in subparagraphs (B) and (C), State and local governments and political subdivisions and agencies of such governments, shall not be eligible to receive payments described in subsections (b) and (c).

"(ii) TENANTS.—A person or legal entity that rents land owned by a State or local government or a political subdivision or agency of such government, may receive payments described in subsections (b) and (c) if they otherwise meet all applicable criteria.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Within the limitation described in clause (ii), a State and the political subdivisions and agencies of such governments, may receive payments described in subsections (b) and (c), if the State or a political subdivision or agency of such government—

"(I) is the producer of all crops produced on a farm; and

"(II) the proceeds from the crop production are used to maintain a public school.

"(ii) LIMITATION.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and all political subdivisions or agencies of such governments shall not exceed the amounts that one legal entity may receive in one year as specified in subsections (b) and (c).

"(C) SHARE LEASES.—A State and the political subdivisions and agencies of such governments may, without regard to the provisions of subparagraph (B), receive payments described in subsections (b) and (c) if—

"(i) the payments are received with respect to land that is share leased to a private party;

"(ii) the lease was in effect on the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007; and

"(iii) the land is used to maintain a public school.

"(7) CHANGES IN FARMING OPERATIONS.—In the administration of this subtitle, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive. The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

"(8) DENIAL OF PROGRAM BENEFITS.—

"(A) TWO YEAR DENIAL OF PAYMENT.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) for that year, and the succeeding crop year, in which the Secretary determines that the person or entity engaged in an activity in which the primary purpose of the activity was to avoid the application of the provisions of this subtitle to the person, legal entity or any other person or legal entity.

"(B) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for their benefit or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other

equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed five crop years deny the issuance of payments to the person or legal entity.

"(C) PRO RATA DENIAL.—Payments otherwise owed to a person or legal entity covered by subparagraphs (A) or (B) shall be denied in a pro rata manner based upon the ownership interest of the person or legal entity in a farm, and payments otherwise payable to the person or legal entity who is a cash rent tenant on a farm owned or under the control of such person or legal entity shall be denied.

"(9) DEATH OF OWNER.—In the event of a transfer of any ownership interest in land or a commodity as the result of the death of a program participant, the new owner of such land or commodity may, if such person is otherwise eligible to participate in the applicable program, succeed to the prior owner's contract and receive payments subject to this section without regard to the amount of payments received by the new owner. Payments made pursuant to this subsection shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.".

(c) REPEAL OF THREE-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in the section heading, by striking "prevention of creation of entities to qualify as separate persons"and inserting "notification of interests"; and

(2) by striking subsection (a) and inserting the following new subsection:

"(a) NOTIFICATION OF INTERESTS.—To facilitate administration of sections 1001 and this section, each entity or person receiving payments described in subsections (b) and (c) of section 1001 as a separate person shall provide to the Secretary of Agriculture, at such times and in such manner as prescribed by the Secretary, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires an ownership interest in such separate person and shall provide such information regarding each entity in which such separate person holds an ownership interest.".

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by striking subsection (b) and inserting the following new subsections:

"(b) ACTIVELY ENGAGED.— .

"(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) and (c) of section 1001, a person or legal entity must be actively engaged in farming as provided in this subsection or subsection (c).

"(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

"(A) a person, including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity as determined by the secretary, shall be considered to be actively engaged in farming with respect to a farm operation if—

"(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

"(I) capital, equipment, or land; and

"(II) personal labor or active personal management;

"(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

"(iii) the contributions of the person are at risk;

"(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary, including any such entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar entity as determined by the Secretary shall be considered as actively engaged in farming with respect to a farming operation if—

"(i) the entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

"(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

"(iii) the standards provided in clauses (ii) and (iii) of paragraph (A), as applied to the entity, are met by the entity;

"(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of paragraph (A), as applied to the entity, are met by the entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

"(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

"(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

"(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the landowner receives rent or income for such use of the land based on the land's production or the operation's operating results, and the person or legal entity meets the standard provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(2) ADULT FAMILY MEMBER.—With respect to a farming operation when a majority of the participants are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

"(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

"(B) such contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if such contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(5) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if such person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (5) of this subsection. No other rules with respect to custom farming shall apply in making a determination under this section.

"(6) SPOUSE.—Where one spouse is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subclause (II) of subsection (b)(2)(A)(i) of this section.

"(d) CLASSES NOT ACTIVELY ENGAGED.—

"(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

"(2) OTHER PERSONS.—Any other person determined by the Secretary as failing to meet the standards set out in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.".

(e) TRANSITION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2007 crop of any covered commodity.

SEC. 1504. ADJUSTED GROSS INCOME LIMITATION.

(a) EXTENSION OF ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

(1) in subsection (b)(2), by striking "Farm Security and Rural Investment Act of 2002" each place it appears and inserting "Farm, Nutrition, and Bioenergy Act of 2007"; and

(2) in subsection (e), by striking "2007" and inserting "2012".

(b) MODIFICATION OF LIMITATION.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) CAPS.—

"(A) UPPER LIMIT.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000.

"(B) PRODUCER EXEMPTION.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity exceeds $500,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.";

(2) in paragraph (2)(A), by striking "or C"; and

(3) by adding at the end the following new paragraph:

"(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from the following:

"(A) The production of crops, livestock, or unfinished raw forestry products.

"(B) The sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water rights.

"(C) The sale, but not as a dealer, of equipment purchased to conduct farm, ranch, or forestry operations when the equipment is otherwise subject to depreciation expense.

"(D) The rental of land used for farming, ranching, or forestry operations.

"(E) The provision of production inputs and services to farmers, ranchers, and foresters.

"(F) The processing, storing, and transporting of farm, ranch, and forestry commodities.

"(G) The sale of land that has been used for agriculture.".

SEC. 1505. ADJUSTMENTS OF LOANS.

Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) is amended—

(1) in subsection (a), by inserting "(except for cotton and long grain, medium grain, and short grain rice)" after "commodity";

(2) in subsection (b), by striking "Farm Security and Rural Investment Act of 2002" and inserting "Farm, Nutrition, and Bioenergy Act of 2007"; and

(3) by adding at the end the following new subsections:

"(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

"(1) ADJUSTMENT AUTHORITY.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

"(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

"(A) REVISION.—Within 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary, after consultation with the private sector as provided in paragraph (3), shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

"(B) MANDATORY REVISIONS.—The revisions required under subparagraph (A) shall include the following:

"(i) The elimination or adjustment of warehouse location differentials to reflect market conditions.

"(ii) The establishment of differentials for the various quality factors and staple lengths of cotton based on a three-year, weighted moving average of the weighted designated spot market regions as determined by regional production.

"(iii) The elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire;

"(iv) A mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is one better than the applicable color grade.

"(C) DISCRETIONARY REVISIONS.—The revisions under subparagraph (A) may include, at a minimum, the following:

"(i) The use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection.

"(ii) Adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of such premiums or discounts.

"(iii) Such other adjustments determined appropriate by the Secretary, after consultations conducted in accordance with paragraph (3).

"(3) CONSULTATION WITH PRIVATE SECTOR.—

"(A) PRIOR TO REVISION.—Prior to implementing any revisions to the administration of the marketing assistance loan program for upland cotton, the Secretary should endeavor to consult with an existing private sector committee whose membership includes representatives of the production, ginning, warehousing, cooperative, and merchandising segnents of the United States cotton industry and that has developed recommendations concerning such revisions.

"(B) UPON REVIEW.—The Secretary shall also consult with the committee referred to in subparagraph (A) when conducting a review of adjustments in the operation of the loan program as provided in paragraph (4).

"(C) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this paragraph with the committee referred to in subparagraph (A).

"(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program, by either revoking or revising the actions taken pursuant to paragraph (2)(B) or by revoking or revising any actions taken or authorized to be taken under paragraph (2)(B).

"(5) ADJUSTMENTS IN EFFECT PRIOR TO REVISION.—The quality differences (premiums and discounts for quality factors) applicable to the upland cotton loan program (prior to any revisions in accordance with this subsection) shall be established by the Secretary by giving equal weight—

"(A) to loan differences for the preceding crop; and

"(B) to market differences for such crop in the designated United States spot markets.

"(e) RICE LIMITATION.—With respect to long grain rice and medium and short grain rice, the Secretary shall not make adjustments in the loan rates for such commodities, except for differences in grade and quality (including milling yields).".

SEC. 1506. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking "Farm Security and Rural Investment Act of 2002" each place it appears and inserting "Farm, Nutrition, and Bioenergy Act of 2007".

SEC. 1507. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended in subsections (a) and (c)(1) by striking "subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting "subtitle B of title I of the Farm, Nutrition, and Bioenergy Act of 2007".

SEC. 1508. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under the authority of this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1509. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary shall track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1510. UPLAND COTTON STORAGE PAYMENTS.

Beginning with the 2012 crop of upland cotton, the Secretary may not use the funds of the Commodity Credit Corporation to pay storage, handling, and other costs associated with the storage of upland cotton for which a marketing assistance loan is made under section 1201.

SEC. 1511. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended by striking subsection (d).

TITLE II—CONSERVATION

Subtitle A—Conservation Programs of the Food Security Act of 1985

Sec. 2101. Conservation reserve program.
Sec. 2102. Wetlands reserve program.
Sec. 2103. Conservation security program.
Sec. 2104. Grassland reserve program.
Sec. 2105. Environmental quality incentives program.
Sec. 2106. Regional water enhancement program.
Sec. 2107. Grassroots source water protection program.
Sec. 2108. Conservation of private grazing land.
Sec. 2109. Great Lakes basin program for soil erosion and sediment control.
Sec. 2110. Farm and ranchland protection program.
Sec. 2111. Farm viability program.
Sec. 2112. Wildlife habitat incentive program.

Subtitle B—Conservation Programs Under Other Laws

Sec. 2201. Agricultural management assistance program.
Sec. 2202. Resource Conservation and Development Program.
Sec. 2203. Small watershed rehabilitation program.

Subtitle C—Additional Conservation Programs

Sec. 2301. Chesapeake Bay program for nutrient reduction and sediment control.
Sec. 2302. Voluntary public access and habitat incentive program.

Subtitle D—Administration and Funding

Sec. 2401. Funding of conservation programs under Food Security Act of 1985.
Sec. 2402. Improved provision of technical assistance under conservation programs.
Sec. 2403. Cooperative conservation partnership initiative.
Sec. 2404. Regional equity and flexibility.
Sec. 2405. Administrative requirements for conservation programs.
Sec. 2406. Annual report on participation by specialty crop producers in conservation programs.
Sec. 2407. Promotion of market-based approaches to conservation.
Sec. 2408. Establishment of State technical committees and their responsibilities.
Sec. 2409. Payment limitations.

Subtitle E—Miscellaneous Provisions

Sec. 2501. Inclusion of income from affiliated packing and handling operations as income derived from farming for application of adjusted gross income limitation on eligibility for conservation programs.
Sec. 2502. Encouragement of voluntary sustainability practices guidelines.
Sec. 2503. Farmland resource information.

Subtitle A—Conservation Programs of the Food Security Act of 1985

SEC. 2101. CONSERVATION RESERVE PROGRAM.

(a) AUTHORIZATION AND ELIGIBLE LAND.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a)—

(A) by striking "2007" and inserting "2012"; and

(B) by inserting before the period the following: "and to address issues raised by State, regional, and national conservation initiatives"; and

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking "the Farm Security and Rural Investment Act of 2002" and inserting "the Farm, Nutrition, and Bioenergy Act of 2007"; and

(ii) by striking the period at the end and inserting a semicolon; and

(B) in paragraph (4), by striking the semicolon at the end of subparagraph (E) and inserting "; or".

(b) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by striking "2007" and inserting "2012".

(c) CONSERVATION PRIORITY AREAS.—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking "the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)" and inserting "the Chesapeake Bay Region".

(d) TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.—Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

"(g) MULTI-YEAR GRASSES AND LEGUMES.—

"(1) IN GENERAL.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

"(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.".

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231(h)(1)(A) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(1)(A)) is amended by striking "2007" and inserting "2012".

(f) MANAGED HAYING AND GRAZING.—Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and prescribed grazing for the control of invasive species" after "biomass"; and

(B) by striking "and" at the end of the subparagraph;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) managed grazing during the year, except that in permitting such grazing, the Secretary shall—

"(i) reduce the rental payment otherwise payable under the contract by a percentage determined by the Secretary to be appropriate; and

"(ii) require a management plan, including a grazing rate, approved by the Secretary that is consistent with section 1231(a);

"(C) dryland crop production and grazing practices on acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965) where the conservation reserve enhancement program is initiated to address declining groundwater or surface water resources and water quality issues associated with declining groundwater or surface water resources and the conservation reserve enhancement contract requires the owner or operator to retire a water right, except that in permitting dryland crop production and grazing, the Secretary shall—

"(i) develop an appropriate working lands conservation plan that implements conservation practices suitable to the region to address soil conservation, water quality, wildlife habitat, or other environmental benefits;

"(ii) apply the provisions of section 11005 of the Farm, Nutrition, and Bioenergy Act of 2007 in determining the eligibility for crop insurance of dryland crop production and grazing activities allowed under a conservation reserve enhancement contract for the purposes of this section, dryland crop production and grazing activities allowed under a conservation reserve enhancement contract shall be considered 'noncropland' in applying the provisions of section 11005 of the Farm, Nutrition, and Bioenergy Act of 2007;

"(iii) reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the crop production or grazing activity, while still leaving sufficient financial incentives for the owner or operator to participate in the conservation reserve enhancement; and

"(iv) at the request of a State that has previously entered into a conservation reserve enhancement program agreement, renegotiate the agreement to allow for the dryland crop production and grazing in accordance with this section; and".

(g) RENTAL RATES.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

"(5) COUNTY AVERAGE MARKET DRY-LAND AND IRRIGATED CASH RENTAL RATES.—

"(A) ANNUAL ESTIMATES.—Beginning not later than one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the National Agricultural Statistics Service shall conduct an annual survey of per acre estimates of county average market dry-land and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State with 20,000 acres or more of cropland and pastureland.

"(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived as a result of the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.

"(C) FUNDING.—Funds to conduct the annual survey required by subparagraph (A) shall come from funds made available for the conservation reserve program under this subchapter.".

(h) CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended—

(1) in subsection (c)(1)(B)—

(A) in clause (ii), by striking "or" at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

"(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or"; and

(2) by adding at the end the following new subsection:

"(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

"(1) DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired or retiring owner or operator under subsection (c)(1)(B)(iii) to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher (in this subsection referred to as a 'covered farmer or rancher') the Secretary shall—

"(A) beginning on the date that is 1 year before the date of termination of the contract—

"(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

"(ii) allow the covered farmer or rancher, at the election of the covered farmer or rancher, to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

"(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

"(C) require the covered farmer or rancher to develop and implement a comprehensive conservation plan that meets such sustainability criteria as the Secretary may establish;

"(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation security program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

"(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

"(2) REENROLLMENT.—The Secretary shall provide to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher described in paragraph (1) the option to reenroll any applicable partial field conservation practice that is—

"(A) eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

"(B) part of an approved comprehensive conservation plan.".

(i) EARLY TERMINATION.—Section 1235(e)(1) of the Food Security Act of 1985 (16 U.S.C. 3835(e)(1)) is amended by striking "before January 1, 1995,".

SEC. 2102. WETLANDS RESERVE PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

"(a) ESTABLISHMENT AND PURPOSES.—

"(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

"(2) PURPOSES.—The purposes of the wetlands reserve program are—

"(A) to restore, to create, to protect, or to enhance wetlands on lands that are eligible under subsections (c) and (d); and

"(B) to authorize the Secretary, at the sole discretion of the Secretary, to purchase flood-plain easements.".

(b) MAXIMUM ENROLLMENT.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,605,000 acres."; and

(2) by adding at the end the following new paragraphs:

"(3) ANNUAL ENROLLMENT GOAL.—Of the total number of acres authorized by paragraph (1), to the maximum extent practicable, the Secretary shall enroll 250,000 acres in each fiscal year.

"(4) FLOOD-PLAIN EASEMENTS.—Of the acres to be enrolled each fiscal year, not more than 10,000 acres may be enrolled using flood-plain easements.".

(c) ELIGIBLE LANDS.—Subsection (c) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

"(c) ELIGIBILITY.—For purposes of enrolling land into the wetland reserve program established under this subchapter during the 2008 through 2012 fiscal years, land shall be eligible to be placed into such reserve if the Secretary determines that—

"(1) in the case of wetlands—

"(A) the land maximizes wetland values and functions and wildlife benefits;

"(B) the land is farmed wetland or converted wetland, together with adjacent lands that are functionally dependent on such wetlands, except that converted wetlands where the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section;

"(C) the likelihood of the successful restoration of such land, and the resultant wetland values, merit inclusion of the land into the program taking into consideration the cost of such restoration; and

"(D) the land consists of riparian areas, including areas that link wetlands that are protected by easements or some other device or circumstance that achieves the same purpose as an easement; or

"(2) in the case of flood-plain lands—

"(A) the flood-plain land has been damaged by flooding at least once within the previous calendar year, or has been subject to flood damage at least twice within the previous 10 years; or

"(B) the enrollment of other land within the flood plain would contribute to the restoration of the flood storage and flow or erosion control.".

(d) INELIGIBLE LANDS.—Subsection (e) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

"(e) INELIGIBLE LAND.—The Secretary may not acquire easements on—

"(1) in the case of wetlands—

"(A) land that contains timber stands established under the conservation reserve under subchapter B; or

"(B) pasture land established to trees under the conservation reserve under subchapter B; or

"(2) in the case of flood-plain lands—

"(A) land on which implementation of restoration practices would not be productive; or

"(B) land that is subject to an existing easement or deed restriction, and the easement or deed provides sufficient protection or restoration of the flood plain's functions and values, as determined by the Secretary.".

(e) EASEMENTS AND AGREEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in subsection (a)(2), by inserting "if applicable," after "(2)";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting "or flood-plain land" after "values of wetland";

(B) in paragraph (1)(B), by inserting "or flood-plain land" after "wetland"; and

(C) in paragraph (3), by inserting "or flood-plain lands" after "wetlands";

(3) in subsection (f)—

(A) by striking "Compensation for" in the first sentence and inserting the following:

"(1) COMPENSATION PROVIDED; AMOUNT.—Compensation for"; and

(B) by adding at the end the following new paragraph:

"(2) METHOD FOR DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of land under paragraph (1) based on the option specified in subparagraph (A), (B), (C), or (D) that results in the lowest amount of compensation to be paid by the Secretary:

"(A) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary.

"(B) A percentage of the market value determined by an area wide market survey.

"(C) A geographic cap, prescribed in regulations issued by the Secretary.

"(D) The offer made by the owner of the land."; and

(4) by adding at the end the following new subsection:

"(h) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to administer the program under this subchapter.".

(f) DUTIES OF THE SECRETARY.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1)—

(A) by inserting "including necessary maitenance activities," after "values,"; and

(B) by inserting "or flood plains land" after "wetland"; and

(2) by striking subsection (c) and inserting the following new subsection:

"(c) RANKING OF OFFERS.—

"(1) IN GENERAL.—When evaluating offers from landowners, the Secretary may consider—

"(A) the conservation benefits of obtaining an easement or other interest in the land;

"(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

"(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

"(2) CONSERVATION BENEFITS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

"(A) in the case of wetlands—

"(i) the extent to which the purposes of the easement program would be achieved on the land;

"(ii) the productivity of the land; and

"(iii) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities; and

"(B) in the case of flood-plain lands—

"(i) the extent to which the purposes of the easement program would be achieved on the land;

"(ii) whether the land has been repeatedly flooded over the last ten years;

"(iii) the extent to which an easement on the flood-plain land would contribute to the restoration or management of land in the area surrounding the flood-plain land; and

"(iv) other factors, as determined by the Secretary.".

(g) WETLANDS RESERVE ENHANCEMENT.—Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) WETLANDS RESERVE ENHANCEMENT.—

"(A) IN GENERAL.—The provisions of this subchapter that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100–203; 7 U.S.C. 1308 note), shall not apply to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special wetlands reserve enhancement program carried out by that entity that has been approved by the Secretary.

"(B) AGREEMENTS.—The Secretary may enter into agreements with States (including political subdivisions and agencies of States) regarding payments described in subparagraph (A) that the Secretary determines will advance the purposes of this subchapter.".

(h) AUTHORIZATION.—The Food Security Act of 1985 is amended by inserting after section 1237F (16 U.S.C. 3837f) the following new section:

"SEC. 1237G. PERIOD OF AUTHORIZATION.

"This subchapter is authorized to be carried out for the 2008 through 2012 fiscal years.".

SEC. 2103. CONSERVATION SECURITY PROGRAM.

(a) ESTABLISHMENT OF NEW CONSERVATION SECURITY PROGRAM THROUGH 2017.—Subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is amended to read as follows:

"Subchapter A—Conservation Security Program

"SEC. 1238. DEFINITIONS.

"In this subchapter:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term under section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) CONSERVATION PLAN.—The term 'conservation plan' means a plan that—

"(A) identifies resources of concern, inventories resources, and establishes benchmark data and stewardship enhancement objectives;

"(B) describes improvements that will enable the producer to meet and exceed the stewardship threshold for all applicable resources of concern; and

"(C) contains a schedule and evaluation plan for the planning, installing, maintaining, and managing new conservation practices, activities, and management measures and maintaining, managing, and improving existing conservation practices, activities, and management measures.

"(3) CONSERVATION PRACTICE.—The term 'conservation practice' means a site-specific land management practice or activity, or a supporting structural practice, that is part of an implemented management system designed to address a priority resource of concern.

"(4) CONSERVATION SECURITY CONTRACT.—The term 'conservation security contract' means a contract entered into under this subchapter.

"(5) CONSERVATION SECURITY PROGRAM.—The term 'conservation security program' means the program established under section 1238A(a).

"(6) MANAGEMENT INTENSITY.— The term 'management intensity' means the degree, scope, and comprehensiveness of conservation practices, activities, or management measures taken by a producer to address a priority resource of concern to a level exceeding the stewardship threshold.

"(7) NONDEGRADATION STANDARD.—The term 'nondegradation standard' means the level of natural resource conservation and environmental management measures required to improve and sustain the status and condition of natural and environmental resources to a level that, as determined by the Secretary—

"(A) prevents impairment of soil, water, and air quality and the quality of fish and wildlife habitat; and

"(B) sustains the long-term productivity of agricultural resources.

"(8) PRIORITY RESOURCE OF CONCERN.—The term 'priority resource of concern' means a resource of concern identified by the Secretary, consistent with the requirements of section 1238C(a), that must be addressed by participants in the conservation security program in a particular watershed or other area within that State.

"(9) PRODUCER.—The term 'producer' means an owner, operator, landlord, tenant, or sharecropper that—

"(A) shares in the risk of producing any crop or livestock; and

"(B) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

"(10) RESOURCE-SPECIFIC INDEX.—The term 'resource-specific index' means an index of management intensity or other similar index, developed by the Secretary, that estimates the expected level of resource and environmental outcomes of the conservation practices, activities, and management measures employed by a producer.

"(11) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term under section 355(e) of the Consolidated

Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(12) STRUCTURAL PRACTICE.—The term 'structural practice' means a site-specific, constructed conservation practice that is integrated with and essential to the successful implementation of the system of land management practices and activities that are the basis of a conservation security contract.

"SEC. 1238A. CONSERVATION SECURITY PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish, and for each of fiscal years 2012 through 2017, carry out a conservation security program to assist producers in improving environmental quality by addressing priority resources of concern in a comprehensive manner.

"(b) ELIGIBLE PRODUCERS.—To be eligible to participate in the conservation security program, a producer shall—

"(1) demonstrate that the producer is addressing at least one priority resource of concern to a minimum level of management intensity determined by the Secretary; and

"(2) develop and submit to the Secretary, and obtain the approval of the Secretary of, a conservation offer.

"(c) ELIGIBLE LAND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), private agricultural land (including cropland, grassland, prairie land, improved pasture land, forest land and rangeland) and land under the jurisdiction of an Indian tribe (as defined by the Secretary) shall be eligible for enrollment in the conservation security program.

"(2) EXCLUSIONS.—

"(A) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Except as provided in subsection (f)(3)(A), the following lands are not eligible for enrollment in the conservation security program:

"(i) Lands enrolled in the conservation reserve program under subchapter B of chapter 1.

"(ii) Land enrolled in the wetlands reserve program established under subchapter C of chapter 1.

"(iii) Land enrolled in the grassland reserve program established under subchapter C of chapter 2.

"(B) CONVERSION TO CROPLAND.—Land used for crop production after October 1, 2011, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date (except for land enrolled in the conservation reserve program or that has been maintained using long-term crop rotation practices, as determined by the Secretary) shall not be the basis for any payment under the conservation security program.

"(d) ECONOMIC USES.—With respect to eligible land covered by a conservation security contract, the Secretary shall permit economic uses of the land that—

"(1) maintain the agricultural nature of the land; and

"(2) are consistent with the conservation purposes of the conservation security program.

"(e) CONSERVATION SECURITY CONTRACTS.—

"(1) IN GENERAL.—After a determination that a producer is eligible for the conservation security program, and on approval of the conservation offer of the producer, the Secretary shall enter into a conservation security contract with the producer to enroll the land to be covered by the contract in the conservation security program.

"(2) TERM.—A conservation security contract shall be for a term of 5 years.

"(3) AGRICULTURAL OPERATION.—All the acres of the agricultural operation that are under the producer's effective control at the time the producer enters into a conservation security contract shall be covered by the conservation security contract.

"(4) PROVISIONS.—The conservation security contract of a producer shall—

"(A) include a conservation plan approved by the Secretary;

"(B) describe the land covered by the conservation security contract;

"(C) state the amount of the stewardship enhancement payment the Secretary agrees to make to the producer each year of the conservation security contract under section 1238C(c);

"(D) describe the new conservation practices and activities the producer is required to implement during the term of the conservation security contract in order to increase the level of management intensity with which the producer addresses a priority resource of concern or priority resources of concern, as designated by the Secretary under section 1238C(a)(1); and

"(E) include such other provisions as the Secretary determines necessary to ensure the conservation purposes of the conservation security program are met.

"(5) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a conservation security contract that includes—

"(A) on-farm conservation research and demonstration activities; and

"(B) pilot testing of new technologies or innovative conservation practices.

"(f) MODIFICATION.—The Secretary may allow a producer to modify a conservation security contract before the expiration of the contract if the Secretary determines that failure to modify the contract would significantly interfere with achieving the purposes of the conservation security program.

"(g) CONTRACT TERMINATION.—

"(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation security contract if the Secretary determines that termination of the contract would not defeat the purposes of the conservation plan of the producer.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

"(3) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO CONSERVATION SECURITY CONTRACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the transfer, or change in the interest, of a producer in land subject to a conservation security contract shall result in the termination of the conservation security contract.

"(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if, within a reasonable period of time after the date of the transfer or change in the interest in land, the transferee of the land provides written notice to the Secretary that all duties and rights under the conservation security contract have been transferred to, and assumed by, the transferee. The Secretary shall specify what will be considered a reasonable period of time for purposes of providing the notification required by this subparagraph.

"(h) CONTRACT RENEWAL.—At the end of an initial conservation security contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

"(1) demonstrates compliance with the terms of the existing contract, including a demonstration that the producer has complied with the schedule for the implementation of new practices and activities included in the conservation security contract and has met the stated goals for increasing the level of management intensity with which the producer is addressing the designated priority resource of concern or priority resources of concern; and

"(2) agrees to implement and maintain such additional new conservation practices and activities as the Secretary determines necessary and feasible to achieve higher levels of management intensity with which the producer addresses the designated priority resource of concern or priority resources of concern.

"(i) EFFECT OF NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF PRODUCERS.—The Secretary shall include in the conservation security contract a provision to ensure that a producer shall not be considered in violation of a conservation security contract for failure to comply with the conservation security contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary.

"(j) EVALUATION OF OFFERS.—In evaluating applications by producers to enroll in the conservation security program, the Secretary shall—

"(1) consider the extent to which the anticipated environmental benefits from the contract are provided at least cost relative to other similar activities;

"(2) consider the extent to which the producer proposes to increase the level of performance on applicable resource-specific indices or the level of management intensity with which the producer addresses the designated priority resources of concern;

"(3) consider the extent to which the environmental benefits expected to result from the contract complements other conservation efforts in the watershed or region;

"(4) consider the multiple benefits of conservation-based farming systems, including resource-conservation crop rotations, managed rotational grazing, and the adoption of certified production under the national organic production program under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.); and

"(5) develop any additional criteria for evaluating applications that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

"(k) COORDINATION WITH ORGANIC CERTIFICATION.—Within 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall establish a transparent and producer-friendly means by which producers may coordinate and simultaneously certify eligibly under a conservation security contract and under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

"SEC. 1238B. DUTIES OF PRODUCERS.

"(a) AGREEMENT BY PRODUCER.—Under a conservation security contract, a producer shall agree—

"(1) to implement during the term of the conservation security contract the conservation plan approved by the Secretary;

"(2) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation security contract; and

"(3) not to engage in any activity during the term of the conservation security contract that would interfere with the purposes of the conservation security program.

"(b) EFFECT OF VIOLATION.—On the violation of a term or condition of the conservation security contract of a producer—

"(1) if the Secretary determines that the violation warrants termination of the conservation security contract, the producer shall—

"(A) forfeit all rights to receive payments under the conservation security contract; and

"(B) refund to the Secretary all or a portion of the payments received by the producer under the conservation security contract, including any advance payments and interest on the payments, as determined by the Secretary;

"(2) if the Secretary determines that the violation does not warrant termination of the conservation security contract, the producer shall refund to the Secretary, or accept adjustments to, the payments provided to the producer, as the Secretary determines to be appropriate; or

"(3) some combination of the remedies authorized by paragraphs (1) and (2), as determined by the Secretary to be appropriate.

"SEC. 1238C. DUTIES OF THE SECRETARY.

"(a) IDENTIFICATION OF PRIORITY RESOURCES OF CONCERN.—

"(1) IDENTIFICATION AT STATE LEVEL.—The Secretary shall ensure that the identification of priority resources of concern is made at the State level so that each priority resource of concern—

"(A) represents a significant environmental concern, including watershed management or wildlife habitat, in the State to which agricultural activities are contributing; and

"(B) is likely to be addressed successfully through the implementation of conservation practices and other activities by producers.

"(2) LIMITATION.—The Secretary shall identify not more than 5 resources of concern as priority resources of concern in a particular watershed or other appropriate region or area within a State.

"(3) ADVICE AND CONSULTATION.—The Secretary, with the advice of the appropriate State technical committee and in consultation with Federal and State agencies with expertise related to natural resources and environmental quality, shall designate, to the extent practicable, each priority resource of concern identified under paragraph (1) as either a primary, secondary, or tertiary resource of concern.

"(b) DEVELOPMENT OF RESOURCE-SPECIFIC INDICES.—The Secretary shall develop resource-specific indices to measure the management intensity with which specific resources of concern are addressed, for purposes of determining eligibility and payments for participants in the conservation security program.

"(c) STEWARDSHIP ENHANCEMENT PAYMENT.—

"(1) TIMING OF PAYMENT.—The Secretary shall make a payment under a conservation security contract as soon as practicable after October 1 of each fiscal year.

"(2) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

"(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

"(B) conservation practices and activities for which there is no net cost or loss of income to the producer, as determined by the Secretary.

"(3) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a stewardship enhancement payment to a producer under a conservation security contract to compensate the producer for—

"(A) ongoing implementation and maintenance of conservation practices, activities, and management measures in place on the producers operation at the time the conservation security contract is accepted; and

"(B) installation and adoption of new conservation practices, activities, and management measures or improvements to conservation practices, activities, and management measures in place on the producer's operation, as required by the conservation security contract.

"(4) PAYMENT AMOUNT.—The amount of the stewardship enhancement payment shall be determined by the Secretary and shall be based, to the maximum extent feasible, on—

"(A) a portion of the actual costs incurred by the producer; and

"(B) the income forgone by the producer; and

"(C) resource-specific indices, in any case in which such indices have been developed and implemented.

"(d) PAYMENT LIMITATIONS.—An individual or entity may not receive, directly or indirectly, payments under a conservation security contract that, in the aggregate, exceed $150,000 for the 5-year term of the conservation security contract, excluding funding arrangements with federally recognized Indian Tribes or Alaska Native Corporations.

"(e) REGULATIONS.—The Secretary shall promulgate regulations that—

"(1) provide for adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing payments, on a fair and equitable basis; and

"(2) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (d).

"(f) ALLOCATION TO STATES.—When making allocations to States of funds made available to carry out the conservation security program, the Secretary shall give significant consideration to the extent and magnitude of the environmental needs associated with agricultural production in each State, the degree to which implementation of the conservation security program in the State is, or will be, effective in helping producers address these needs, and other considerations to achieve equitable geographic distributions of funds, as determined by the Secretary.

"(g) TECHNICAL ASSISTANCE.—For each of fiscal years 2008 through 2017, the Secretary shall provide appropriate technical assistance to producers for the development and implementation of conservation security contracts, in an amount not to exceed 15 percent of the amounts expended for the fiscal year.

"(h) DATA.—The Secretary shall maintain conservation security program contract and payment data in a manner that provides detailed and segmented data that allows for quantification of the amount of payments made to producers for—

"(1) the maintenance of conservation practices, activities, and management measures in place on the producer's operation at the time the conservation security offer is accepted by the Secretary;

"(2) the installation and adoption of new conservation practices, activities, and management measures and the improvements to conservation practices, activities, and management measures in place on the producer's operation at the time the conservation security offer is accepted by the Secretary;

"(3) participation in research, demonstration, and pilot projects; and

"(4) the development and periodic assessment and evaluation of comprehensive conservation plans.".

(b) EFFECT ON EXISTING CONSERVATION SECURITY CONTRACTS.—Subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), as in effect on the day before the date of the enactment of this Act, shall continue to apply to conservation security contracts entered into before October 1, 2007. The Secretary of Agriculture may continue to make payments under such subchapter, as so in effect, with respect to such a conservation security contracts during the term of the contract.

(c) PROHIBITION ON NEW CONTRACTS.—A conservation security contract may not be entered into or renewed under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), as in effect on the day before the date of the enactment of this Act, after September 30, 2007.

SEC. 2104. GRASSLAND RESERVE PROGRAM.

(a) ENROLLMENT PRIORITY.—Subsection (b) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) PRIORITY FOR LONG-TERM AGREEMENTS AND EASEMENTS.—Of the total number of acres enrolled in the program at any one time through the methods described in paragraph (2)(A), the Secretary shall ensure that at least 60 percent of the acres were enrolled through the use of 30-year rental agreements and permanent and long-term easements described in clause (ii) of such paragraph.".

(b) ENROLLMENT OF ACREAGE.—Subsection (b) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) ENROLLMENT.—The Secretary shall enroll an additional 1,000,000 acres of restored or improved grassland, rangeland, and pastureland in the grassland reserve program during fiscal years 2008 through 2012.".

(c) ENROLLMENT OF CONSERVATION RESERVE PROGRAM LAND.—Section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by adding at the end the following new subsections:

"(d) ENROLLMENT OF CONSERVATION RESERVE PROGRAM LAND.—

"(1) ENROLLMENT AUTHORIZED.—Subject to the eligibility requirements of subsection (c) and all other requirements of this subchapter, land enrolled in the conservation reserve program may be enrolled in the grassland reserve program if the Secretary determines that the land is of high ecological value and under significant threat of conversion to other uses.

"(2) MAXIMUM ENROLLMENT.—The number of acres of conservation reserve program land enrolled under this subsection in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the grassland reserve program in that calendar year.

"(3) PROHIBITION ON DUPLICATION OF PAYMENTS.—Land enrolled in the program under this subsection shall no longer be eligible for payments under the conservation reserve program.

"(e) METHOD FOR DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of land to be enrolled in program based on the option specified in paragraph (1), (2), (3), or (4) that results in the lowest amount of compensation to be paid by the Secretary:

"(1) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary.

"(2) A percentage of the market value determined by an area wide market survey.

"(3) A geographic cap, as prescribed in regulations issued by the Secretary.

"(4) The offer made by the owner of the land.".

(d) GRASSLAND RESERVE ENHANCEMENT.—Section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by inserting after subsection (d), as added by subsection (b), the following new subsection:

"(e) GRASSLAND RESERVE ENHANCEMENT.—The Secretary may enter into such agreements with States, including political subdivisions and agencies of States, that the Secretary determines will advance the purposes of the grassland reserve program. Section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100-203; 7 U.S.C. 1308 note) shall not apply to payments received by a State or political subdivision or agency thereof in connection with such an agreement.".

(e) USE OF PRIVATE ORGANIZATIONS OR STATE AGENCIES.—Section 1238Q of the Food Security Act of 1985 (16 U.S.C. 3838q) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY TO USE PRIVATE ORGANIZATIONS OR STATES.—The Secretary shall permit a private conservation or land trust organization (referred to in this section as a 'private organization') or a State agency to own, write, and enforce an easement under this subchapter, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

"(1) the Secretary determines that granting the permission will promote protection of grassland, land that contains forbs, and shrubland;

"(2) the owner authorizes the private organization or State agency to hold and enforce the easement; and

"(3) the private organization or State agency agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the private organization or State agency.";

(2) in subsection (b), by striking "hold" and inserting "own, write,"; and

(3) in subsection (c), by striking "hold" and inserting "own, write,".

SEC. 2105. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting ", forest management, organic transition," after "agricultural production"; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) providing flexible assistance to producers to install and maintain conservation practices that, while sustaining production of food and fiber—

"(A) enhance soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

"(B) conserve energy;

"(4) assisting producers to make beneficial, cost effective changes to cropping systems, grazing management, energy use, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and".

(b) DEFINITIONS.—Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph:

"(3) LAND MANAGEMENT PRACTICE.—

"(A) IN GENERAL.—The term 'land management practice' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, forest management, silvicultural practice, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.

"(B) FOREST MANAGEMENT PRACTICES.—For purposes of subparagraph (A), forest management practices may include activities that the Secretary determines are needed to—

"(i) improve water quality;

"(ii) restore forest biodiversity; or

"(iii) control invasive species.

"(C) COORDINATED IMPLEMENTATION.—A land management practice may involve multiple landowners implementing eligible conservation activities in a coordinated fashion.";

(2) in paragraph (4), by inserting "alpacas, bison," after "sheep,";

(3) by redesignating paragraphs (3), (4), (5), and (6), as so amended, as paragraphs (4), (5), (6), and (8), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, an environmental risks."; and

(5) by inserting after paragraph (6), as so redesignated, the following new paragraph:

"(7) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term under section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).".

(c) ELIGIBLE PRACTICES.—Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)) is amended—

(1) in paragraph (1), by striking "2010" and inserting "2012"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or receives organic certification" after "chapter"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) a producer that implements a land management practice, receives technical services from an approved third-party provider, develops a comprehensive nutrient management plan, or implements energy efficiency improvements or renewable energy systems, in accordance with this chapter shall be eligible to receive incentive payments.".

(d) BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—Section 1240B(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(d)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) INCREASED COST-SHARE FOR CERTAIN PRODUCERS.—The Secretary shall increase the amount provided under paragraph (1) to a producer that is a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher to 90 percent of the cost of the practice, as determined by the Secretary.".

(e) ADDITIONAL SUPPORT FOR USE OF GASIFIER TECHNOLOGY.—Section 1240B(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) INCREASED COST-SHARE FOR USE OF GASIFIER TECHNOLOGY.—In carrying out this chapter, the Secretary shall promote air quality by providing for a 90 percent cost share for those projects that utilize gasifier technology for the purposes of the disposal of animal carcasses and by-products.".

(f) INCENTIVE PAYMENTS.—Section 1240B(e) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) AVAILABILITY OF INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer—

"(A) to perform 1 or more land management practices;

"(B) to receive technical services from an approved third-party provider;

"(C) to develop a comprehensive nutrient management plan; or

"(D) to implement energy efficiency improvements or renewable energy systems."; and

(2) in paragraph (2), by inserting "pollinator habitat," after "invasive species,".

(g) ALLOCATION OF FUNDING.—Section 1240B(g) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(g)) is amended—

(1) by striking "For each" and inserting the following:

"(1) ALLOCATION FOR LIVESTOCK PRODUCTION PRACTICES.—For each";

(2) in such paragraph, as so designated, by striking "2007" and inserting "2012"; and

(3) by adding at the end the following new paragraph:

"(2) ALLOCATION FOR CERTAIN PRODUCERS.—For each of fiscal years 2007 through 2012, of the funds made available for cost-share payments and incentive payments under this chapter, the Secretary shall reserve, for a period of not less than 90 days after the date on which the funds are made available for the fiscal year—

"(A) not less than 5 percent for beginning farmers and ranchers; and

"(B) not less than 5 percent of funds for socially disadvantaged farmers and ranchers and limited resource farmers and ranchers.".

(h) ELIGIBILITY OF MARKET AGENCIES AND CUSTOM FEEDING BUSINESSES.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended by adding at the end the following new subsection:

"(i) ELIGIBILITY OF MARKET AGENCIES AND CUSTOM FEEDING BUSINESSES FOR ASSISTANCE.—A market agency (as defined in section 301(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 201(c))) or custom feeding business may receive technical assistance, cost-share payments, or incentive payments under the program. Any reference to 'producer' in this chapter shall be deemed to include a market agency or custom feeding business.".

(i) EVALUATION OF APPLICATIONS FOR COST-SHARE PAYMENTS AND INCENTIVE PAYMENTS.—Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa-3) is amended to read as follows:

"SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-SHARE PAYMENTS AND INCENTIVE PAYMENTS.

"(a) PRIORITIES AND GROUPING OF APPLICATIONS.—In evaluating applications for cost-share payments and incentive payments, the Secretary shall—

"(1) prioritize applications based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

"(2) prioritize applications based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

"(3) prioritize applications that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1);

"(4) develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed; and

"(5) to the greatest extent practicable, group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.

"(b) EVALUATION PROCESS.—The Secretary shall ensure that the evaluation process is as streamlined and efficient as practicable in the case of applications that—

"(1) involve operations with substantial and sound environmental management systems; and

"(2) seek a single practice or a limited number of practices to further improve the environmental performance of that system.".

(j) DUTIES OF PRODUCERS.—Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-4(2)) is amended by striking "or ranch" and inserting ", ranch, or forestland".

(k) PROGRAM PLAN.—Section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa-5) is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) PLAN OF OPERATIONS.—To be eligible to receive cost-share payments or incentive payments under the program, a producer shall submit to the Secretary for approval a plan of operations that—

"(1) specifies practices covered under the program;

"(2) includes such terms and conditions as the Secretary considers necessary to carry out the program, including a description of the purposes to be met by the implementation of the plan;

"(3) in the case of a confined livestock feeding operation, provides for development and implementation of a comprehensive nutrient management plan, if applicable; and

"(4) in the case of forestland, is consistent with the provisions of a forest management plan meeting with the approval of the Secretary, which may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a), other practice plan approved by the State forester, or other plan determined appropriate by the Secretary.

"(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

"(1) consider a permit acquired under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a); and

"(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.".

(l) DUTIES OF THE SECRETARY.—Section 1240F of the Food Security Act of 1985 (16 U.S.C. 3839aa–6) is amended—

(1) by striking "To the extent" and inserting "(a) PROVISION OF ASSISTANCE.—To the extent"; and

(2) by adding at the end the following new subsection:

"(b) WATER SAVINGS.—In the case of a practice primarily intended to conserve water, the Secretary may provide assistance to a producer under this section only if the Secretary determines that—

"(1) the practice results in a minimum reduction, as determined by the Secretary, in the total consumptive use of ground water or surface water resources affected by the practice;

"(2) any saved water remains in the source for the useful life of the practice; and

"(3) the practice will not result, directly or indirectly, in an increase in the consumptive use of water in the agriculture operation of the producer.".

(m) CONSERVATION INNOVATION GRANTS.—Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

"SEC. 1240H. CONSERVATION INNOVATION GRANTS.

"(a) COMPETITIVE GRANTS.—The Secretary shall pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

"(b) USE.—The Secretary may provide grants under this section to governmental and non-governmental organizations and persons, on a competitive basis, to carry out projects that—

"(1) involve producers that are eligible for payments or technical assistance under the program;

"(2) leverage funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

"(3) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section; and

"(4) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

"(c) PILOT PROGRAM FOR COMPREHENSIVE CONSERVATION PLANNING.—

"(1) PILOT PROGRAM REQUIRED.—The Secretary shall establish a pilot program to undertake comprehensive conservation planning to assist producers before they submit an application for assistance under any of the conservation programs authorized by this subtitle.

"(2) CONSERVATION PLANNING ASSISTANCE.—The Secretary shall undertake pilot projects under the pilot program in the locations specified in paragraph (3) to assist producers by making a comprehensive assessment of the resource concerns, needs, and alternative solutions for the producer's entire operation, as determined by the Secretary, following the procedures in the Natural Resources Conservation Service conservation planning manual. The assistance shall be provided by the Secretary directly or through third party providers certified by the Secretary, and shall not be at the expense of the producer. The results of the comprehensive planning assistance shall be provided to the producer to enable informed choices on the type of financial assistance available under this subtitle that would most effectively address the resource needs of the operation consistent with the environmental goals for the area in which the operation is located.

"(3) PILOT PROJECTS.—Pilot projects in comprehensive conservation planning shall be undertaken in the Chesapeake Bay watershed, and shall include the identification of hydrologic, soil, and rural land use factors that are unique to the Delmarva Peninsula.

"(4) REPORT.—The Secretary shall conduct an assessment of the effectiveness of the pilot program and publish a report, available to the public, of the results of the assessment. Such assessments shall be undertaken in the second year and the fifth year of the pilot program.

"(d) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—Of the funds made available under section 1241(a)(6) for fiscal years 2008 through 2012, the Secretary shall use $30,000,000 for fiscal year 2008, $35,000,000 for fiscal year 2009, $50,000,000 for fiscal year 2010, $60,000,000 for fiscal year 2011, and $75,000,000 for fiscal year 2012.

"(2) OUTREACH FOR CERTAIN PRODUCERS.—Of the funds made available under paragraph (1) for a fiscal year, the Secretary shall use $5,000,000 to make grants to support effective outreach and innovative approaches for outreach and to serve organic producers and producers of specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

"(3) COMPREHENSIVE CONSERVATION PLANNING.—Of the funds made available under paragraph (1) for a fiscal year, the Secretary shall use $5,000,000 to carry out the comprehensive conservation planning pilot program under subsection (c).

"(4) AIR QUALITY.—Of the funds made available under paragraph (1), the Secretary shall use $10,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $40,000,000 for fiscal year 2011, and $55,000,000 for fiscal year 2012 to support air quality improvement and performance incentives for States to help meet State and local regulatory requirements related to air quality.".

SEC. 2106. REGIONAL WATER ENHANCEMENT PROGRAM.

(a) PURPOSE AND GOALS.—The purpose of this section is to authorize a regional water enhancement program, within the environmental quality incentives program, to enhance performance-based, cost-effective conservation carried out through cooperative agreements entered into by the Secretary of Agriculture with producers, governmental entities, and Indian tribes. The goal of the program is to improve water quality or ground and surface water quantity through coordinated program activities on agricultural lands. The Secretary will develop goals and provide coordinated program assistance for water quality or water quantity improvement projects.

(b) ESTABLISHMENT OF PROGRAM.—Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

"SEC. 1240I. REGIONAL WATER ENHANCEMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) REGIONAL WATER ENHANCEMENT ACTIVITIES.—The term 'regional water enhancement activities' includes resource condition assessment and modeling, water quality, water quantity or water conservation plan development, management system and environmental monitoring and evaluation, cost-share of restoration or enhancement projects, incentive payments for land management practices, easement purchases, conservation contracts with landowners, improved irrigation systems, water banking and other forms of water transactions, groundwater recharge and other conservation related activities that the Secretary determines will help to achieve the water quality or water quantity benefits on agricultural lands identified in a partnership agreement.

"(2) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner under subsection (d).

"(3) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out regional water enhancement activities. The term includes—

"(A) an agricultural producer, agricultural or silvicultural producer association, or other group of such producers

"(B) a State or unit of local government, including an irrigation or water district; or

"(C) a federally recognized Indian tribe.

"(b) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a regional water enhancement program in accordance with this section to improve water quality or water quantity on a regional scale to benefit working agricultural land and other lands surrounding agricultural land.

"(2) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—The Secretary shall identify areas where protecting or improving water quality, water quantity, or both is a priority. In identifying these areas, the Secretary shall prioritize the Chesapeake Bay, the Upper Mississippi River basin, the Everglades, and the Klamath River basin. Not more than 50 percent of the funds made available for the regional water enhancement program shall be reserved for priority areas identified in this paragraph.

"(c) SELECTION OF PARTNERS.—

"(1) SOLICITATION OF PARTNERSHIP PROPOSALS.—Not later than 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall invite prospective partners to submit competitive grant proposals for regional water enhancement partnerships.

"(2) ELEMENTS.—To be eligible for consideration for participation in the program, a proposal submitted by a partner shall contain the following elements:

"(A) Identification of the exact geographic area for which the partnership is proposed, which may be based on—

"(i) a watershed (or portion thereof);

"(ii) an irrigation, water, drainage district, including service area; or *"(iii) some other geographic area with characteristics making it suitable for landscape-wide program implementation, as may be determined by the Secretary.*

"(B) Identification of the water quality or water quantity issues that are of concern in the area.

"(C) A method for determining a baseline assessment of water quality, water quantity, and other resource conditions in the region.

"(D) A detailed description of the proposed regional water enhancement activities to be undertaken in the area, including an estimated timeline and budget for each activity.

"(E) A description of the performance measures to be used to gauge the effectiveness of the regional water enhancement activities.

"(F) A description of other regional water enhancement activities carried out by the Secretary.

"(G) A description of regional water enhancement activities carried out by partners through other means.

"(3) SELECTION OF PROPOSALS.—The Secretary shall award grants competitively, based on the following criteria applied by the Secretary:

"(A) Proposals that will result in the inclusion of the highest percentage of agricultural lands and producers in the area.

"(B) Proposals that will result in the highest percentage of on-the-ground activities versus administrative costs.

"(C) Proposals that will provide the greatest contribution to sustaining or enhancing agricultural production in the area or rural economic development.

"(D) Proposals that include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

"(E) Proposals that will capture surface-water runoff on farms through the construction, improvement, or maintenance of irrigation ponds.

"(F) Proposals that have the highest likelihood of improving issues of concern for the area through the participation of multiple interested persons.

"(G) Proposals that will assist producers in meeting a regulatory requirement imposed on lands in agriculture production that reduces the economic scope of the producer's operation.

"(4) DURATION.—Grants under this subsection shall be made on a multi-year basis, not to exceed 5 years total, except that the Secretary may terminate a grant earlier if the performance measures are not being met.

"(d) PARTNERSHIP AGREEMENTS.—

"(1) GENERALLY.—Not later than 30 days after the award of a grant to a partner under subsection (c), the Secretary shall enter into a partnership agreement with the grant recipient. At a minimum, the agreement shall contain—

"(A) a description of the respective duties and responsibilities of the Secretary and the partner in carrying out regional water enhancement activities; and

"(B) the criteria that the Secretary will use to measure the overall effectiveness of the regional water enhancement activities funded by the grant in improving the water quality or quantity conditions of the region relative to the performance measures in the grant proposal.

"(2) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to administer the program under this section.

"(3) WAIVER AUTHORITY.—The Secretary shall waive the limitation in section 1001D of this Act if the Secretary determines that doing so is necessary to fulfill the objectives of the regional water enhancement program.

"(e) MODIFICATION OF SECRETARIAL AUTHORITY.—To the extent that the Secretary will be carrying out regional water enhancement activities in an area, the Secretary may use the general authorities provided in this subtitle to ensure that all producers and landowners in the region have the opportunity to participate in such activities.

"(f) RELATIONSHIP WITH OTHER PROGRAMS.—The Secretary shall ensure that, to the extent producers and landowners are individually participating in other programs under this subtitle in a region where the regional water enhancement program is in effect, any improvements to water quality or water quantity attributable to such individual participation is included in the evaluation criteria developed under subparagraph (d)(1)(B).

"(g) CONSISTENCY WITH STATE LAW.—Any regional water enhancement activity conducted under this section shall be consistent with State water laws.

"(h) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a)(6), the Secretary shall use funds of the Commodity Credit Corporation to carry out this section in the amount of, to the maximum extent practicable, $60,000,000 for each of fiscal years 2008 through 2012.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the funds made available under paragraph (1) for a fiscal year may be used for administrative expenses of the Secretary.".

SEC. 2107. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2(b)) is amended by striking "$5,000,000 for each of fiscal years 2002 through 2007" and inserting "$20,000,000 for each of fiscal years 2008 through 2012".

(b) ADDITIONAL FUNDING.—Section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb-2) is amended by adding at the end the following new subsection:

"(c) ONE-TIME INFUSION OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available, on a one-time basis, $10,000,000 to carry out this section. Such funds shall remain available until expended.".

SEC. 2108. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking "2007" and inserting "2012".

SEC. 2109. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P(c) of the Food Security Act of 1985 (16 U.S.C. 3839bb-3(c)) is amended by striking "2007" and inserting "2012".

SEC. 2110. FARM AND RANCHLAND PROTECTION PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is amended to read as follows:

"Subchapter B—Farm and Ranchland Protection Program

"SEC. 1238H. DEFINITIONS.

"In this subchapter:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) An agency of a State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law).

"(B) An organization that is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986.

"(C) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code.

"(D) An organization described in section 509(a)(2) of the Internal Revenue Code of 1986.

"(E) An organization described in section 509(a)(3) of the Internal Revenue Code of 1986 that is controlled by an organization described in section 509(a)(2), of that Code.

"(2) ELIGIBLE LAND.—The term 'eligible land' means land on a farm or ranch that—

"(A) is cropland;

"(B) is rangeland;

"(C) is grassland;

"(D) is pasture land;

"(E) is forest land that is an incidental part of an agricultural operation, as determined by the Secretary; or

"(F) contains historical or archaeological resources.

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) PROGRAM.—The term 'program' means the farm and ranchland protection program established under section 1238I(a).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 1238I. FARM AND RANCHLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out a farm and ranchland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land that is subject to a pending offer from a certified State or eligible entity for the purpose of protecting the agricultural use and related conservation values of the land by limiting incompatible nonagricultural uses of the land.

"(2) PRIORITY.—In carrying out the program, the Secretary shall give the highest priority—

"(A) to protecting farm and ranchland with prime, unique or other productive soils that are at risk of non-agricultural development; or

"(B) to projects that further a State or local policy consistent with the purposes of the program.

"(b) GRANTS TO CERTIFIED STATES.—The Secretary shall make grants to States certified by the Secretary under subsection (c). Such grants shall be made based on demonstrated need for farm and ranch land protection. Grants may be made for multiple transactions so long as all funds provided under the program are used to purchase conservation easements or other interests in land in a timely and effective manner. A State receiving a grant under this subsection may use up to 10 percent of the grant funds for reasonable costs of purchasing and enforcing conservation easements.

"(c) CERTIFICATION OF STATES FOR GRANTS.—

"(1) CERTIFICATION PROCESS.—The Secretary shall implement a process, to be published in the Federal Register, for certifying States as eligible to participate in the program. The Secretary may provide a reasonable transitional period, not to extend past September 30, 2008, in order to allow continued operation of the program for such time as needed for the Secretary to implement the certification process.

"(2) CERTIFICATION REQUIREMENTS.—To be certified under the process implemented under paragraph (1), a State shall demonstrate, at a minimum, the following:

"(A) A legislative or organizational purpose consistent with the purposes of the program.

"(B) The necessary authority and the resources and technical ability to monitor and enforce the terms of conservation easements or other interests in land or to require the holder of such easements or other interests in land acquired with the use of funding under the program to monitor and enforce the terms of such easements or other interests in land.

"(C) The capacity to provide the necessary matching funds from non-Federal sources for projects undertaken under the program and to use program funds in a timely and effective manner.

"(D) Policies and procedures to ensure that, on average, the purchase price of conservation easements or other interests in land purchased with program funds do not exceed the fair market value of the easements or other interests in land.

"(E) Policies and procedures that ensure that conservation easements or other interests in land purchased with program funds will continue to protect the agricultural use and related conservation values of the land.

"(F) Provision for continued stewardship of the conservation easements or other interest in land purchased with program funds in the event the State loses its certification under the program.

"(G) A determination of its own criteria and priorities for purchasing conservation easements and other interests in land under the program.

"(d) AGREEMENTS WITH ELIGIBLE ENTITIES.—

"(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into an agreement with an eligible entity, under which the entity may purchase conservation easements using a combination of its own funds and funds distributed by the Secretary under the program.

"(2) TERMS AND CONDITIONS.—An agreement under this subsection shall stipulate the terms and conditions under which the eligible entity shall use funds provided by the Secretary under the program. The eligible entity shall be authorized to use its own terms and conditions for conservation easements and other purchases of interests in land, so long as—

"(A) such terms and conditions are consistent with the purposes of the program and permit effective enforcement of the conservation purposes of such easements or other interests;

"(B) the eligible entity has in place a requirement consistent with agricultural activities regarding the impervious surfaces to be allowed for any conservation easement or other interest in land purchased using funds provided under the program; and

"(C) the eligible entity requires use of a conservation plan for any highly erodible cropland for which a conservation easement or other interest in land has been purchased using funds provided under the program.

"(e) FEDERAL CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary may require the inclusion of a Federal contingent right of enforcement or executory limitation in a conservation easement or other interest in land for conservation purposes purchased with Federal funds provided under the program, in order to preserve the easement as a party of last resort. The inclusion of such a right or interest shall not be considered to be the Federal acquisition of real property and the Federal standards and procedures for land acquisition shall not apply to the inclusion of the right or interest

"(f) REVIEW; REVOCATION.—

"(1) REVIEW.—Every 3 years, the Secretary shall review the certification of States under subsection (c) and the performance of eligible entities in meeting the terms and conditions of an agreement under subsection (d).

"(2) REVOCATION.— If, in the determination of the Secretary, a State no longer meets the qualifications described in subsection (c)(2) or an eligible entity is not meeting the terms and conditions of an agreement under subsection (d), the Secretary may—

"(A) revoke the certification of the State or terminate the agreement with the eligible entity; or

"(B) allow the State or eligible entity a specified period of time in which to take such actions as may be necessary to retain its certification or to meet the terms and conditions of the agreement, as the case may be.

"(g) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan. In the case of an easement or other interest in land that is perpetual in duration, the Secretary may not require the conversion of the cropland to less intensive uses if, under such plan, soil erosion can be reduced to 'T' or below.

"(h) COST SHARING.—The share of the cost provided under this section for purchasing a conservation easement or other interest in land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land. Fair market value shall be determined on the basis of an appraisal of the conservation easement or other interest in eligible land using an industry-approved methodology determined by the entity.".

SEC. 2111. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking "2007" and inserting "2012".

SEC. 2112. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) REAUTHORIZATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended by adding at the end the following new subsection:

"(d) DURATION OF PROGRAM.—Using funds made available under section 1241(a)(7), the Secretary shall carry out the program during fiscal years 2008 through 2012.".

(b) COST SHARE FOR LONG-TERM AGREEMENTS AND IMPACT ON SCOPE OF OPERATIONS.—Section 1240N(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(2)) is amended—

(1) in the paragraph heading by inserting "AND IMPACT ON SCOPE OF OPERATIONS" after "AGREEMENTS";

(2) in subparagraph (A), by striking "years," and inserting "years, or that will assist producers in meeting a regulatory requirement imposed on lands in agriculture production that reduces the economic scope of the producer's operation,"; and

(3) in subparagraph (B), by striking "15 percent" and inserting "25 percent".

Subtitle B—Conservation Programs Under Other Laws

SEC. 2201. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended—

(1) by inserting "Hawaii," after "Delaware,"; and

(2) by inserting "Virginia," after "Vermont,".

(b) TECHNICAL CORRECTION.—Section 524(b)(4)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)(i)) is amended by striking "Except as provided in clauses (ii) and (iii), the" and inserting "The".

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

"(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

"(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

"(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.".

SEC. 2202. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), by striking "planning process" in the matter preceding subparagraph (A) and inserting "locally led planning process"; and

(2) in paragraph (9), by striking "council" and inserting "locally led council".

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) providing assistance for the implementation of area plans and projects; and

"(D) providing services which bring to bear the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.".

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting "(a) IN GENERAL.—" before "In carrying"; and

(2) by adding at the end the following new subsection:

"(b) COORDINATOR.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate an individual, to be known as the 'Coordinator', for each council. The Coordinator shall be directly responsible for the provision of technical assistance to the council.".

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2203. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

"(G) $50,000,000 for each of fiscal years 2009 through 2012.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2007 through 2012".

Subtitle C—Additional Conservation Programs

SEC. 2301. CHESAPEAKE BAY PROGRAM FOR NUTRIENT REDUCTION AND SEDIMENT CONTROL.

Chapter 5 of subtitle D of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

"SEC. 1240Q. RIVER RESTORATION IN THE CHESAPEAKE BAY WATERSHED.

"(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term 'Chesapeake Bay watershed' means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

"(b) COMPREHENSIVE PLAN FOR CHESAPEAKE BAY WATERSHED.—

"(1) DEVELOPMENT.—The Secretary of Agriculture shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Chesapeake bay watershed.

"(2) PROVEN TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches to advance the following goals:

"(A) Improvement of water quality and quantity within the Chesapeake Bay.

"(B) Restoration, enhancement, and preservation of habitat for plants and wildlife.

"(C) Increase economic opportunity for producers and rural communities.

"(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

"(A) the development and implementation of a program for erosion prevention and control, sediment control and sediment removal, and reduction of nutrient loads;

"(B) the development and implementation of a program for—

"(i) the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation; and

"(ii) stabilization and enhancement of land and water resources; and

"(C) the development and implementation of a long-term resource monitoring program.

"(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal and State agencies.

"(c) SUBMISSION OF PLAN.—

"(1) SUBMISSION.—Not later than 2 years after the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall transmit to Congress a report containing the comprehensive plan.

"(2) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report required by paragraph (1), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

"(d) RESTORATION ENHANCEMENT AND PRESERVATION PROJECTS.—

"(1) PROJECT AUTHORITY.—In cooperation with appropriate Federal and State agencies, the Secretary shall carry out restoration enhancement and preservation projects for the Chesapeake Bay watershed to address the goals specified in subsection (b)(2). To achieve the restoration, preservation, and protection benefits of a project, the Secretary shall proceed expeditiously with the implementation of the project consistent with the comprehensive plan.

"(2) CRITICAL PROJECTS.—In carrying out this subsection, the Secretary shall begin with the Susquehanna River, the Shenandoah River, the Potomac River, and the Patuxent River.

"(3) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out projects under this subsection the following amounts:

"(A) $10,000,000 for fiscal year 2008.

"(B) $15,000,000 for fiscal year 2009.

"(C) $30,000,000 for fiscal year 2010.

"(D) $40,000,000 for fiscal year 2011.

"(E) $55,000,000 for fiscal year 2012.

"(4) FEDERAL SHARE.—The Federal share of the cost of carrying out any individual project under this subsection shall not exceed $5,000,000.

"(e) GENERAL PROVISIONS.—

"(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

"(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (d), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceeding of meetings available for public inspection.

"(f) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with other Federal and State programs, projects, and activities.

"(g) COST SHARING.—

"(1) NON-FEDERAL SHARE.—Subject to subsection (d)(4), the non-Federal share of the cost of projects and activities carried out under this section shall be not less than 35 percent.

"(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

"(h) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—

"(1) FINDINGS.—Congress finds the following:

"(A) One of the stated goals of the Chesapeake Bay Agreement is to 'develop, promote, and achieve sound land use practices which protect and restore watershed resources and water quality, maintain reduced pollutant loadings for the Bay and its tributaries, and restore and preserve aquatic living resources'..

"(B) Department of Agriculture conservation programs are integral to the restoration of the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.

"(2) SENSE OF CONGRESS.—In light of the findings specified in paragraph (1), it is the sense of Congress that the Secretary of Agriculture should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).".

SEC. 2302. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240Q, as added by section 2301, the following new section:

"SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing, under programs administered by the States and tribal governments.

"(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

"(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

"(A) hunting and fishing; and

"(B) to the maximum extent practicable, other recreational purposes; and

"(2) the methods that will be used to achieve those benefits.

"(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that—

"(1) have consistent opening dates for migratory bird hunting for both residents and nonresidents;

"(2) propose to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

"(3) propose to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

"(4) propose to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land; and

"(5) propose to use additional Federal, State, tribal government, or private resources in carrying out the program.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

"(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section.".

Subtitle D—Administration and Funding

SEC. 2401. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking "2007" and inserting "2012".

(b) CONSERVATION SECURITY PROGRAM.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(3) The conservation security program under subchapter A of chapter 2, using, to the maximum extent practicable—

"(A) in the case of conservation security contracts entered into before October 1, 2007, under such subchapter, as in effect on the day before the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007—

"(i) $1,454,000,000 for the period of fiscal years 2007 through 2012; and

"(ii) $1,927,000,000 for the period of fiscal years 2007 through 2017; and

"(B) in the case of conservation security contracts entered into on or after October 1, 2011, under such subchapter—

"(i) $501,000,000 for fiscal year 2012; and

"(ii) $4,646,000,000 for the period of fiscal years 2012 through 2017.".

(c) FARM AND RANCHLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(4) The farm and ranchland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—

"(A) $125,000,000 in fiscal year 2008;

"(B) $150,000,000 in fiscal year 2009;

"(C) $200,000,000 in fiscal year 2010;

"(D) $240,000,000 in fiscal year 2011; and

"(E) $280,000,000 in fiscal year 2012.".

(d) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

"(A) $1,500,000,000 in fiscal year 2008;

"(B) $1,600,000,000 in fiscal year 2009;

"(C) $1,700,000,000 in fiscal year 2010;

"(D) $1,800,000,000 in fiscal year 2011; and

"(E) $2,000,000,000 in fiscal year 2012.".

(e) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2007" and inserting "2012".

SEC. 2402. IMPROVED PROVISION OF TECHNICAL ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

"(2) through a contract with an approved third party, if available; or

"(3) at the option of the producer, through a payment as determined by the Secretary, directly to an approved third party, if available, or to the producer for an approved third party, if available.";

(2) in subsection (b)—

(A) by striking "technical assistance" each place it appears and inserting "technical services"; and

(B) in paragraph (1)(B), by striking "that assistance" and inserting "those technical services"; and

(3) by adding at the end the following new subsections:

"(c) PAYMENT AMOUNTS.—

"(1) USE OF PREVAILING MARKET RATES.—The Secretary shall set the amounts of payments under subsection (b)(1)(B) for technical services at levels not less than prevailing private market rates.

"(2) EXCEPTION.—Paragraph (1) shall not apply in instances where personnel of the Department of Agriculture are immediately available to provide comparable technical services to eligible producers.

"(d) REVIEW AND EXPEDITED APPROVAL OF TECHNICAL ASSISTANCE SPECIFICATIONS.—

"(1) REVIEW OF EXISTING TECHNICAL ASSISTANCE SPECIFICATIONS.—

"(A) REVIEW OF SPECIFICATIONS.—The Secretary shall direct each State to review and ensure, to the maximum extent practicable, the completeness and relevance of technical assistance specifications in effect as of the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007.

"(B) CONSULTATION.—In conducting the assessment under subparagraph (A), a State shall consult with specialty crop producers, crop consultants, cooperative extension and land-grant universities, nongovernmental organizations, and other qualified entities.

"(C) EXPEDITED REVISION OF SPECIFICATIONS.—If a State determines under subparagraph (A) that revisions to its technical assistance specifications are necessary, the State shall establish an administrative process for expediting the revisions.

"(2) ADDRESSING CONCERNS OF SPECIALTY CROP PRODUCERS.—

"(A) IN GENERAL.—The Secretary shall direct each State to fully incorporate into its technical assistance specifications and provide for the appropriate range of conservation practices and resource mitigation measures available to specialty crop producers.

"(B) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by specialty crop producers through Federal conservation programs. In carrying out this requirement, the Secretary shall develop—

"(i) programs that meet specific needs of specialty crop producers through cooperative agreements with other agencies and nongovernmental organizations; and

"(ii) program specifications that allow for innovative approaches that engage local resources in providing technical assistance for planning and implementation of conservation practices.

"(e) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, non-Federal entities to assist the Secretary in providing technical assistance necessary to develop and implement conservation programs under this title.".

SEC. 2403. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (b), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

"SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

"(a) ESTABLISHMENT OF INITIATIVE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the 'Partnership') within each program described in subsection (b) to address conservation issues involving production agriculture on local, regional, or State levels.

"(2) ADMINISTRATION.—The Secretary shall carry out the Partnership—

"(A) by selecting proposals for grants and agreements by eligible entities described in subsection (c) through a competitive selection process;

"(B) by making grants to, and entering into agreements with, with eligible entities described in subsection (c) for not less than 2 years, but not more than 5 years, in duration; and

"(C) by providing producers that are participating in a special project and initiative of an eligible entity preferential enrollment into 1 or more of the programs described in subsection (b).

"(3) PURPOSES.—The purposes of the Partnership are to carry out special projects and initiatives—

"(A) to address conservation issues involving production agriculture on local, regional, or State levels through producers and eligible entities;

"(B) to address community and economic development needs and opportunities; and

"(C) to increase access to, and participation in, the programs described in subsection (b) by producers of specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004, Pub. L. 108–465 (7 U.S.C. 1621 note).

"(b) COVERED PROGRAMS.—The conservation programs covered by this section are the following:

"(1) Conservation security program.

"(2) Environmental quality incentives program.

"(3) Wildlife habitat incentive program.

"(c) ELIGIBLE PARTNERS.—Grants may be made or agreements may be entered into under this section with any of the following (or a combination thereof):

"(1) States and agencies of States.

"(2) Political subdivisions of States, including counties and State- or county-sponsored conservation districts.

"(3) Indian tribes.

"(4) Nongovernmental organizations and associations, including producer associations, farmer cooperatives, extension associations, and conservation organizations with a history of working cooperatively with producers to effectively address resource concerns related to agricultural production, as determined by the Secretary.

"(5) A combination of partners specified in a preceding paragraph.

"(d) APPLICATIONS.—

"(1) COMPETITIVE PROCESS.—The Secretary shall establish a competitive process for considering applications for grants or agreements under this section consistent with the evaluation criteria listed in subsection (e).

"(2) PROGRAM ALLOCATION.—Applications shall include—

"(A) specification of the amount of funding or acres, or both, of 1 or more covered programs specified in subsection (b) proposed to be allocated to carry out the special project or initiative; and

"(B) a schedule for utilization of funding or acres over the life of the proposed project or initiative.

"(e) EVALUATION CRITERIA.—In evaluating applications for grants or agreements under this section the Secretary shall consider the extent to which—

"(1) preferential enrollment in the covered programs specified in the application will effectively address the environmental objectives established for the special project or initiative; and

"(2) the special project or initiative covered by the application—

"(A) enjoys local and regional support from producers and other interested persons, including governmental and nongovernmental organizations with appropriate expertise on the issues the project or initiative seeks to address;

"(B) includes clear environmental objectives;

"(C) includes a well defined project or initiative plan that identifies sensitive areas requiring treatment and prioritizes conservation practices and activities needed to achieve environmental objectives;

"(D) promises adequate and coordinated participation to achieve the objectives of the project or initiative;

"(E) coordinates integration of local, State, and Federal efforts to make the best use of available resources and maximize cost-effective investments;

"(F) leverages financial and technical resources from sources other than the programs authorized by this subtitle, including financial and technical resources provided by Federal and State agencies, local governments, nongovernmental organizations and associations, and other private sector entities;

"(G) describes how all necessary technical assistance will be provided to each producer participating in the project or initiative, including cost estimates for technical assistance and whether such assistance will be provided by technical service providers;

"(H) describes how the administrative costs of the project or initiative will be minimized;

"(I) addresses a local, State, regional, or national environmental priority or priorities, with particular emphasis on any priority for which there is an existing State or federally approved plan in place for addressing that priority;

"(J) includes a plan to evaluate progress, measure results, and meet the purposes of the agreement;

"(K) clearly demonstrates that enrollment of producers in covered programs will be consistent with the purposes and policies of each individual program, as established in statute, rules and regulations, and program guidance promulgated by implementing agencies;

"(L) links resource and environmental objectives with community development or agritourism objectives that can be improved as a result of addressing the resources of concern;

"(M) demonstrates innovation in linking environmental and community development objectives; and

"(N) addresses the needs of beginning farmers and ranchers, socially disadvantaged farmers and ranchers, and limited resource farmers and ranchers.

"(f) PRIORITIES.—To the maximum extent practicable, consistent with the requirements of subsection (d), the Secretary shall ensure that, each fiscal year, grants are awarded and agreements are entered into under this section to support projects and initiatives that collectively address the resource concerns facing producers, ranchers, and nonindustrial private forest landowners, including specifically projects and initiatives that are designed—

"(1) to achieve improvements in water quality in watersheds impacted by agriculture, particularly by increasing the participation of producers in implementing best management practices in a watershed or developing environmentally and economically viable alternative uses for manure and litter;

"(2) to achieve improvements in air quality in a geographical area where agricultural operations impact air quality;

"(3) to support State activities to efficiently manage and utilize their water resources in regions, States or local areas where water quantity is a concern;

"(4) to assist in carrying out a State Wildlife Habitat Incentives Program plan or other State, regional, or national conservation initiative.

"(5) to control invasive species on rangeland or other agricultural land through the cooperative efforts of multiple producers in a geographical area;

"(6) to address a specific resource of concern or set of concerns on private, non-industrial forest land;

"(7) to reduce losses of pesticides to the environment by engaging multiple producers in a geographic area in adoption of integrated pest management practices and approaches;

"(8) to protect farmland and ranch land facing development pressures from being converted to non-agricultural use; or

"(9) to assist producers in carrying out good management practices to enhance food safety.

"(g) DUTIES OF PARTNERS.—Eligible partners shall—

"(1) identify conservation issues affecting production agriculture on local, regional, or State levels that could be addressed through special projects and initiatives;

"(2) enter into agreements or obtain grants from the Secretary to carry out special projects and initiatives;

"(3) identify through outreach efforts producers that can participate in the special project or initiative of the eligible entity if the producer is otherwise eligible to be enrolled, as determined by the Secretary, or has already enrolled, in the applicable program described in subsection (b); and

"(4) carry out the special project and initiative.

"(h) DUTIES OF THE SECRETARY.—

"(1) ADDITIONAL DUTIES.—In addition to the normal administration of the programs described in subsection (b), the Secretary shall be responsible for basic administrative and oversight functions relating to the special projects and initiatives, including—

"(A) rules and procedures relating to conservation standards and specifications;

"(B) conservation compliance;

"(C) appeals;

"(D) adjusted gross income limitations;

"(E) direct attribution; and

"(F) such other similar functions as the Secretary might designate.

"(2) FLEXIBILITY.—The Secretary may adjust eligibility criteria, approved practices, practice standards, innovative conservation practices, and other elements of the programs described in subsection (b) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments would—

"(A) improve environmental enhancement and long-term sustainability of the natural resource base; and

"(B) be consistent with the purposes of the program and the special project and initiative.

"(3) PREFERENTIAL ENROLLMENT.—Subject to the limitations under subsection (j), the Secretary shall provide preferential enrollment to producers that are eligible—

"(A) for the applicable program described in subsection (b); and

"(B) to participate in the special project and initiative of an eligible partner.

"(i) COST SHARE.—The Secretary shall not require more than 25 percent of the cost of a project or initiative supported under a grant or agreement entered into under this section to come from non-Federal sources. However, the Secretary may give higher priority to projects or initiatives offering to cover a higher percentage of the cost of the project or initiative from non-Federal sources.

"(j) INCENTIVE AND BONUS PAYMENTS.—

"(1) AVAILABILITY.—Applications submitted under subsection (d)(2) may include proposals for special incentive and bonus payments, consistent with the statutory purposes of the programs involved, to producers that—

"(A) restore land, water, or habitat as a community development asset; or

"(B) provide public access to enrolled land.

"(2) CRITERIA.—The Secretary shall develop and publish criteria for providing special incentive or bonus payments to producers under paragraph (1).

"(k) FUNDING.—

"(1) SET-ASIDE.—Of the funds provided for each of fiscal years 2008 through 2012 to implement the programs specified in subsection (b), the Secretary shall reserve 10 percent to ensure an adequate source of funds for grants, agreements, financial assistance to producers under this section.

"(2) ALLOCATION TO STATES.—The Secretary shall allocate to States 90 percent of the funds reserved under paragraph (1) for a fiscal year to allow State Conservationists, with the advice of State technical committees, to select projects and initiatives for funding under this section at the State level. The Secretary shall develop criteria for this allocation made on a similar basis as to the program priorities under subsection (f).

"(3) UNUSED FUNDING.—Any funds reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under conservation programs under subtitle D during the remainder of that fiscal year.

"(4) ADMINISTRATIVE COSTS FUNDING CAP.—Of the funds made available under this section for a particular project or initiative, not more than 5 percent may be expended by the eligible entity on the administrative costs of the project or initiative.".

SEC. 2404. REGIONAL EQUITY AND FLEXIBILITY.

Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended by striking "$12,000,000" and inserting "$15,000,000".

SEC. 2405. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

(a) INCENTIVES FOR CERTAIN PRODUCERS.—Section 1244(a) of the Food Security Act of 1985 (16 U.S.C. 3844(a)) is amended—

(1) in the subsection heading, by striking "BEGINNING" and inserting "INCENTIVES FOR CERTAIN";

(2) by inserting ", socially disadvantaged farmers and ranchers, limited resource farmers and ranchers," after "beginning farmers and ranchers"; and

(3) by striking "and limited resource agricultural producers".

(b) SINGLE, SIMPLIFIED APPLICATION PROCESS FOR CONSERVATION PROGRAMS.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2403, is amended by adding at the end the following new subsection:

"(f) SINGLE, SIMPLIFIED APPLICATION PROCESS.—

"(1) ESTABLISHMENT.—In carrying out any of the conservation programs under this title administered by the Natural Resources Conservation Service, the Secretary shall establish and make available to producers and landowners a single, simplified application process to be used by producers and landowners in initially requesting assistance under such programs. The Secretary shall ensure that—

"(A) conservation program applicants are not required to provide information that duplicates information and resources already available to the Secretary regarding that applicant and for that specific operation; and

"(B) the application process is streamlined to minimize complexity and redundancy.

"(2) REVIEW OF APPLICATION PROCESS.—The Secretary shall review the conservation application process and the forms and related mechanisms used to receive assistance requests from producers and landowners. The purpose of the review shall be to determine what information the applicant is actually required to submit during the application process, including—

"(A) identification information for the applicant;

"(B) identification and location information for the land parcel or tract of concern;

"(C) a general statement of the applicant's resource concern or concerns for the land parcel or tract; and

"(D) the minimum amount of other information the Secretary considers essential for the applicant to provide.

"(3) REVISION AND STREAMLINING.—The Secretary shall carry out a revision of the application forms and processes for conservation programs covered in this subsection to enable utilization of information technology as an avenue to incorporate appropriate data and information concerning the conservation needs and solutions appropriate for the land area identified by the applicant. The revision shall seek to streamline the application process to minimize the burden placed on the applicant.

"(4) CONSERVATION PROGRAM APPLICATION.—When the needs of an applicant are adequately assessed by the Secretary, directly or through a third-party provider under section 1242, in order to determine the conservation programs under this title that best match the needs of the applicant, with the approval of the applicant, the Secretary may convert the initial application into a specific application for assistance for a specific program. To the maximum extent practical, the specific application for conservation program assistance shall be carried out by the Secretary by requesting only that specific further information from the applicant that is not already available to the Secretary.

"(5) IMPLEMENTATION AND NOTIFICATION.—Not later than one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall complete the requirements of this subsection and shall submit to Congress a written notification of such completion.".

SEC. 2406. ANNUAL REPORT ON PARTICIPATION BY SPECIALTY CROP PRODUCERS IN CONSERVATION PROGRAMS.

(a) REPORT REQUIRED.—Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

"SEC. 1252. ANNUAL REPORT ON PARTICIPATION BY SPECIALTY CROP PRODUCERS IN CONSERVATION PROGRAMS.

"(a) REPORT REQUIRED.—The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that—

"(1) documents and analyzes the participation by producers of specialty crops in conservation programs under subtitle D, including the conservation security program and the environmental quality incentives program;

"(2) tracks such participation by crop and livestock type; and

"(3) describes the results of implementing the plan required by subsection (b), as well as any modifications to the plan that the Secretary finds necessary to increase its effectiveness.

"(b) ACCESS PLAN.—As part of each report submitted under subsection (a), the Secretary shall set forth a plan to improve the access of producers of specialty crops to, and their participation in, conservation programs under subtitle D. In developing the plan, the Secretary shall consult with organizations representing producers of specialty crops.

"(c) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' has the meaning

given such term by section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).".

(b) INITIAL REPORT.—The first report required under section 1252 of the Food Security Act of 1985, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act. Subsection (a)(2) of such section shall not apply with respect to the first report.

SEC. 2407. PROMOTION OF MARKET-BASED APPROACHES TO CONSERVATION.

(a) FINDINGS.—Congress finds the following:

(1) Many of the conservation and environmental benefits produced on farms, ranches, and private forest lands in the United States do not have an assigned value in the market place or lack a private market altogether.

(2) While private markets for environmental goods and services are emerging, their viability has been hampered by several barriers.

(3) The Federal Government can help overcome these barriers and promote the establishment of markets for agricultural and forestry conservation activities.

(4) Generating substantial private-sector demand for environmental goods and services hinges on the ability to use environmental credits generated by agricultural and forest conservation activities.

(b) MARKET-BASED APPROACHES.—Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

"SEC. 1245. MARKET-BASED APPROACHES TO CONSERVATION.

"(a) IMPLEMENTATION.—To facilitate the development and effective operation of private sector market-based approaches for environmental goods and services produced by farmers, ranchers, and owners of private forest land, the Secretary may conduct research and analysis, enter into contracts and cooperative agreements, and award grants for the purpose of—

"(1) promoting the development of consistent standards and processes for quantifying environmental benefits, including the creation of performance standards or baselines;

"(2) promoting the establishment of reporting and credit registries, including third-party verification and certification; and

"(3) promoting actions that facilitate the development and functioning of private-sector market-based approaches for environmental goods and services involving agriculture and forestry.

"(b) ENVIRONMENTAL SERVICES STANDARDS BOARD.—

"(1) ESTABLISHMENT.—There is to be established an Environmental Services Standards Board to develop consistent performance standards for quantifying environmental services from land management and agricultural activities in order to facilitate the development of credit markets for conservation and land management activities that are agriculture or forest based.

"(2) CHAIRPERSON.—The Secretary of Agriculture shall serve as chair of the Environmental Services Standards Board.

"(3) MEMBERSHIP.—The Environmental Services Standards Board shall be comprised of the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Commander of the Army Corps of Engineers, and such other representatives as determined by the President.

"(4) SUBCOMMITTEES.—The Environmental Services Standards Board may form subcommittees to address specific issues.

"(c) DISSEMINATION OF PERFORMANCE STANDARDS.—Federal agencies are authorized to adopt performance standards developed by the Environmental Services Standards Board for quantifying environmental services that establish credits to meet requirements of environmental and conservation programs.

"(d) FUNDING .—There is authorized to be appropriated $50,000,000 to carry out this section. Amounts so appropriated shall remain available until expended.

"(e) DEFINITIONS.—In this section

"(1) BASELINE.—The term 'baseline' means a level of effort or performance that is expected to be met before an entity can generate marketable credits.

"(2) PERFORMANCE STANDARD.—The term 'performance standard' means a defined level of environmental performance, expressed as a narrative or measurable number, which specifies the minimum acceptable environmental performance of an operation or practice.".

SEC. 2408. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

"Subtitle G—State Technical Committees

"SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

"(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

"(b) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

"(1) The Natural Resources Conservation Service.

"(2) The Farm Service Agency.

"(3) The Forest Service.

"(4) The Cooperative State Research, Education, and Extension Service.

"(5) The State fish and wildlife agency.

"(6) The State forester or equivalent State official.

"(7) The State water resources agency.

"(8) The State department of agriculture.

"(9) The State association of soil and water conservation districts.

"(10) At least 12 agricultural producers representing the variety of crops and livestock or poultry grown within the State.

"(11) Nonprofit organizations within the meaning of section 501(c)(2) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

"(12) Agribusiness.

"(c) SUBCOMMITTEES.—A State technical committee shall convene one or more subcommittees to provide technical guidance and implementation recommendations. The topics that a subcommittee shall address shall include, at a minimum, the following:

"(1) Establishing priorities and criteria for State initiatives under the programs in this title, including the review of whether local working groups are addressing those priorities.

"(2) Issues related to private forestlands protection and enhancement.

"(3) Issues related to water quality and water quantity.

"(4) In those States where applicable, issues related to air quality.

"(5) Issues related to wildlife habitat, including the protection of nesting wildlife.

"(6) Issues related to wetland protection, restoration, and mitigation requirements.

"(7) Other issues as the Secretary determines would be useful.

"SEC. 1262. RESPONSIBILITIES.

"(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

"(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

"(c) ADVISORY ROLE.—The role of a State technical committee is advisory in nature, and the committee shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of the committee in administering the programs under this title.

"(d) FACA REQUIREMENTS.—Except as provided in subsection (b), a State technical committee, including any subcommittee of State technical committee, is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 2409. PAYMENT LIMITATIONS.

(a) IN GENERAL.—The Food Security Act of 1985 is amended by inserting after section 1245, as added by section 2407, the following new section:

"SEC. 1246. PAYMENT LIMITATIONS.

"(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly, in any fiscal year shall not exceed—

"(1) $60,000 from any single program under this title or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b)); or

"(2) $125,000 from more than one program under this title and as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act.

"(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply with respect to the following:

"(1) The wetlands reserve program under subchapter C of chapter 1 of subtitle D.

"(2) The farm and ranchland protection program under subchapter B of chapter 2 of such subtitle.

"(3) The grassland reserve program under subchapter C of chapter 2 of such subtitle.

"(c) DIRECT ATTRIBUTION.—

"(1) IN GENERAL.—In implementing the payment limitations in subsection (a), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive such payments.

"(2) PAYMENTS TO A PERSON.—Every payment made directly to a person shall be combined with the person's pro rata interest in payments received by a legal entity in which the person has a direct or indirect ownership interest.

"(3) PAYMENTS TO A LEGAL ENTITY.—

"(A) IN GENERAL.—Every payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity.

"(B) ATTRIBUTION OF PAYMENTS.—

"(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsection (a).

"(ii) EXCEPTION.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsection (a), the amount determined by multiplying the maximum payment amount specified in subsection (a) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.".

(b) CONFORMING AMENDMENTS.—

(1) EXISTING PAYMENT LIMITATIONS IN CONSERVATION PROGRAMS.—Title XII of the Food Security Act of 1985 is amended—

(A) in section 1234 (16 U.S.C. 3834) by striking subsection (f);

(B) in section 1238C (16 U.S.C. 3838c), as amended by section 2103, by striking subsections (d) and (e); and

(C) by striking section 1240G (16 U.S.C. 3839aa–7).

(2) AGRICULTURAL MANAGEMENT ASSISTANCE.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524) is amended by striking paragraph (3).

Subtitle E—Miscellaneous Provisions

SEC. 2501. INCLUSION OF INCOME FROM AFFILIATED PACKING AND HANDLING OPERATIONS AS INCOME DERIVED FROM FARMING FOR APPLICATION OF ADJUSTED GROSS INCOME LIMITATION ON ELIGIBILITY FOR CONSERVATION PROGRAMS.

Section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)) is amended by inserting "(including, for purposes of paragraph (2)(C), affiliated packing and handling operations)" after "derived from farming".

SEC. 2502. ENCOURAGEMENT OF VOLUNTARY SUSTAINABILITY PRACTICES GUIDELINES.

In administering this title and the amendments made by this title, the Secretary of Agriculture may encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops.

SEC. 2503. FARMLAND RESOURCE INFORMATION.

(a) DEVELOPMENT AND DISSEMINATION OF FARMLAND RESOURCE INFORMATION.—The Secretary of Agriculture shall design and implement educational programs and materials emphasizing the importance of productive farmland to the Nation's well-being and distribute educational materials through communications media, schools, groups, and other Federal agencies. The Secretary shall carry out this subsection through existing agencies or interagency groups and in cooperation with nonprofit organizations and the cooperative extension services of States.

(b) FARMLAND INFORMATION CENTERS.—The Secretary shall designate 1 or more farmland information centers to provide technical assistance and serve as central depositories and distribution points for information on farmland issues. Information provided by a center shall include online access to data on land cover and use changes and trends and literature, laws, historical archives, policies, programs, and innovative actions or proposals by local and State governments or nonprofit organizations related to farmland protection.

(c) FUNDING.—Funds for the farmland information centers designated under subsection (b) shall be provided using funds made available for the farm and ranchland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.). Such funding for a fiscal year shall not exceed one-half of 1 percent of the funds made available for the farm and ranchland protection program for that fiscal year, but no less than $400,000 annually.

(d) MATCHING FUNDS.—Federal funding for a farmland information center designated under subsection (b) shall be matched with non-Federal funds, through cash or in-kind contributions.

TITLE III—TRADE

Sec. 3001. Agricultural Trade Development and Assistance Act of 1954.
Sec. 3002. Export credit guarantee program.
Sec. 3003. Market access program.
Sec. 3004. Food for Progress Act of 1985.
Sec. 3005. McGovern-Dole International Food for Education and Child Nutrition program.
Sec. 3006. Bill Emerson Humanitarian Trust.
Sec. 3007. Technical assistance for specialty crops.
Sec. 3008. Technical assistance for the resolution of trade disputes.
Sec. 3009. Representation by the United States at international standard-setting bodies.
Sec. 3010. Foreign market development cooperator program.
Sec. 3011. Emerging markets.
Sec. 3012. Export Enhancement Program.
Sec. 3013. Minimum level of nonemergency food assistance.
Sec. 3014. Germplasm conservation.

SEC. 3001. AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

(a) PURPOSE OF PROGRAM.—Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended so that paragraph (1) reads as follows:

"(1) address famine and food crises and respond to emergency food needs arising from manmade disasters, and natural disasters.".

(b) SUPPORT FOR ELIGIBLE ORGANIZATIONS.—Section 202(e)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722(e)(1)) is amended—

(1) by striking "not less than 5 percent nor more than 10 percent of the funds" and inserting "not less than 7 percent nor more than 12 percent of the funds";

(2) striking "and" at the end of subparagraph (A);

(3) striking the period at the end of subparagraph (B) and inserting "; and"; and

(4) inserting after subparagraph (B) the following:

"(C) developing, implementing and improving monitoring systems of programs receiving funds under this title.".

(c) GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.—Subsection (b) of section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended by striking "1 or more recipient countries" and inserting "in 1 or more recipient countries".

(d) LEVELS OF ASSISTANCE.—Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1) by striking "2002 through 2007" and inserting "2008 through 2012"; and

(2) in paragraph (2) by striking "2002 through 2007" and inserting "2008 through 2012".

(e) FOOD AID CONSULTATIVE GROUP.—Section 205(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(f)) is amended by striking "2007" and inserting "2012".

(f) DENIAL OF PROPOSALS.—Paragraph (3) of section 207(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a(a)) is amended to read as follows:

"(3) DENIAL.—If a proposal under paragraph (1) is denied, the response shall specify the reasons for denial.".

(g) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended by adding at the end the following:

"(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

"(1) IN GENERAL.—The Administrator, in consultation with the Secretary, shall establish systems to improve, monitor, and evaluate the effectiveness and efficiency of assistance provided under this title in order to maximize the impact of such assistance. Such systems shall include the following:

"(A) program monitors in countries receiving assistance under this title;

"(B) country and regional food aid impact evaluations;

"(C) evaluations of best practices for food aid programs;

"(D) evaluation of monetization programs;

"(E) early warning assessments to prevent famines; and

"(F) upgraded information technology systems.

"(2) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Administrator shall submit to the appropriate congressional committees a report on efforts undertaken to implement (1).

"(3) ANNUAL REPORT.—Not later than February 1 of each year, the Administrator shall submit to the appropriate congressional committees a report assessing the systems implemented under paragraph (1) and their impact on the effectiveness and efficiency of assistance provided under this title.

"(4) FUNDING.—In addition to other funds made available for the Administrator to perform monitoring of emergency food assistance, the Administrator may implement this subsection using up to $15,000,000 of funds made available under this title for each of the fiscal years 2008 through 2012, except for paragraph (1)(F), for which only $2,500,000 shall be made available during fiscal year 2008.".

(h) SHELF-STABLE PREPACKAGED FOODS.—Section 208(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726b(f)) is amended—

(1) by striking "2007" and insert "2012"; and

(2) by striking "$3,000,000" and inserting "$7,000,000"

(i) PREPOSITIONING.—Section 407(c)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(4)) is amended—

(1) by striking "2007" and inserting "2012"; and

(2) by striking "$2,000,000" and inserting "$8,000,000".

(j) ANNUAL REPORTS.—Section 407(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by adding at the end before the semicolon the following: ", and the amount of funds, tonnage levels, and types of activities for non-emergency food assistance programs under title II of this Act";

(B) in subparagraph (C), by adding at the end before the semicolon the following: ", and a general description of the projects and activities implemented"; and

(C) so that subparagraph (D) reads as follows:

"(D) an assessment of the progress toward reducing food insecurity in the populations receiving food assistance from the United States."; and

(2) in paragraph (3), by striking "January 15" and inserting "March 1".

(k) EXPIRATION OF ASSISTANCE.—Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "2007" and inserting "2012".

(l) MICRONUTRIENT FORTIFICATION PROGRAM.—Section 415(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g–2) is amended by striking "2007" and inserting "2012".

(m) JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.—

(1) MINIMUM FUNDING.—Section 501(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(d)) is amended—

(A) by inserting "or $10,000,000, whichever amount is greater," after "not less than 0.5 percent"; and

(B) by striking "2002 through 2007" and inserting "2008 through 2012".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—To carry out programs under this section, there is authorized to be appropriated for each of fiscal years 2008 through 2012 the following amounts:

"(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries.

"(B) $5,000,000 for all other countries not included in subparagraph (A).".

(n) REFERENCES TO COMMITTEE.—The Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended by striking "Committee on International Relations" each place it appears and inserting "Committee on Foreign Affairs".

SEC. 3002. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—

(1) REPEALS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "(1)" and all that follows through "The Commodity" and inserting "The Commodity"; and

(ii) by striking paragraphs (2) and (3);

(B) by striking subsections (b) and (c); and

(C) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively.

(2) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(A) in section 202 (7 U.S.C. 5622)—

(i) in subsection (b)(4) (as redesignated by paragraph (1)(C)), by striking ", consistent with the provisions of subsection (c)";

(ii) in subsection (d) (as redesignated by paragraph (1)(C))—

(I) by striking "(1)" and all that follows through "The Commodity" and inserting "The Commodity"; and

(II) by striking paragraph (2); and

(iii) in subsection (g)(2) (as redesignated by paragraph (1)(C)), by striking "subsections (a) and (b)" and inserting "subsection (a)"; and

(B) in section 211 (7 U.S.C. 5641), by striking subsection (b) and inserting the following:

"(b) EXPORT CREDIT GUARANTEE PROGRAMS.—(1) The Commodity Credit Corporation shall make available for each of fiscal years 2008 through 2012 not less than $5,500,000,000 in credit guarantees under section 202(a).

"(2) Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(k)(1)) is amended by striking '2007' and inserting '2012'.".

SEC. 3003. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after "agricultural commodities" the following: "(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502))".

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ", and $200,000,000 for each of fiscal years 2006 and 2007" and inserting "$200,000,000 for each of fiscal years 2006 and 2007, and $225,000,000 for each of fiscal years 2008 through 2012".

(c) AVAILABILITY OF FUNDS FOR ACTIVITIES TO DEVELOP, MAINTAIN, OR EXPAND FOREIGN MARKETS FOR LEAF TOBACCO.—Section 1302(b)(3) of the Agricultural Reconciliation Act of 1993 (7 U.S.C. 5623 note) is amended by inserting ", other than leaf tobacco" after "tobacco".

SEC. 3004. FOOD FOR PROGRESS ACT OF 1985.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking "2007" each place it appears and inserting "2012".

SEC. 3005. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107(l)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(l)(2)) is amended by striking "2007" and inserting "2012".

SEC. 3006. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended by striking "2007" each place it appears in subsection (b)(2)(B)(i) and paragraphs (1) and (2) of subsection (h) and inserting "2012".

SEC. 3007. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended so that subsection (d) reads as follows:

"(d) FUNDING.—

"(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) FUNDING AMOUNT.—The Secretary shall use the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation to carry out this section—

"(A) $4,000,000 for fiscal year 2008;

"(B) $6,000,000 for fiscal year 2009;

"(C) $8,000,000 for fiscal year 2010;

"(D) $10,000,000 for each of fiscal years 2011 through 2012.".

SEC. 3008. TECHNICAL ASSISTANCE FOR THE RESOLUTION OF TRADE DISPUTES.

(a) IN GENERAL.—The Secretary of Agriculture may provide monitoring, analytic support, and other technical assistance to limited resource persons and organizations associated with agricultural trade (as determined by the Secretary) to address unfair trade practices of foreign countries and to reduce trade barriers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as necessary to carry out subsection (a).

SEC. 3009. REPRESENTATION BY THE UNITED STATES AT INTERNATIONAL STANDARD-SETTING BODIES.

(a) IN GENERAL.—Pursuant to the authority of the Secretary provided by section 1458(a)(3) of the Food and Agriculture Act of 1977 (7 U.S.C. 3291(a)(3)), the Secretary is authorized to enhance United States support for international organizations, including the Food and Agriculture Organization, the Codex Alimentarius Commission, the International Plant Protection Convention, and the World Organization for Animal Health, that establish international standards regarding food, food safety, plants, and animals, respectively, by funding additional positions of Associate Professional Officers to address sanitary and phytosanitary priorities of the United States within applicable international organizations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 2007–2012.

SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking "2007" and inserting "2012".

SEC. 3011. EMERGING MARKETS.

The Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended in each of subsections (a) and (d)(1)(A)(i) by striking "2007" and inserting "2012.

SEC. 3012. EXPORT ENHANCEMENT PROGRAM.

Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by striking "2007" and inserting "2012".

SEC. 3013. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended by inserting at the end the following new subsection:

"(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

"(1) FUNDS.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $450,000,000 for each of fiscal years 2008 through 2012 shall be expended for nonemergency food assistance programs under title II.

"(2) EXCEPTION.—The Administrator may use less than the amount specified in paragraph (1) for a fiscal year for nonemergency food assistance programs under title II if—

"(A) the Administrator submits to the Committees on International Relations, Agriculture, and Appropriations of the House of Representatives and the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate a report requesting the reduction and containing the reasons for the reduction; and

"(B) following submission of the report, Congress enacts a law approving the Administrator's request.".

SEC. 3014. GERMPLASM CONSERVATION.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (in this section referred to as the "Trust") to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of such crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (for example, through the provision of an accessible Internet site);

(5) the operation and maintenance of a backup facility wherein is stored duplicate samples of seeds, as a hedge against natural or manmade disasters; and

(6) oversight designed to ensure international coordination of these actions and efficient, public accessibility to this diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of United States Government funds provided to the Trust shall not exceed 25 percent of the total of the funds contributed to the Trust from all sources.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section a total of $60,000,000 over the period of fiscal year 2008 through fiscal year 2012.

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Sec. 4001. Renaming the food stamp program.
Sec. 4002. Definition of drug addiction or alcoholic treatment and rehabilitation program.
Sec. 4003. Nutrition education.
Sec. 4004. Food distribution on Indian reservations.
Sec. 4005. Deobligate food stamp coupons.
Sec. 4006. Allow for the accrual of benefits.
Sec. 4007. State option for telephonic signature.
Sec. 4008. Review of major changes in program design.
Sec. 4009. Grants for simple application and eligibility determination systems and improved access to benefits.
Sec. 4010. Civil money penalties and disqualification of retail food stores and wholesale food concerns.

Sec. 4011. Major systems failures.
Sec. 4012. Funding of employment and training programs.
Sec. 4013. Reductions in payments for administrative costs.
Sec. 4014. Cash payment pilot projects.
Sec. 4015. Findings of Congress regarding Secure Supplemental Nutrition Assistance program nutrition education.
Sec. 4016. Nutrition education and promotion initiative to address obesity.
Sec. 4017. Authorization of appropriations.
Sec. 4018. Consolidated block grants for Puerto Rico and American Samoa.
Sec. 4019. Study on comparable access to Secure Supplemental Nutrition Assistance Program benefits for Puerto Rico.
Sec. 4020. Reauthorization of community food project competitive grants.
Sec. 4021. Emergency food assistance.

Subtitle B—Commodity Distribution

Sec. 4201. Authorization of appropriations.
Sec. 4202. Distribution of surplus commodities; special nutrition projects.
Sec. 4203. Commodity distribution program.

Subtitle C—Child Nutrition and Related Programs

Sec. 4301. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
Sec. 4302. Buy American requirements.
Sec. 4303. Expansion of fresh fruit and vegetable program.
Sec. 4304. Purchases of locally produced foods.

Subtitle D—Miscellaneous

Sec. 4401. Seniors farmers' market nutrition program.
Sec. 4402. Congressional Hunger Center.
Sec. 4403. Joint nutrition monitoring and related research activities.

Subtitle A—Food Stamp Program

SEC. 4001. RENAMING THE FOOD STAMP PROGRAM.

(a) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—

(1) REFERENCES AMENDED.—The provisions of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)—

*(A) specified in paragraph (2)(A) are amended in the section heading by striking "**FOOD STAMP**" each place it appears and inserting "**SECURE SUPPLEMENTAL NUTRITION ASSISTANCE**";*

(B) specified in paragraph (2)(B) are amended in the subsection heading by striking "FOOD STAMP" each place it appears and inserting "SECURE SUPPLEMENTAL NUTRITION ASSISTANCE";

(C) specified in paragraph (2)(C) are amended by striking each place it appears "food stamp recipient" and inserting "member of a household that receives Secure Supplemental Nutrition Assistance Program benefits",

(D) specified in paragraph (2)(D) are amended by striking "food stamp recipients" each place it appears and inserting "members of households that receive Secure Supplemental Nutrition Assistance Program benefits",

(E) specified in paragraph (2)(E) are amended by striking "food stamp households" each place it appears and inserting "households that receive Secure Supplemental Nutrition Assistance Program benefits";

(F) specified in paragraph (2)(F) are amended by striking "Simplified Food Stamp Program" each place it appears and inserting "Simplified Secure Supplemental Nutrition Assistance Program";

(G) specified in paragraph (2)(H) are amended by striking "food stamp participants" each place it appears and inserting "participants in the Secure Supplemental Nutrition Assistance Program";

(H) specified in paragraph (2)(I) are amended by striking "food stamp informational activities" each place it appears and inserting "informational activities relating to the Secure Supplemental Nutrition Assistance Program";

(I) specified in paragraph (2)(J) are amended by striking "food stamp caseload" each place it appears and inserting "caseload under the Secure Supplemental Nutrition Assistance Program";

(J) specified in paragraph (2)(K) are amended by striking "State's food stamp households" each place it appears and inserting "the number of households in the State receiving Secure Supplemental Nutrition Assistance Program benefits";

*(K) specified in paragraph (2)(L) are amended in the section heading by striking "**FOOD STAMP PORTION**" each place it appears and inserting "**SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**";*

(L) specified in paragraph (2)(M) are amended by striking "food stamps" each place it appears and inserting "Secure Supplemental Nutrition Assistance Program benefits";

(M) specified in paragraph (2)(N) are amended by striking "Food stamp program" each place it appears and inserting "Secure Supplemental Nutrition Assistance Program";

(N) specified in paragraph (2)(o) are amended by striking "food stamp program benefits" each place it appears and inserting "Secure Supplemental Nutrition Program benefits"; and

(O) specified in paragraph (2)(O) are amended by striking "food stamp program" each place it appears and inserting "Secure Supplemental Nutrition Assistance Nutrition Program".

(2) PROVISIONS REFERRED TO.—The provisions of the of the Food Stamp Act of 1977 referred to in paragraph (1) are the following:

(A) Sections 4 and 26.

(B) Section 6(j).

(C) Section 6(o)(6)(A)(ii).

(D)(i) Subparagraphs (D) and (E) of section 6(o)(6);

(ii) sections 16(h)(1)(E)(i) and 12(a); and

(iii) paragraphs (1)(B)(ii)(II) and (3)(B) of section 17(b).

(E) Sections 7(h)(3)(B)(ii), 9(b)(1), 12(a), and 17(b)(1)(B)(ii)(I).

(F) Sections 11(e)(25) and 26(b).

(G) Section 11(f)(2)(B).

(H) Section 16(a).

(I) Section 16(e)(9)(C).

(J) Section 17(b)(1)(B)(iii)(I).

(K) Section 22.

(L)(i) Subsections (d)(3) and (o)(6)(A)(i) of section 6;

(i) paragraphs (2)(B)(v)(II) and (14) of section 11(e);and

(i) sections 12(e)(16), 17(b)(3)(C), and 18(a)(3)(A)(ii).

(M) Section 3(h)

(N)(i) In section 6—

(I) subsection (h); and

(II) in subsection (o)—

(aa) paragraph (2); and

(bb) subclauses (IV) and (V) of paragraph (6)(A)(ii).

(ii) Section 7(k)(2).

(iii) In section 11—

(I) subsection (e)(25)(A);

(II) paragraphs (1), (2), and (3) of subsection (s); and

(III) subsection (t)(1)(B).

(iv) In section 17—

(I) subsection (a)(2);

(II) paragraphs (1)(A), (2), and (3)(D) of subsection (b);

(III) paragraphs (1)(B), (2)(C)(ii), and (3)(E) of subsection (d); and

(IV) subsections (e) and (f).

(v) Section 21(d)(3).

(O)(i) Sections 2, 3(h), and 4.

(ii) In section 5—

(I) subsections (a), (b), (c), and (d);

(II) clauses (ii)(III) and (iv)(IV) of subsection (e)(6)(C);

(III) paragraphs (1), (3), and (6)(B)(iv) of subsection (g); and

(IV) subsections (h)(2)(A) and (k)(4)(B).

(iii) In section 6—

(I) subsections (a) and (b);

(II) in subsection (d)(1)—

(aa) subparagraphs (A) and (B);

(bb) clauses (i), (ii), and (iii) of subparagraph (C); and

(cc) clauses (v) and (vi) of subparagraph (D);

(III) paragraphs (2)(C), (3), and (4)(A)(i) of subsection (d);

(IV) subsections (e), (f), and (h);

(V) paragraphs (1) and (2) of subsection (i); and

(VI) subsections (j), (k), (l)(1), (m)(1), (n), (o)(5)(A);

(iv) In section 7—

(I) subsections (a), (b), and (g);

(II) paragraphs (1) and (2)(B) of subsection (j); and

(III) in subsection (k)—

(aa) paragraph (3); and

(bb) subparagraphs (B)(ii) and (C) of paragraph (4).

(v) In section 8—

(I) subsections (a), (c)(2), and (d)(2);

(II) in subsection (f)—

(aa) clauses (i)(II)(aa), (ii)(I), and (iv) of paragraph (1)(D), and

(bb) paragraph (3)(B)(ii)(II)(bb).

(vi) In section 9—

(I) paragraphs (1) and (3) of subsection (a); and

(II) subsections (b)(1), (d), (e), and (g).

(vii) In section 11—

(I) subsections (c) and (d);

(II) in subsection (e)—

(aa) paragraph (1)(A);

(bb) clauses (i) and (iv) of paragraph (2)(B); and

(cc) paragraphs (10), (17), (20)(B), and (22);

(III) subsections (f)(1), (g), (i), and (j)(1);

(IV) paragraphs (1), (2), (3), and (4) of subsection (o);

(V) subsections (p) and (q); and

(VI) paragraphs (2)(A) and (B)(4)(A) of subsection (t).

(viii) Sections 12(a) and 14(a)(1).

(ix) Subsections (b)(1) and (c) of section 15.

(x) In section 16—

(I) subsection (a);

(II) paragraph (1), (2), and (3) of subsection (b);

(III) in subsection (c)—

(aa) the matter preceding subparagraph (A);

(bb) subparagraphs (D)(i)(II) and (F)(iii)(I) of paragraph (1); and

(cc) subparagraphs (A), (B), and (C) of paragraph (9);

(IV) subsections (e), (g), and (i)(1); and

(V) in subsection (k)—

(aa) subparagraphs (A) and (B) of paragraph (2);

(bb) subparagraphs (A) and (B)(i) of paragraph (3); and

(cc) subparagraphs (A)(ii) and (B)(iv)(II) of paragraph (5).

(xi) In section 17—

(I) subsection (a)(1);

(II) in subsection (b)—.

(aa) subparagraphs (A) and (B)(i) of paragraph (1); and

(bb) subparagraph (2);

(III) subsection (c);

(IV) subparagraphs (A) and (C) of subsection (d) (2); and

(V) subsections (e), (g), and (h)(2).

(xii) Subsections (a)(3)(D), (b), (d), and (e) of section 18.

(xiii) Subsections (a)(1) and (f) of section 20.

(xiv) In section 21—

(I) subsection (a);

(II) in subsection (b)—

(aa) in paragraph (2)—

(AA) clause (i) and (ii) of subparagraph (A);

(BB) subparagraphs (B) and (C)(i);

(CC) clause (ii), and subclauses (II), (III), and (IV) of clause (iii), of subparagraph (F); and

(DD) subparagraph (G)(i);

(bb) paragraph (3);

(cc) in paragraph (4)—

(AA) subparagraphs (A) and (B); and

(BB) the flush text at the end;

(dd) paragraphs (5) and (7);

(III) subsection (C)(2)(B);

(IV) paragraphs (1)(A), (2), and (3) of subsection (d); and

(V) paragraphs (1) and (2) of subsection (f).

(xv) In section 22—

(I) subsection (a)(1);

(II) in subsection (b)—

(aa) paragraph (2);

(bb) in paragraph (3)—

(AA) subparagraphs (A) and (B)(ii);

(BB) clauses (ii) and (iii) of subparagraph (C);

(CC) subparagraph (D)(ii); and

(DD) clauses (i), (ii), and (iv) of subparagraph (E);

(cc) paragraph (5);

(dd) subparagraphs (B) and (C) of paragraph (6);

(ee) subparagraphs (A) and (B) of paragraph (7);

(ff) paragraphs (8) and (9);

(gg) in paragraph (10)—

(AA) subparagraph (A)

(BB) clauses (i) and (ii) of subparagraph (B); and

(CC) subparagraph (C); and

(hh) paragraphs (11), (12), and (13);

(III) in subsection (d)—

(aa) paragraph (1)(B)(i); and

(bb) paragraph (3); and

(IV) subsections (g)1 and (h).

(xvi) Section 23(c).

(xvii) In section 26—

(I) subparagraphs (B) and (C) of subsection (c)(4); and

(II) subsection (f)(1).

(b) REFERENCES IN OTHER LAWS, DOCUMENT, AND RECORDS OF THE UNITED STATES.—In any law (excluding the Food Stamp Act of 1977), regulation, rule, document, or record of the United States—

(1) a reference to food stamp recipients shall be deemed to be a reference to recipients of Secure Supplemental Nutrition Assistance Program benefits;

(2) a reference to food stamp households shall be deemed to be a reference to households that receive Secure Supplemental Nutrition Assistance Program benefits;

(3) a reference to the Simplified Food Stamp Program shall be deemed to be a reference to the Simplified Secure Supplemental Nutrition Assistance Program;

(4) a reference to food stamp participants shall be deemed to be a reference to participants in the Secure Supplemental Nutrition Assistance Program;

(5) a reference to food stamp informational activities shall be deemed to be a reference to informational activities relating to the Secure Supplemental Nutrition Assistance Program;

(6) a reference to food stamp caseload shall be deemed to be a reference to caseload under the Secure Supplemental Nutrition Assistance Program;

(7) a reference to food stamps shall be deemed to be a reference to Secure Supplemental Nutrition Assistance Program benefits; and

(8) a reference to the food stamp program shall be deemed to be a reference to Secure Supplemental Nutrition Assistance Program.

SEC. 4002. DEFINITION OF DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM.

Section 3(f) of the Food Stamp Act of 1977 (7 U.S.C. 2012(f)) is amended by striking " center, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.)" and inserting "center, that is—

"(1) tax exempt; and

"(2) certified by the State title XIX agency, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.), as receiving funding under part B, eligible to receive funding under part B even if no funds are being received, or operating to further the purposes of part B, except that nothing in this paragraph shall be construed to require State or Federal licensure to meet these requirements;".

SEC. 4003. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting "and through an approved State plan, nutrition education" after "an allotment".

(b) IMPLEMENTATION.—Section 11(f) of the Food and Nutrition Act of 1977 (7 U.S.C. 2020(f)) is amended to read as follows:

"(f) NUTRITION EDUCATION.—

"(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for Secure Supplemental Nutrition Assistance Program benefits that promotes healthy food choices consistent with current Dietary Guidelines.

"(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the Cooperative State Research, Education and Extension Service, including through the expanded food and nutrition education under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

"(3) NUTRITION EDUCATION STATE PLANS.—State agencies wishing to provide nutrition education under this subsection shall submit a Nutrition Education State Plan to the Food and Nutrition Service for approval. The plan shall identify the uses of the funding for local projects and conform to standards set forth by the Secretary in regulations or guidance. State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

"(4) NOTIFICATION.—Whenever practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.".

SEC. 4004. FOOD DISTRIBUTION ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

"(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

"(1) IN GENERAL.—Distribution of commodities, with or without the Secure Supplemental Nutrition Assistance Program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

"(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in subparagraph (A), then the tribal organization shall administer the distribution.

"(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in subparagraph (A) that permits any household on any Indian reservation to participate simultaneously in the Secure Supplemental Nutrition Assistance Program and the distribution of federally donated foods.

"(3) DISQUALIFIED PARTICIPANTS.—The Secretary shall ensure that an individual who is disqualified from participation in the Food Distribution Program on Indian Reservations under this subsection is not eligible to participate in the Secure Supplemental Nutrition Assistance Program under this Act.

"(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs of such distribution on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

"(5) TRADITIONAL AND LOCAL FOODS FUND.—

"(A) IN GENERAL.—The Secretary shall establish a fund to purchase traditional and locally-grown food, designated by region, for recipients of food distributed under this subsection.

"(B) NATIVE AMERICAN PRODUCERS.—For recipients of food distributed under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

"(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary, in conjunction with the Indian Tribal Organizations, will determine the definition of traditional and locally-grown.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of the fiscal years 2008 through 2012 to carry out subparagraph (A).".

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the Food Distribution Program on Indian Reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) (referred to in this subsection as the "food package");

(2) the extent to which the food package—

(A) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(C) addresses the nutritional needs of low-income Native Americans, compared to the Secure Supplemental Nutrition Assistance Program;

(3) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; and

(4) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

SEC. 4005. DEOBLIGATE FOOD STAMP COUPONS.

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through "subsection (j)) shall be" and inserting the following:

"SEC. 7. ISSUANCE AND USE OF BENEFITS.

"(a) IN GENERAL.—Except as provided in subsection (j), EBT cards shall be".

(2) in subsection (b)—

(A) by striking "(b) Coupons" and inserting the following:

"(b) USE.—Benefits"; and

(B) by striking ": Provided further" and all that follows through "denominations issued" ;

(3) in subsection (c)—

(A) by striking "(c) Coupons" and inserting the following:

"(c) DESIGN.—

"(1) IN GENERAL.—EBT cards";

(B) in the 1st sentence by striking "and define their denomination"; and

(C) by striking the 2d sentence and inserting the following:

"(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.";

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "coupon issuers" each place it appears and inserting "benefit issuers";

(6) in subsection (f)—

(A) by striking "coupons" each place it appears and inserting "benefits";

(B) by striking "coupon issuer" and inserting "benefit issuer"; and

(C) by striking "section 11(e)(20)" and all that follows through the period and inserting "section 11(e)(19).";

(7) by amending subsection (g) to read as follows:

"(g) BENEFIT SYSTEM.—

"(1) COST.—The cost of documents or systems that may be required by subsection (i) may not be imposed upon a retail food store participating in the Secure Supplemental Nutrition Assistance Program.

"(2) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

"(A) COUPON ISSUANCE.—Beginning on the effective date of this subsection, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives benefits under this Act.

"(B) EBT CARDS.—Beginning 1 year after the effective date of this subsection, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

"(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed in the 1-year period beginning on the effective date of this subsection will no longer be an obligation of the Federal Government and shall not be redeemable.".

(8) in subsection (h)(1) by striking "coupons" and inserting "benefits";

(9) in subsection (j)—

(A) in paragraph (2)(A)(ii) by striking "printing, shipping, and redeeming coupons" and inserting "issuing and redeeming benefits"; and

(B) in paragraph (5) by striking "coupon" and inserting "benefit"; and

(10) in subsection (k)—

(A) by striking "coupons in the form of" each place it appears and inserting "benefits in the form of"; and

(B) by striking "a coupon issued in the form of" each place it appears and inserting "benefits in the form of".

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (a) by striking "coupons" and inserting "benefits";

(B) by amending subsection (b) to read as follows:

"(b) 'Benefit' means the value of assistance provided under this Act to a household by means of an electronic benefit transfer under section 7(i), or other means of providing assistance, as determined by the Secretary.";

(C) in the 1st sentence of subsection (c) by striking "authorization cards" and inserting "benefits";

(D) in subsection (d) by striking "or access device" and all that follows through "number";

(E) in subsection (e)—

(i) by striking "coupon issuer" and inserting "benefit issuer"; and

(ii) by striking "coupons" and inserting "benefits";

(F) by after paragraph (f) the following:

"(f-1) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i).";

(G) in subsection (i)(5)(D) by striking "coupons" and inserting "benefits"; and

(H) in subsection (t) by inserting "including point of sale devices," after "other means of access".

(2) Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "coupons issued" and inserting "benefits issued".

(3) Section 5(i)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(i)(2)(E)) is amended by striking ", as defined in section 3(i) of this Act,".

(4) Section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended—

(A) in subparagraph (B) by striking "coupons or authorization cards" and inserting "benefits"; and

(B) by striking "coupons" each place it appears and inserting "benefits".

(5) Section 7(j)(5) is amended by striking "coupon" and inserting "benefit".

(6) Section 8(b) of the Food Stamp Act of 1977 (7 U.S.C. 2017(b)) is amended by striking ", whether through coupons, access devices, or otherwise".

(7) Section 9 of the Food Stamp Act of 1977 (7 U.S.C. 2018) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) in subsection (a)—

(i) in paragraph (1) by striking "coupon" and inserting "benefit"; and

(ii) in paragraph (3) by striking "coupons, or to redeem,".

(8) Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through "Regulations" and inserting the following:

"SEC. 10. REDEMPTION OF BENEFITS.

"Regulations"; and

(B) by striking "coupons" each place it appears and inserting "benefits".

(9) Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) in paragraph (15) by striking "when using its authorization card in order to receive its coupons" and inserting "when receiving benefits"; and

(ii) in paragraph (19) by striking "that," and all that follows through "paragraph;" and inserting "that eligible households may be required to present photographic identification cards in order to receive their benefits.";

(B) in subsection (h) by striking "coupon or coupons" and inserting "benefits";

(C) by striking "coupon" each place it appears and inserting "benefit"; and

(D) by striking "coupons" each place it appears and inserting "benefits".

(10) Section 13 of the Food Stamp Act of 1977 (7 U.S.C. 2022) is amended by striking "coupons" each place it appears and inserting "benefits".

(11) Section 15 of the Food Stamp Act of 1977 (7 U.S.C. 2024) is amended—

(A) in subsection (a) by striking "coupons" and inserting "benefits";

(B) in subsection (b)(1)—

(i) by striking "coupons" each place it appears and inserting "benefits";

(ii) by striking "coupons or authorization cards" and inserting "benefits"; and

(iii) by striking "access device" each place it appears and inserting "benefit";

(C) in subsection (c) by striking "coupons" each place it appears and inserting "benefits";

(D) in subsection (d) by striking "Coupons" and inserting "Benefits";

(E) in subsections (e) and (f) by striking "coupon" each place it appears and inserting "benefit"; and

(F) in subsection (g) by striking "coupon, authorization cards or access devices" and inserting "benefits"; and

(12) Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking "coupons" each place it appears and inserting "benefits".

(13) Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2) by striking "coupon" and inserting "benefit";

(B) in subsection (b)(1)—

(i) in subparagraph (B)(v)—

(I) by striking "countersigned food coupons or similar"; and

(II) by striking "food coupons" and inserting "EBT cards"; and

(ii) in subparagraph (C)(i)(I) by striking "coupons" and inserting "EBT cards"; and

(C) in subsection (j) by striking "coupon" and inserting "benefit".

(14) Section 21 of the Food Stamp Act of 1977 (7 U.S.C. 2030) is amended—

(A) in subsection (d)(3)—

(i) by striking "food coupons" and inserting "benefits"; and

(ii) by striking "food stamp benefits" and inserting "benefits".

(15) Section 22 of the Food Stamp Act of 1977 (7 U.S.C. 2031) is amended—

(A) by striking "food coupons" each place it appears and inserting "benefits";

(B) by striking "coupons" each place it appears and inserting "benefits"; and

(C) in subsection (g)(1)(A) by striking "coupon" and inserting "benefit".

(c) REFERENCES IN OTHER LAWS, DOCUMENTS, AND RECORDS OF THE UNITED STATES.—In any law (excluding the Food Stamp Act of 1977), regulation, rule, document, or record of the United States, a reference to "coupon", "authorization card", or "other access device" as used in the Food Stamp Act of 1977 as in effect before the date of the enactment of this Act shall be deemed to be a reference to "benefit" as defined in such Act as in effect after the date of the enactment of this Act.

SEC. 4006. ALLOW FOR THE ACCRUAL OF BENEFITS.

Section 7(i) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

"(12) RECOVERING ELECTRONIC BENEFITS.—

"(A) A State agency may recover benefits from a household's electronic benefits account because of inactivity in the account after the household has not accessed the account the lesser of—

"(i) 3 months during which the account has continuously had a balance in excess of $1,000, adjusted for changes in the thrifty food plan since June 2007; or

"(ii) 12 months.

"(B) A household whose benefits are recovered under subparagraph (A) shall receive notice and shall have the benefits made available again upon a request made during a period of not less than 12 months after the recovery.".

SEC. 4007. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following:

"(ii) A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone. Any such system shall—

"(I) record for future reference the household member's verbal assent and the information to which assent was given;

"(II) include effective safeguards against impersonation, identity theft, or invasions of privacy;

"(III) not deny or interfere with the right of the household to apply in writing;

"(IV) promptly send the household member a written copy of the application, with instructions on a simple procedure for correcting any errors or omissions;

"(V) comply with paragraph (1)(B);

"(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the Secure Supplemental Nutrition Assistance Program, with the date on which the household member provides verbal assent effective as the date of application for all purposes; and

"(VII) comply with such other standards as the Secretary may establish.".

SEC. 4008. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

(a) PROHIBITION.—Section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) by striking subparagraph (B) and inserting the following:

"(B) except as provided in section 5(h)(4), only State employees employed in accordance with the current standards for a Merit System of Personnel Administration, or any standards later prescribed by the Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728) modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis, shall undertake such certifications and shall—

"(i) represent the State agency in any official communications with a prospective applicant, applicant, or recipient household regarding their application or participation, except that a nonprofit organization may assist a household under paragraph (1) through activities allowable under section 16(a)(4);

"(ii) participate in making any determinations relating to a household's substantive or procedural compliance with the requirements of this Act or implementing regulations, including the adequacy of the household's application or of verification of other information the household has submitted in support of that application; or

"(iii) participate in making any other determinations required under this subsection;

except that nothing in this subparagraph shall prevent a State agency from contracting for automated systems, issuance services or program information activities reimbursed under paragraphs (2), (3), (4), or (6) of section 16(a) or under section 16(g) or for assisting in the verification of an applicant's identity; and

"(C) the State agency shall not use any Federal funds—

"(i) to implement, to perform, or to carry out any contract that does not comply with the requirements in effect under subparagraph (B); or

"(ii) to pay any cost associated with the termination, breach, or full or partial abrogation, of any contract that does not comply with the requirements in effect under such subparagraph;".

(b) WAIVERS.—Section 17(b)(1)(B)(iv)(III)(ff) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(ff)) is amended by inserting "or 11(e)(6)(B)" before the semicolon at the end.

(c) PROJECTS.—Section 26(f)(3)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2035(f)(3)(E)) is amended by inserting "(6)(B)," after "paragraphs".

(d) DISASTERS.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by inserting at the end:

"(4) The Secretary may authorize a state agency, on a temporary basis, to use employees or individuals that do not meet the standards prescribed under section 11(e)(6)(B) in order to determine eligibility for a disaster food stamp program under this subsection.".

(e) DISALLOWANCE OF FUNDS.—No funds shall be available under any appropriations act for implementing or continuing any contract that does not comply with section 11(e)(6)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)(B)) as amended by subsection (a) nor for any costs associated with the termination or full or partial abrogation of such contract.

(f) TRANSITION PERIOD.—Subsection (e) shall not apply to the costs of implementing, continuing, or renegotiating any contract concluded before January 1, 2007, (but shall apply to any costs associated with the termination or full or partial abrogation of such contract) until the first day of the first month beginning at least 120 days after the date of enactment of this Act.

SEC. 4009. GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.

Section 11(t)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(t)(1)) is amended by striking "2007" and inserting "2012".

SEC. 4010. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended—

(1) by striking the section heading and all that follows through "(a) Any approved", and inserting the following:

"SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

"(a) DISQUALIFICATION.—

"(1) IN GENERAL.—An approved";

(2) in subsection (a)—

(A) in the 1st sentence by striking "$10,000 for each violation" and all that follows through the period at the end, and inserting "$100,000 for each violation."; and

(B) in the 2d sentence—

(i) by striking "Regulations" and inserting the following:

"(2) REGULATIONS.—Regulations";

(ii) by striking "violation and" and inserting "violation of";

(iii) by inserting a comma after "disqualification of"; and

(iv) by striking "a retail store" and inserting "and the assessment of a civil money penalty against, a retail store";

(3) in subsection (b)—

(A) by striking "(b) Disqualification" and all that follows through "shall be—", and inserting the following:

"(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification shall be—";

(B) in paragraph (1) by striking "of no less than six months nor more than five years" and inserting "not to exceed 5 years";

(C) in paragraph (2) by striking "of no less than twelve months nor more than ten years" and inserting "not to exceed 10 years.";

(D) in paragraph (3)—

(i) in subparagraph (B)—

(I) by striking "coupons or trafficking in coupons or authorization cards" each place it appears, and inserting "program access devices or benefit instruments or trafficking in program access devices or benefit instruments"; and

(II) by inserting "or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of benefits or access devices" after "concern" the 1st place it appears;

(4) in paragraph (3)(C) by striking "and" at the end;

(5) in subsection (c)—

(A) by striking "(c) The action" and inserting the following:

"(c) TREATMENT OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

"(1) REVIEW.—The action"; and

(B) by striking "coupons" and inserting "benefits";

(6) in subsection (d) by striking "coupons" in each place it appears and inserting "benefits";

(7) in subsection (f) by striking "food coupons" and inserting "benefits";

(8) by redesignating subsection (c) through (g) as subsection (d) through (h), respectively;

(9) inserting after subsection (b) the following:

"(c) In addition to a disqualification under subsection (b), the Secretary may assess a civil monetary penalty of up to $100,000;"; and

(10) by adding at the end:

"(i) The Secretary shall, in consultation with the Inspector General of the Department of Agriculture, provide for procedures by which the processing of benefit redemptions for certain retail food stores and wholesale food concerns may be immediately suspended pending administrative action to disqualify such a store or concern. Under the procedures prescribed pursuant to this subsection, if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act or the regulations issued pursuant to this Act, unsettled benefits that have been redeemed by the retail food store or wholesale food concern may be suspended and, if the suspension is upheld, subject to forfeiture pursuant to section 12(g). If the disqualification action not upheld, suspended funds held by the Secretary shall be released to such store or such concern. The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.".

SEC. 4011. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food Stamp Act of 1977 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

"(5) OVER ISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

"(A) IN GENERAL.—If the Secretary determines that a State agency over issued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as determined by the Secretary, the Secretary may prohibit the State agency from collecting these over issuances from some or all households.

"(B) PROCEDURES.—

"(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

"(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

"(I) whether the State agency over issued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

"(II) as to the amount of the over issuance in the applicable fiscal year for which the State agency is liable.

"(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has over issued benefits to households due to a

major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the over issuance caused by the systemic error.

"(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

"(v) REMISSION TO THE SECRETARY.—

"(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

"(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding of the administrative and judicial review.

"(vi) ALTERNATIVE METHOD OF COLLECTION.—

"(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

"(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

"(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.".

SEC. 4012. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)(vii) by striking "fiscal years 2002 through 2007" and inserting "fiscal years 2008 through 2012"; and

(2) in subparagraph (E)(i) by striking "fiscal years 2002 through 2007" and inserting "fiscal years 2008 through 2012".

SEC. 4013. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

Section 16(k)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(3)) is amended—

(1) in subparagraph (A) by striking "2007" and inserting "2012"; and

(2) in subparagraph (B)(ii) by striking "2007" and inserting "2012".

SEC. 4014. CASH PAYMENT PILOT PROJECTS.

Section 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking "2007" and inserting "2012".

SEC. 4015. FINDINGS OF CONGRESS REGARDING SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM NUTRITION EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) Nutrition education under the Food Stamp Act of 1977 plays an essential role in improving the dietary and physical activity practices of low income Americans, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease.

(2) Expert bodies, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from individual education alone.

(3) State programs are currently implementing such nutrition education using effective strategies, including direct education, group activities, and social marketing.

(b) SUPPORT NUTRITION EDUCATION.—The Secretary of Agriculture should support and encourage the most effective interventions for nutrition education under the Food Stamp Act of 1977, including public health approaches as well as traditional education, to increase the likelihood that recipients of Secure Supplemental Nutrition Assistance benefits and those who are potentially eligible for such benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans. To promote the most effective implementation of publicly funded programs, State nutrition education activities under the Food Stamp Act of 1977 should be coordinated with other federally funded food assistance and public health programs and should leverage public/private partnerships to maximize resources and impact.

SEC. 4016. NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end the following:

"(k) NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration program, to be known as the 'Initiative to Address Obesity Among Low-Income Americans' (referred to in this subsection as the 'Initiative'), to develop and implement solutions to reduce obesity in the United States.

"(A) SELECTION.—The Secretary shall solicit and competitively select demonstration proposals for strategies to address obesity among low-income Americans.

"(B) EVALUATION.—The effectiveness of these strategies shall be rigorously evaluated to assess the impact on overweight and obesity among low-income persons.

"(C) DISSEMINATION.—Evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

"(2) GRANTS.—

"(A) IN GENERAL.—In carrying out the Initiative, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or grants to, public or private organizations or agencies as defined by the Secretary, for use in accordance with projects that meet the strategy goals of the Initiative.

"(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(C) SELECTION CRITERIA.—Demonstration proposals shall be evaluated against publicly disseminated criteria that include—

"(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

"(ii) incorporation of a scientifically-based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

"(iii) a commitment to a demonstration plan that allows for a rigorous outcome evaluation, including data collection; and

"(iv) other criteria, as determined by the Secretary.

"(D) USE OF FUNDS.—

"(i) PROHIBITION.—Funds shall not be used for projects that limit the use of benefits.

"(ii) MONITORING AND EVALUATION.—The Secretary may use funds provided for the Initiative to pay costs associated with monitoring, evaluation, and dissemination of the Initiative's findings.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of the fiscal years 2008 through 2012, except that no new grants may be made under this subsection after September 30, 2012.".

SEC. 4017. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 4018. CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.

Section 19(a)(2)(A)(ii) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended in subparagraph (A)(ii) by striking "2007" and inserting "2012".

SEC. 4019. STUDY ON COMPARABLE ACCESS TO SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR PUERTO RICO.

Section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended by adding at the end the following:

"(e) STUDY.—The Secretary shall conduct a study of the feasibility and effects of including the Commonwealth of Puerto Rico under section 3(m), in lieu of providing the block grant under this section. The study shall include—

"(1) an assessment of the administrative, financial management, and other changes that would be required by the Commonwealth to establish a comparable Secure Supplemental Nutrition Assistance Program;

"(2) a discussion of the appropriate program rules under the other sections of the Act, such as benefit levels under section 3(o), income eligibility standards under sections 5 and 6, and deduction levels under section 5(e), for the Commonwealth to establish a comparable Secure Supplemental Nutrition Assistance Program;

"(3) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

"(4) an estimate of the impact of the Secure Supplemental Nutrition Assistance Program on hunger and food insecurity among low-income Puerto Ricans, and

"(5) such other findings as the Secretary deems appropriate.".

SEC. 4020. REAUTHORIZATION OF COMMUNITY FOOD PROJECT COMPETITIVE GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 25 of the Food Stamp Act of 1977 (U.S.C. 2034) is amended—

(1) in subsections (c), (d), (e)(1), and (f)(1) by striking "subsection (b)" each place it appears and inserting "subsection (g)";

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively; and

(4) by inserting after paragraph (f) the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants available to assist eligible private nonprofit entities to establish and carry out community food projects $30,000,000 for each of the fiscal years 2008 through 2012.".

(b) PREFERENCES FOR CERTAIN PROJECTS.—Subsection (c) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, is amended—

(1) in paragraph (3) by striking "or" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) serve special needs in areas of—

"(A) transportation and processing for expanding institutional and emergency food service demand for local food;

"(B) retail access to healthy foods in underserved markets;

"(C) integration of urban and metro-area food production in food projects; and

"(D) technical assistance for youth, socially disadvantaged individuals, and limited resource groups."

(c) MATCHING FUND REQUIREMENTS.—Subsection (d)(1) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, is amended by striking "50" and inserting "75".

(d) TERM OF GRANT.—Subsection (e)(2) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034(e)(2)), as so redesignated by subsection (a) of this section, is amended by striking "3" and inserting "5".

(e) FUNDING FOR INNOVATIVE PROGRAMS.—Subsection (h)(4) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, is amended—

(1) by striking "fiscal years 2003 though 2007" and inserting "fiscal years 2008 through 2012"; and

(2) by striking "200,000" and inserting "$500,000".

SEC. 4021. EMERGENCY FOOD ASSISTANCE.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended by striking "2007" and inserting "2012".

Subtitle B—Commodity Distribution

SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.

Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended by striking "$60,000,000 for each of the fiscal years 2003 through 2007" and inserting "$100,000,000 for each of the fiscal years 2008 through 2012".

SEC. 4202. DISTRIBUTION OF SURPLUS COMMODITIES; SPECIAL NUTRITION PROJECTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)(A)) is amended by striking "2007" and inserting "2012".

SEC. 4203. COMMODITY DISTRIBUTION PROGRAM.

(a) COMMODITY DISTRIBUTION PROGRAM.—Section 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking "2007" and inserting "2012".

(b) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act (7 U.S.C. 612c note) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "fiscal years 2003 through 2007" and inserting "for fiscal year 2008 and each fiscal year thereafter"; and

(B) in paragraph (2)(B)—

(i) in the heading by striking in "2007" and inserting "2012"; and

(ii) by striking "2007" and inserting "2012";

(2) in subsection (d)(2) by inserting ", and for each fiscal year thereafter," after "2007";

(3) by amending subsection (g) to read as follows:

"(g) USE OF RÉSOURCES.—Each local agency shall use funds made available to the agency to provide assistance under the program to low-income elderly individuals, women, infants, and children in need for food assistance in accordance with such regulations as the Secretary may prescribe.";

(4) in paragraphs (2) and (3) of subsection (h) by inserting "elderly individuals," before "pregnant"; and

(5) by adding at the end the following:

"(m) INCOME ELIGIBILITY STANDARDS.—The Secretary shall establish maximum income eligibility standards to be used in conjunction with such other risk criteria as may be appropriate in determining eligibility for the program. Such income standards shall be the same for all pregnant, postpartum, and breastfeeding women, for infants, for children, and for elderly individuals qualifying for the program, and shall not exceed the maximum income limit prescribed under section 17(d)(2)(A)(i) of the Child Nutrition Action of 1966 (42 U.S.C. 1786(d)(2)(A)(i)).".

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following new subsection:

"(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—

"(1) PURCHASE AUTHORITY.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)), using, of the amount specified in subsection (a)—

"(A) not less than $50,000,000 for each of fiscal years 2008 and 2009; and

"(B) not less than $75,000,000 for each of fiscal years 2010 through 2012.

"(2) SERVICING AGENCY.—The Secretary of Agriculture may provide for the Secretary of Defense to serve as the servicing agency for the procurement of the fresh fruits and vegetables under this subsection on the same terms and conditions as provided in the memorandum of agreement entered into between the Agricultural Marketing Service, the Food and Consumer Service, and the Defense Personnel Support Center during August 1995 (or any successor memorandum of agreement).".

SEC. 4302. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act requires the use of domestic food products for all meals served under the program, including foods products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the National School Lunch Act and the DOD Fresh program.

SEC. 4303. EXPANSION OF FRESH FRUIT AND VEGETABLE PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended in subsection (g)—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "July 2004" and inserting "July 2007"; and

(B) in paragraph (1) by amending subparagraphs (A) and (B) to read as follows:

"(A) 35 elementary or secondary schools in each State;

"(B) additional elementary or secondary schools in each State in proportion to the student population of the State; and";

(2) in paragraph (3)(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)";

(3) in paragraph (5) in each of subparagraphs (A) and (B), by striking "2008" and inserting "2012"; and

(4) in paragraph (6)(B)—

(A) in clause (i)—

(i) by striking "October 1, 2004, and on each October 1 thereafter," and inserting "October 1, 2007, and on each October 1 thereafter,"; and

(ii) by striking "$9,000,000" and inserting "$70,000,000"; and

(B) by adding at the end the following:

"(iii) ADMINISTRATIVE EXPENSES.—For fiscal year 2009 and each fiscal year thereafter, of the amount available to carry out this subsection, the Secretary may reserve not more than 1 percent of that amount for administrative expenses in carrying out this subsection.

"(iv) STATE ADMINISTRATIVE COSTS.—For fiscal year 2009 and each fiscal year thereafter, of the amount received by a State to carry out this subsection, the State may use not more than 5 percent of that amount for administrative expenses in carrying out this subsection. To be eligible to use such funds for such expenses, the State must submit to the Secretary a plan indicating how the State intends to use such funds.

"(v) FEDERAL REQUIREMENTS.—The Secretary shall establish requirements to be followed by States in administering this subsection. The initial set of requirements shall be established not later than 1 year after the date of the enactment of this clause.".

SEC. 4304. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

"(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

"(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase locally produced foods, to the maximum extent practicable and appropriate;

"(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and post information concerning the policy on the website maintained by the Secretary; and

"(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of locally produced foods.".

Subtitle D—Miscellaneous

SEC. 4401. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

(a) AMENDMENT.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) by amending subsection (a) to read as follows:

"(a) AUTHORIZATION.—

"(1) The Secretary of Agriculture shall use $15,000,000 for each of fiscal years 2008 through 2012 of the funds available to the Commodity Credit Corporation to carry out and expand the seniors farmers' market nutrition program.

"(2) There are authorized to be appropriated $20,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, $45,000,000 for fiscal year 2010, $60,000,000 for fiscal year 2011, and $75,000,000 for fiscal year 2012 to carry out and expand the seniors farmers' market nutrition program.";

(2) in subsection (b)(1) by inserting "honey," after "vegetables,";

(3) by amending subsection (c) to read as follows:

"(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law."; and

(4) by adding at the end the following:

"(d) PROHIBITION ON COLLECTION OF SALES TAX.—The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the seniors farmers' market nutrition program.

"(e) REGULATIONS.—The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers' market nutrition program.".

SEC. 4402. CONGRESSIONAL HUNGER CENTER.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note) is amended to read as follows:

"SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

"(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2007'.

"(b) FINDINGS.—The Congress finds as follows:

"(1) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger to initiate and administer solutions to the hunger problem.

"(2) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated his commitment to solving the problem of hunger in a bipartisan manner, his commitment to public service, and his great affection for the institution and ideals of the Congress of the United States.

"(3) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated his compassion for those in need, his high regard for public service, and his lively exercise of political talents.

"(4) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

"(5) These two outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

"(c) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means—

"(A) if the Secretary of Agriculture enters into a contract described in subsection (d)(3), the head of the Congressional Hunger Center; or

"(B) if the Secretary does not enter into such a contract, the Secretary.

"(2) FELLOW.—The term 'fellow' means—

"(A) a Bill Emerson Hunger Fellow; or

"(B) a Mickey Leland Hunger Fellow

"(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established by subsection (d).

"(d) FELLOWSHIP PROGRAM.—There is established in the Department of Agriculture the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

"(1) PURPOSES.—The purposes of the Fellowship Programs are—

"(A) to encourage future leaders of the United States to pursue careers in humanitarian and public service, to recognize the needs of low-income people and hungry people, and to provide assistance to people in need; and

"(B) to seek public policy solutions to the challenges of hunger and poverty, to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

"(2) FOCUS OF PROGRAMS.—

"(A) FOCUS OF BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The Bill Emerson Hunger Fellowship Program shall address hunger and poverty in the United States.

"(B) FOCUS OF MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The Mickey Leland Hunger Fellowship Program shall address international hunger and other humanitarian needs.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to enter into a contract with the Congressional Hunger Center to administer the Fellowship Programs.

"(B) REQUIREMENT.—As a condition of a contract described in subparagraph (A), the Congressional Hunger Center shall agree to submit to Congress each year the results of an independent financial audit that demonstrates that the Congressional Hunger Center uses accounting procedures that conform to generally accepted accounting principles and auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984').

"(e) FELLOWSHIPS.—

"(1) IN GENERAL.—The Administrator shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

"(2) CURRICULUM.—

"(A) IN GENERAL.—The fellowship programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (d)(1), including—

"(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

"(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

"(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Administrator shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

"(3) PERIOD OF FELLOWSHIP.—

"(A) EMERSON FELLOW.—A Bill Emerson Hunger Fellowship awarded under this subsection shall be for not more than 15 months.

"(B) LELAND FELLOW.—A Mickey Leland Hunger Fellowship awarded under this subsection shall be for not more than 2 years.

"(4) SELECTION OF FELLOWS.—

"(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Administrator.

"(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

"(i) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

"(ii) leadership potential or actual leadership experience;

"(iii) diverse life experience;

"(iv) proficient writing and speaking skills;

"(v) an ability to live in poor or diverse communities; and

"(vi) such other attributes as are considered to be appropriate by the Administrator.

"(5) AMOUNT OF AWARD.—

"(A) IN GENERAL.—A fellow shall receive a living allowance during the term of the Fellowship and, subject to subparagraph (B), an end-of-service award.

"(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Administrator.

"(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

"(i) the Department of Agriculture;

"(ii) the Congressional Hunger Center; or

"(iii) a host agency in the field or policy placement of the fellow.

"(D) RECOGNITION OF FELLOWSHIP AWARD.—

"(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

"(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

"(6) EVALUATION.—The Administrator shall conduct periodic evaluations of the Fellowship Programs.

"(f) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Administrator may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

"(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

"(g) REPORT.—Each year, the Administrator shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year.

"(h) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of the fiscal years 2008 through 2012.".

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

Subtitle D of title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 333) is amended—

(1) by redesignating section 4405 (2 U.S.C. 1161 note; Public Law 107–171) as section 4406; and

(2) by inserting after section 4404 the following:

"SEC. 4405. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

"The Secretary of Agriculture and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this section—

"(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

"(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

"(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

"(4) to analyze new data that becomes available;

"(5) to continuously update food composition tables; and

"(6) to research and develop data collection methods and standards.".

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 5001. Conservation loan guarantee program.
Sec. 5002. Limitations on amount of ownership loans.
Sec. 5003. Down payment loan program.

Sec. 5004. Beginning farmer and rancher contract land sales program.
Subtitle B—Operating Loans
Sec. 5011. Limitations on amount of operating loans.
Sec. 5012. Suspension of limitation on period for which borrowers are eligible for guaranteed assistance.
Subtitle C—Administrative Provisions
Sec. 5021. Inventory sales preferences.
Sec. 5022. Loan fund set-asides.
Sec. 5023. Transition to private commercial or other sources of credit.
Sec. 5024. Extension of the right of first refusal to reacquire homestead property to immediate family members of borrower-owner.
Sec. 5025. Rural development and farm loan program activities.
Subtitle D—Farm Credit
Sec. 5031. Agribusiness loan eligibility.
Sec. 5032. Loan-to-asset value requirements.
Sec. 5033. Population limit for single-family housing loans.
Sec. 5034. Bank for cooperatives voting stock.
Sec. 5035. Majority farmer control requirement.
Sec. 5036. Borrower stock requirement.
Sec. 5037. Rural utility loans.
Sec. 5038. Farm Credit System Insurance Corporation.
Sec. 5039. Risk-based capital levels.
Sec. 5040. Loans to purchasers of highly fractioned lands.

Subtitle A—Farm Ownership Loans

SEC. 5001. CONSERVATION LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

"SEC. 304. CONSERVATION LOAN GUARANTEE PROGRAM.

"(a) IN GENERAL.—The Secretary may provide a loan guarantee, an interest subsidy, or both, to enable an eligible borrower to obtain a qualified conservation loan.

"(b) PRIORITY.—In providing loan guarantees under this section, the Secretary shall give priority to—

"(1) qualified beginning farmers or ranchers;

"(2) socially disadvantaged farmers or ranchers (as defined in section 355(e)(2));

"(3) owners or tenants who use the loans to covert to sustainable or organic agricultural production systems; and

"(4) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

"(c) DEFINITIONS.—In this section:

"(1) ELIGIBLE BORROWER.—The term 'eligible borrower' means a farmer, rancher, farm cooperative, private domestic corporation, partnership, joint operation, trust, or limited liability company, that is engaged primarily and directly in agricultural production in the United States.

"(2) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan that meets the following requirements:

"(A) PURPOSE.—The loan proceeds are required to be used to cover the costs to the borrower of carrying out a qualified conservation project.

"(B) PRINCIPAL AMOUNT.—The principal amount of the loan is not more than $1,000,000.

"(C) REPAYMENT PERIOD.—The loan repayment period shall not exceed 10 years.

"(D) LIMITED PROCESSING FEE.—The total of all processing fees charged with respect to the loan does not exceed such amount as shall be prescribed by the Secretary.

"(3) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means, with respect to an eligible borrower, conservation measures that address provisions of a conservation plan of the borrower.

"(4) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with guaranteed loan funds provided under this section, including—

"(A) the installation of conservation structures;

"(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

"(C) the installation of water conservation measures;

"(D) the installation of waste management systems;

"(E) the establishment or improvement of permanent pasture;

"(F) compliance with section 1212 of the Food Security Act of 1985;

"(G) other purposes consistent with the plan; and

"(H) any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

"(d) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—

"(1) LIMITATION ON AMOUNT OF GUARANTEE.—The portion of a loan that the Secretary may guarantee under this section shall be not less than 80 percent and not more than 90 percent of the principal amount of the loan.

"(2) LIMITATION ON TOTAL AMOUNT OUTSTANDING.—The aggregate principal amount of outstanding loans guaranteed by the Secretary under this section shall not exceed $1,000,000.

"(e) LIMITATION ON AMOUNT OF INTEREST SUBSIDY.—The interest subsidy which the Secretary may provide under this section with respect to a loan shall result in a reduction of the interest rate agreed upon by the borrower and the lender (but to not less than zero) by—

"(1) 500 basis points, if the principal amount of the loan is less than $100,000;

"(2) 400 basis points, if the principal amount of the loan is not less than $100,000 and is less than $500,000; and

"(3) 300 basis points, in any other case.

"(f) ADMINISTRATIVE PROVISIONS.—

"(1) AUTHORITY TO COLLECT PROCESSING FEE.—The Secretary may assess a fee to cover the cost of processing an application under this section equal to not more than 1 percent of the principal amount of the loan sought by the applicant, as described in the application.

"(2) APPROVAL OF APPLICATION.—The Secretary shall not approve an application submitted pursuant to this section, unless the Secretary has determined that—

"(A) the loan sought by the applicant, as described in the application, would be a qualified conservation loan; and

"(B) the project for which the loan is sought is likely to result in a net benefit to the environment.

"(3) EQUITABLE DISTRIBUTION OF LOAN GUARANTEES AND INTEREST SUBSIDIES.—The Secretary shall ensure that loan guarantees and interest subsidies under this section are equitably distributed among agricultural producers according to the scale of the operations.

"(g) RELATIONSHIP WITH OTHER CONSERVATION PROGRAMS.—Neither the application for, nor the receipt of, a loan guarantee or an interest subsidy under this section shall affect the eligibility of the recipient for assistance under title XII of the Food Security Act of 1985 or the Watershed Protection and Flood Prevention Act.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.".

SEC. 5002. LIMITATIONS ON AMOUNT OF OWNERSHIP LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) in subsection (a)(2), by striking "$200,000" and inserting "$300,000"; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) GRADUATION PLAN.—The Secretary shall establish a plan, in coordination with activities under sections 359, 360, 361, and 362, to encourage each borrower with an outstanding loan under this subtitle to graduate to private commercial or other sources of credit.".

SEC. 5003. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

"(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

"(A) the purchase price of the farm or ranch to be acquired;

"(B) the appraised value of the farm or ranch to be acquired; or

"(C) $500,000.

"(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

"(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

"(B) 1 percent."; and

(B) in paragraph (3), by striking "15" and inserting "20";

(3) in subsection (c)—

(A) in paragraph (1), by striking "10" and inserting "5";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking "15-year" and inserting "20-year"; and

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting "and socially disadvantaged farmers and ranchers (as defined in section 355(e)(2))" after "ranchers"; and

(ii) by striking "and" at the end;

(B) in paragraph (4), by striking "ranchers." and inserting "ranchers and socially disadvantaged farmers and ranchers (as defined in section 355(e)(2)); and"; and

(C) by adding at the end the following:

"(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing participation loans as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as so defined).".

SEC. 5004. BEGINNING FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

"SEC. 310F. BEGINNING FARMER AND RANCHER AND SOCIALLY DISADVANTAGED FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

"(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

"(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

"(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

"(A) on the date the contract land sale that is subject of the loan is complete, own or operate the farm or ranch that is the subject of the contract land sale;

"(B) have a credit history that—

"(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

"(ii) is acceptable to the Secretary; and

"(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be at a reasonable rate or term;

"(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary; and

"(3) to carry out the loan—

"(A) a commercial lending institution shall agree to serve as an escrow agent; or

"(B) the private seller, in cooperation with the farmer or rancher, shall use an appropriate alternate arrangement, as determined by the Secretary.

"(c) LIMITATIONS.—

"(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

"(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

"(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

"(e) GUARANTEE PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

"(1) a prompt payment guarantee plan, which shall cover—

"(A) 3 amortized annual installments; or

"(B) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

"(2) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.".

Subtitle B—Operating Loans

SEC. 5011. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking "$200,000" and inserting "$300,000".

SEC. 5012. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107-171) is amended by striking "September 30, 2007" and inserting "January 1, 2008".

Subtitle C—Administrative Provisions

SEC. 5021. INVENTORY SALES PREFERENCES.

Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) in clause (i), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher";

(iii) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(iv) by inserting after clause (i) the following:

"(ii) PRIORITY TO BE GIVEN TO SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In carrying out this subparagraph, the Secretary shall give priority to socially disadvantaged farmers and ranchers.";

(v) in clause (iii) (as so redesignated)—

(I) by inserting "or socially disadvantaged farmer or rancher" after "or rancher"; and

(II) by inserting ", subject to clause (ii)" before the period;

(vi) in clause (iv) (as so redesignated), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(vii) in clause (v) (as so redesignated), by inserting "and socially disadvantaged farmers and ranchers" after "and ranchers"; and

(B) in subparagraph (C), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher";

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) by inserting "or a socially disadvantaged farmer or rancher" after "a beginning farmer or rancher"; and

(iii) by inserting "or the socially disadvantaged farmer or rancher" after "the beginning farmer or rancher";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(C) by inserting after clause (i) the following:

"(ii) PRIORITY TO BE GIVEN TO SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In carrying out clause (i), the Secretary shall give priority to socially disadvantaged farmers and ranchers."; and

(D) in clause (iii) (as so redesignated)—

(i) in the matter preceding subclause (I), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(ii) in subclause (II), by inserting "or the socially disadvantaged farmer or rancher" after "or rancher";

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "and socially disadvantaged farmers and ranchers" after "and ranchers"; and

(ii) in clause (ii), by inserting "or socially disadvantaged farmers or ranchers" after "or ranchers"; and

(4) by adding at the end the following:

"(7) In this subsection, the term 'socially disadvantaged farmer or rancher' has the meaning given in section 355(e)(2).".

SEC. 5022. LOAN FUND SET-ASIDES.

Section 346(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking "70 percent" and inserting "not less than 75 percent of the total amount made available under paragraph (1)"; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting "; PARTICIPATION LOANS" after "PAYMENT LOANS";

(II) by striking "60 percent" and inserting "not less than ⅔ of the amount reserved under subclause (I)"; and

(III) by inserting "and participation loans" after "section 310E"; and

(B) in clause (ii)(III), by striking "2003 through 2007, 35 percent" and inserting "2008 through 2012, not less than 50 percent of the total amount made available under paragraph (1)"; and

(2) in subparagraph (B)(i), by striking "25 percent" and inserting "not less than 40 percent of the total amount made available under paragraph (1)".

SEC. 5023. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

"SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

"(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest practicable period of time.

"(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

"(1) the borrower training program established by section 359;

"(2) the loan assessment process established by section 360;

"(3) the supervised credit requirement established by section 361;

"(4) the market placement program established by section 362; and

"(5) other appropriate programs and authorities, as determined by the Secretary.".

SEC. 5024. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking ", the borrower-owner" inserting "of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner"; and

(2) in the 2nd sentence, by inserting "or immediate family member, as the case may be," before "from".

SEC. 5025. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

"SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

"The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.".

Subtitle D—Farm Credit

SEC. 5031. AGRIBUSINESS LOAN ELIGIBILITY.

(a) LONG TERM LOANS.—

(1) ELIGIBLE BORROWERS.—Section 1.9 of the Farm Credit Act of 1971 (12 U.S.C. 2017) is amended—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting “; or”; and

(C) by adding at the end the following:

“(4) persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this title to a person eligible to borrow from a bank for cooperatives under section 3.7 or 3.8 (without regard to subsection (b)(1)(E) or (b)(1)(F) thereof).”.

(2) LOAN PURPOSES.—Section 1.11 of such Act (12 U.S.C. 2019) is amended—

(A) in subsection (a)(1), by striking “farmers, ranchers, and producers or harvesters of aquatic products” and inserting “persons eligible under section 1.9(1)”;

(B) in subsection (a)(2), by inserting “under paragraph (1)” after “Farm Credit Bank”;

(C) in subsection (b)(1), by striking “rural residents” and inserting “persons eligible under section 1.9(3)”;

(D) in subsection (c)(1), by striking “persons furnishing farm-related services to farmers and ranchers directly related to their on-farm operating needs” and inserting “persons eligible under section 1.9(2)”; and

(E) by adding at the end the following:

“(d) AGRIBUSINESS LOANS.—Loans to persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, who are eligible under section 1.9(4) may be made for necessary capital structures and equipment and initial working capital for the activities only to the extent that the activities are related to renewable energy.”.

(b) SHORT- AND INTERMEDIATE-TERM LOANS.—Section 2.4(a) of such Act (12 U.S.C. 2075(a)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this subsection to a person eligible to borrow from a bank for cooperatives under section 3.7 or 3.8 (without regard to subsection (b)(1)(E) or (b)(1)(F) thereof).”.

(c) BANKS FOR COOPERATIVES LOANS.—Section 3.8(b)(1) of such Act (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

“(E) Persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products, or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this subparagraph to a farmer, rancher, or producer or harvester of aquatic products eligible to borrow from a farm credit institution under section 1.9(1) or 2.4(a)(1), or to a service provider eligible to borrow from a farm credit institution under section 1.9(2) or 2.4(a)(3) for all the provider's farm-related or aquatic-related business activities.”.

SEC. 5032. LOAN-TO-ASSET VALUE REQUIREMENTS.

Section 1.10(a)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)(C)) is amended by striking “as may be authorized” and inserting “except as may be provided”.

SEC. 5033. POPULATION LIMIT FOR SINGLE-FAMILY HOUSING LOANS.

(a) FARM CREDIT BANKS.—Section 1.11(b)(3) of the Farm Credit Act of 1971 (12 U.S.C. 2019(b)(3)) is amended by striking “2,500” and inserting “6,000”.

(b) ASSOCIATIONS.—Section 2.4(b)(3) of such Act (12 U.S.C. 2075(b)(3)) is amended by striking “2,500” and inserting “6,000”.

SEC. 5034. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking “and (ii)” and inserting “(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)”.

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

“(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);”.

SEC. 5035. MAJORITY FARMER CONTROL REQUIREMENT.

Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)), as amended by section 531(c) of this Act, is amended by adding at the end the following:

“(F) Any association of farmers, or of producers or harvesters of aquatic products, or any federation of such associations, which has producer and investor classes of membership, but only if—

“(i) more than 50 percent of the voting control of the association is held by farmers, or producers or harvesters of aquatic products; and

“(ii) the producer class, if treated as a separate entity, operates on a cooperative basis.”.

SEC. 5036. BORROWER STOCK REQUIREMENT.

Section 4.3A(c)(1)(E)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2154a(c)(1)(E)(i)) is amended by striking “not less than $1,000 or 2 percent of the amount of the loan, whichever is less” and inserting “determined by the institution”.

SEC. 5037. RURAL UTILITY LOANS.

Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

(1) by striking “or” at the end of subparagraph (A)(iii);

(2) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(3) by adding at the end the following:

“(C) that is a loan or interest in a loan for electric or telephone facilities by a cooperative lender to a borrower who has received or is eligible to receive a loan under the Rural Electrification Act (7 U.S.C. 901 et seq.), except that—

“(i) subsections (c) and (d) of section 8.6, and sections 8.8 and 8.9 shall not apply to the loan or interest in the loan or to an obligation backed by a pool of obligations relating to the loan or interest in the loan; and

“(ii) the loan or interest in the loan shall be considered to meet all standards for qualified loans for all purposes under this Act, subject to reasonable underwriting, security appraisal, and repayment standards established by the Corporation.”.

SEC. 5038. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) AUTHORITY TO PASS ALONG COST OF INSURANCE PREMIUMS.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended by striking the last sentence and inserting “The assessment on any such association or other financing institution for any period shall be computed in an equitable manner.”.

(b) PREMIUMS; AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of such Act (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(2), the annual” and inserting “(3), the”;

(B) by striking subparagraphs (A) through (D) and inserting the following:

“(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting therefrom the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020;

“(B) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status, multiplied by 0.0010; and

“(C) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank, multiplied by 0.0010.”;

(2) in paragraph (2), by striking “annual”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “As used” and all that follows through “that” and inserting “As used in this section, the term ‘government-guaranteed’ when applied to loans or investments, means loans, credits, or investments, or portions of loans, credits, or investments, that”; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

“(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in subsection (a)(1)(A) of this section shall be reduced by deducting therefrom the sum of—

“(A) 90 percent of the sum of—

“(i) the average principal outstanding for such calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

“(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired, as determined by the Corporation; and

“(B) 80 percent of the sum of—

“(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

“(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired, as determined by the Corporation.”.

(c) PREMIUMS; AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking “annual”.

(d) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended by striking the parenthetical phrase and inserting “(adjusted downward to exclude an amount equal to the sum of (1) 90 percent of (A) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks, and (B) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and (2) 80 percent of (A) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks, and (B) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired, as determined by the Corporation)''.

(e) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking ''PRINCIPAL OUTSTANDING'' and inserting ''LOAN AND INVESTMENT AMOUNTS'';

(2) in the matter preceding paragraph (1), by striking ''For'' and all that follows through ''—'' and inserting ''For the purpose of subsections (a) and (c) of this section, the principal outstanding on all loans made by an insured System bank or the amount outstanding on all investments made by an insured System bank shall be determined based on all loans or investments made—''; and

(3) in each of paragraphs (1) and (2), by inserting ''or investments'' before ''because''.

(f) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking ''the average secure base amount for the calendar year (as calculated on an average daily balance basis)'' and inserting ''the secure base amount'';

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) there shall be credited to the Allocated Insurance Reserves Account of each insured System bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A) of this paragraph) as the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting therefrom the percentages of the guaranteed portions of loans and investments described in subsection (a)(2) of this section), bears to the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting therefrom the percentages of the guaranteed portions of loans and investments so described).''; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''beginning'' and all that follows through ''2005'';

(ii) by striking clause (i) and inserting the following:

''(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in its Allocated Insurance Reserves Account; and''; and

(iii) in clause (ii)—

(I) by striking ''(C), (E), and (F)'' and inserting ''(C) and (E)''; and

(II) by striking ''outstanding,'' and all that follows and inserting ''at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under subparagraph (1)(B).'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''(in addition to the amounts described in subparagraph (F)(ii))''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) TERMINATION OF ACCOUNT.—On disbursement of $56,000,000, the Corporation shall close the Account established under paragraph (1)(B) and transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.''; and

(C) by striking subparagraph (F).

(g) CERTIFICATION OF PREMIUMS.—

(1) FILING CERTIFIED STATEMENT.—Section 5.56(a) of such Act (12 U.S.C. 2277a-5(a)) is amended to read as follows:

''(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Corporation's Board of Directors, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (in this section referred to as the 'period') shall file with the Corporation a certified statement showing—

''(1) the average outstanding insured obligations for the period issued by the bank;

''(2) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status and the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(3) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status and the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(4) the average principal outstanding for the period on loans that are in nonaccrual status and the average amount outstanding for the period of other-than-temporarily impaired investments; and

''(5) the amount of the premium due the Corporation from the bank for the period.''.

(2) PREMIUM PAYMENTS.—Section 5.56(c) of such Act (12 U.S.C. 2277a-5(c)) is amended to read as follows:

''(c) PREMIUM PAYMENTS.—Each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such time or times as the Board of Directors shall prescribe, except that the amount of the premium shall be established not later than 60 days after filing the certified statement setting forth the amount of the premium.''.

(3) CONFORMING AMENDMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(h) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting ''and section 1.12(b)'' after ''part''.

SEC. 5039. RISK-BASED CAPITAL LEVELS.

Section 8.32(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-1(a)(1)) is amended by striking all through ''a pool of'' and inserting the following:

''(1) CREDIT RISK.—

''(A) With respect to securities representing an interest in, or obligations backed by, a pool of qualified loans (as defined in section 8.0(9)(C)), owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans, respectively, as determined by the Director.

''(B) With respect to securities representing an interest in, or obligations backed by, a pool of other''.

SEC. 5040. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LANDS.

Section 1 of Public Law 91–229 (25 U.S.C. 488) is amended by adding at the end the following:

''The Secretary of Agriculture may make and insure loans as provided in section 309 of the Consolidated Farm and Rural Development Act to eligible purchasers of highly fractionated land pursuant to section 204(c) of the Indian Land Consolidation Act. Section 4 of this Act shall not apply to trust or restricted tribal or tribal corporation property mortgaged pursuant to the preceding sentence.''.

TITLE VI—RURAL DEVELOPMENT

Sec. 6001. Definition of rural.
Sec. 6002. Water, waste disposal, and wastewater facility grants.
Sec. 6003. Rural business opportunity grants.
Sec. 6004. Rural water and wastewater circuit rider program.
Sec. 6005. Tribal college and university essential community facilities.
Sec. 6006. Emergency and imminent community water assistance grant program.
Sec. 6007. Water systems for rural and native villages in Alaska.
Sec. 6008. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes.
Sec. 6009. Rural cooperative development grants.
Sec. 6010. Criteria to be applied in providing loans and loan guarantees under the business and industry loan program.
Sec. 6011. Appropriate technology transfer for rural areas program.
Sec. 6012. Grants to improve technical infrastructure and improve quality of rural health care facilities.
Sec. 6013. Rural entrepreneur and microenterprise assistance program.
Sec. 6014. Criteria to be applied in considering applications for rural development projects.
Sec. 6015. National sheep industry improvement center.
Sec. 6016. National rural development partnership.
Sec. 6017. Historic barn preservation.
Sec. 6018. Grants for NOAA weather radio transmitters.
Sec. 6019. Delta regional authority.
Sec. 6020. Northern great plains regional authority.
Sec. 6021. Rural strategic investment program.
Sec. 6022. Expansion of 911 access.
Sec. 6023. Access to broadband telecommunications services in rural areas.
Sec. 6024. Community connect grant program.
Sec. 6025. Agriculture innovation center demonstration program.
Sec. 6026. Rural firefighters and emergency medical service assistance program.
Sec. 6027. Value-added agricultural market development program.
Sec. 6028. Assistance for rural public television stations.
Sec. 6029. Telemedicine and distance learning services in rural areas.
Sec. 6030. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6031. Comprehensive rural broadband strategy.
Sec. 6032. Study of railroad issues.

SEC. 6001. DEFINITION OF RURAL.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the varying definitions of "rural" used by the Department of Agriculture;

(2) describes the effects those varying definitions have on the programs administered by the Department of Agriculture; and

(3) makes recommendations for ways to better target funds provided through rural development programs.

SEC. 6002. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking "2007" and inserting "2012".

SEC. 6004. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(C)) is amended by striking "$15,000,000 for fiscal year 2003" and inserting "$25,000,000 for fiscal year 2008".

SEC. 6005. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost."; and

(2) in subparagraph (C), by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6006. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6007. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

SEC. 6008. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e(d)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6009. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking "a nationally coordinated, regionally or State-wide operated project" and inserting "activities to promote and assist the development of cooperatively and mutually owned businesses";

(2) in subparagraph (B), by inserting "to promote and assist the development of cooperatively and mutually owned businesses" before the semicolon;

(3) by striking subparagraphs (D) and (F) and redesignating subparagraph (E) as subparagraph (D); and

(4) adding at the end the following:

"(E) demonstrate a commitment to—

"(i) networking with and sharing the results of its efforts with other cooperative development centers and other organizations involved in rural economic development efforts; and

"(ii) developing multi-organization and multi-State approaches to addressing the cooperative and economic development needs of rural areas.".

(b) AUTHORITY TO AWARD MULTI-YEAR GRANTS.—Section 310(B)(e)(6) of such Act (7 U.S.C. 1932(e)(6)) is amended to read as follows:

"(6) Grants awarded to centers that have received no prior funding under this subsection shall be made for a period of 1 year. The Secretary shall evaluate programs receiving assistance under this subsection. The Secretary may award grants for a period of more than 1 year, but not more than 3 years, to centers that have successfully met the criteria under paragraph (5).".

(c) AUTHORITY TO EXTEND GRANT PERIOD FOR 1 YEAR.—Section 310B(e) of such Act (7 U.S.C. 1932(e)) is amended by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively, and inserting after paragraph (6) the following:

"(7) The Secretary may extend for only 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.".

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of such Act (7 U.S.C. 1932(e)), as amended by subsection (c) of this section, is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and inserting after paragraph (9) the following:

"(10) The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the national economic effects of all types of cooperatives.".

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of such Act (7 U.S.C. 1932(e)), as amended by subsections (c) and (d) of this section, is amended by redesignating paragraph (11) as paragraph (12) and inserting after paragraph (10) the following:

"(11)(A) If the total amount appropriated under paragraph (12) of this subsection for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the amount so appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives, serving socially disadvantaged (within the meaning of section 355(e)) communities, a majority of the boards of directors or governing boards of which are comprised of socially disadvantaged (withing such meaning) individuals.

"(B) To the extent that the Secretary determines that funds reserved under subparagraph (A) will not be used for grants described in subparagraph (A) because of insufficient applications for the grants, the Secretary shall use the funds as otherwise authorized by this subsection.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 310B(e)(12) of such Act (7 U.S.C. 1932(e)(12)), as so redesignated by subsections (c) through (e) of this section, is amended by striking "2007" and inserting "2012".

SEC. 6010. CRITERIA TO BE APPLIED IN PROVIDING LOANS AND LOAN GUARANTEES UNDER THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

"(9)(A) In providing loans and loan guarantees under this section, the Secretary shall consider an application more favorably when compared to other applications to the extent that the project described in the application supports community development and farm and ranch income by marketing, distributing, storing, aggregating, or processing a locally or regionally produced agricultural product.

"(B) In subparagraph (A), the term 'locally or regionally produced agricultural product' means an agricultural product—

"(I) which is produced and distributed in the locality or region where the finished product is marketed;

"(ii) which has been shipped a total distance of 400 or fewer miles, as determined by the Secretary; and

"(iii) about which the distributor has conveyed to the end-use consumers information regarding the origin of the product or production practices, or other valuable information.".

SEC. 6011. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

"(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

"(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

"(B) has staff and offices in multiple regions;

"(C) operates national sustainable agriculture technical assistance programs; and

"(D) provides the technical assistance through toll-free hotlines, a website, publications, and work shops.

"(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to help the agricultural producers—

"(A) reduce input costs;

"(B) conserve energy resources;

"(C) diversify operations through new energy crops and energy generation facilities; and

"(D) expand markets for the agricultural commodities produced by the producers through use of sustainable farming practices.

"(3) IMPLEMENTATION.—

"(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance organization.

"(B) COST SHARE.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information pursuant to paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each fiscal year.".

SEC. 6012. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by section 5025 of this Act, is amended by inserting after section 365 the following:

"SEC. 366. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

"(a) IN GENERAL.—The Secretary shall establish a program to award grants to rural health facilities for the purpose of assisting the facilities in—

"(1) purchasing health information technology to improve quality in health care and patient safety; or

"(2) improving health care quality and patient safety, including the development of—

"(A) quality improvement support structures to assist rural health systems and professionals—

"(i) achieve greater integration of personal and population health services; and

"(ii) address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

"(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

"(b) DEFINITIONS.—In this section:

"(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

"(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

"(B) making improvements to computer software and hardware;

"(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

"(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

"(E) providing education and training to eligible entity staff on information systems and technology designed to improve patient safety and quality of care; and

"(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

"(i) integrates patient-specific clinical data with well-established national treatment guidelines;

"(ii) provides ongoing, continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

"(iii) integrates with larger health networks.

"(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

"(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of the following:

"(A) SOLE COMMUNITY HOSPITAL.—A hospital (as defined in section 1886(a)(2) of the Social Security Act (42 U.S.C. 1395ww(a)(2))).

"(B) CRITICAL ACCESS HOSPITAL.—A critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))).

"(C) FEDERALLY QUALIFIED HEALTH CENTER IN RURAL AREAS.—A Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)) that is located in a rural area.

"(D) RURAL PHYSICIAN OR RURAL PHYSICIAN GROUP PRACTICE.—A physician or physician group practice that is located in a rural area.

"(E) RURAL HEALTH CLINIC.—A rural health clinic (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2))).

"(F) MEDICARE DEPENDENT HOSPITAL.—A medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)(iv))).

"(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant awarded under this section.

"(d) FURNISHING THE SECRETARY WITH INFORMATION.—An eligible entity receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to—

"(1) evaluate the project for which the grant is made; and

"(2) ensure that assistance provided under the grant is expended for the purposes for which the grant is made.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of the fiscal years 2008 through 2012.".

SEC. 6013. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by sections 5025 and 6012 of this Act, is amended by inserting after section 366 the following:

"SEC. 367. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISADVANTAGED MICROENTREPRENEUR.—The term 'economically disadvantaged microentrepreneur' means an owner, majority owner, or developer of a microenterprise that has the ability to compete in the private sector but has been impaired because of diminished capital and credit opportunities, as compared to other microentrepreneurs in the industry.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) INTERMEDIARY.—The term 'intermediary' means a nonprofit entity that provides assistance—

"(A) to a microenterprise development organization; or

"(B) for a microenterprise development program.

"(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual with an income (adjusted for family size) of not more than 80 percent of the national median income.

"(5) MICROCREDIT.—The term 'microcredit' means a business loan or loan guarantee of not more than $50,000 that is provided to a rural entrepreneur.

"(6) MICROENTERPRISE.—The term 'microenterprise' means—

"(A) a sole proprietorship; or

"(B) a business entity with not more than 10 full-time-equivalent employees.

"(7) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—

"(A) IN GENERAL.—The term 'microenterprise development organization' means a nonprofit entity that—

"(i) provides training and technical assistance to rural entrepreneurs; and

"(ii) facilitates access to capital or another service described in subsection (b) for rural entrepreneurs.

"(B) INCLUSIONS.—The term 'microenterprise development organization' includes an organization described in subparagraph (A) with a demonstrated record of delivering services to economically disadvantaged microentrepreneurs, or an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary.

"(8) MICROENTERPRISE DEVELOPMENT PROGRAM.—The term 'microenterprise development program' means a program administered by a qualified organization serving a rural area.

"(9) MICROENTREPRENEUR.—The term 'microentrepreneur means' the owner, operator, or developer of a microenterprise.

"(10) PROGRAM.—The term 'program' means the rural entrepreneur and microenterprise program established under subsection (b)(1).

"(11) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

"(A) a microenterprise development organization or microenterprise development program that has a demonstrated record of delivering microenterprise services to rural entrepreneurs, or an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary;

"(B) an intermediary that has a demonstrated record of delivering assistance to microenterprise development organizations or microenterprise development programs;

"(C) an Indian tribe, the tribal government of which certifies to the Secretary that there is no microenterprise development organization or microenterprise development program under the jurisdiction of the Indian tribe;

"(D) a group of 2 or more organizations or Indian tribes described in any of subparagraphs (A) through (C) that agree to act jointly as a qualified organization under this section; or

"(E) for purposes of subsection (b), a public college or university that has a demonstrated record of delivering assistance to microenterprise development organizations or microenterprise development programs.

"(12) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

"(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(13) RURAL CAPACITY-BUILDING SERVICE.—The term 'rural capacity-building service' means a service provided to an organization that—

"(A) is, or is in the process of becoming, a microenterprise development organization or microenterprise development program; and

"(B) serves rural areas for the purpose of enhancing the ability of the organization to provide training, technical assistance, and other related services to rural entrepreneurs.

"(14) RURAL ENTREPRENEUR.—The term 'rural entrepreneur' means a microentrepreneur, or prospective microentrepreneur—

"(A) the principal place of business of which is in a rural area; and

"(B) that is unable to obtain sufficient training, technical assistance, or microcredit elsewhere, as determined by the Secretary.

"(15) TRIBAL GOVERNMENT.—The term 'tribal government' means the governing body of an Indian tribe.

"(b) RURAL ENTREPRENEURSHIP AND MICROENTERPRISE PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a rural entrepreneurship and microenterprise program.

"(2) PURPOSE.—The purpose of the program shall be to provide low-income individuals and moderate-income individuals with—

"(A) the skills necessary to establish new small businesses in rural areas; and

"(B) continuing technical and financial assistance as individuals and business starting or operating small businesses.

"(3) GRANTS.—

"(A) IN GENERAL.—The Secretary may make a grant under the program to a qualified organization—

"(i) to provide training, operational support, or a rural capacity-building service to a qualified organization to assist the qualified organization in developing microenterprise training, technical assistance, market development assistance, and other related services, primarily for business with 10 or fewer full-time-equivalent employees;

"(ii) to assist in researching and developing the best practices in delivering training, technical assistance, and microcredit to rural entrepreneurs; and

"(iii) to carry out such other projects and activities as the Secretary determines to be consistent with the purposes of this section.

"(B) DIVERSITY.—In making grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, that grant recipients include qualified organizations—

"(i) of varying sizes; and

"(ii) that serve racially and ethnically diverse populations.

"(C) MATCHING REQUIREMENT.—

"(i) IN GENERAL.—As a condition of any grant made to a qualified organization under this paragraph, the Secretary shall require the qualified organization to match not less than 25 percent of the total amount of the grant.

"(ii) SOURCES.—In addition to cash from non-Federal sources, a matching share provided by the qualified organization may include indirect costs or in-kind contributions funded under non-Federal programs.

"(4) RURAL MICROLOAN AND TECHNICAL ASSISTANCE PROGRAM.—

"(A) ESTABLISHMENT.—In carrying out the program, the Secretary may carry out a rural microloan program.

"(B) PURPOSE.—The purpose of the rural microloan program shall be to provide technical and financial assistance through qualified organizations to sole proprietorships and small businesses located in rural areas with a particular focus on businesses with 10 or fewer full-time equivalent employees.

"(C) AUTHORITY OF SECRETARY.—In carrying out the rural microloan program, the Secretary may—

"(i) make loans to qualified organizations for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing rural microbusiness concerns; and

"(ii) in conjunction with the loans, provide grants in accordance with subparagraph (E) to the organizations for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this paragraph.

"(D) LOAN DURATION; INTEREST RATES; CONDITIONS.—

"(i) LOAN DURATION.—A loan made by the Secretary under this paragraph shall be for a term of 20 years.

"(ii) APPLICABLE INTEREST RATES.—A loan made by the Secretary under this paragraph to a qualified organization shall bear an annual interest rate of at least 1 percent.

"(iii) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments, for principal and interest, on a loan made under this paragraph for a period of not more than 2 years, beginning on the date the loan is made.

"(E) GRANT AMOUNTS.—

"(i) IN GENERAL.—Except as otherwise provided in this section, each qualified organization that receives a loan under this paragraph shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers or potential borrowers under this subsection.

"(ii) MAXIMUM AMOUNT FOR MICROENTERPRISE DEVELOPMENT ORGANIZATIONS.—Each microenterprise development organization that receives a loan under this paragraph shall receive an annual grant in an amount equal to not more than 25 percent of the total outstanding balance of loans made to the microenterprise development organization under this paragraph, as of the date the grant is made.

"(iii) MATCHING REQUIREMENT.—

"(I) IN GENERAL.—As a condition of any grant made to a qualified organization under this subparagraph, the Secretary shall require the qualified organization to match not less than 15 percent of the total amount of the grant.

"(II) SOURCES.—In addition to cash from non-Federal sources, a matching share provided by the qualified organization may include indirect costs or in-kind contributions funded under non-Federal programs.

"(c) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of assistance received by a qualified organization for a fiscal year under this section may be used to pay administrative expenses.

"(d) FURNISHING THE SECRETARY WITH INFORMATION.—A qualified organization that receives a grant under subsection (b)(3) or loan under subsection (b)(4) shall furnish the Secretary by December 1 such information as the Secretary may require to ensure that assistance provided under the grant or loan is expended for the purposes for which the grant or loan is made.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $20,000,000 for each of the fiscal years 2008 through 2012.".

SEC. 6014. CRITERIA TO BE APPLIED IN CONSIDERING APPLICATIONS FOR RURAL DEVELOPMENT PROJECTS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by sections 5025, 6012, and 6013 of this Act, is amended by inserting after section 367 the following:

"SEC. 368. CRITERIA TO BE APPLIED IN CONSIDERING APPLICATIONS FOR RURAL DEVELOPMENT PROJECTS.

"(a) IN GENERAL.—The Secretary shall review the income demographics, population, seasonal increases, and other factors as determined by the Secretary, of eligible communities for each program authorized or modified by, or funded pursuant to, an amendment made by title VI of the Farm, Nutrition, and Bioenergy Act of 2007 or section 306, 306A, 306C, 306D, 306E, 310(c), 310(e), 310B(b), 310B(c), 310B(e), or 379B, or subtitle F, G, H, or I of this Act, and which proposes to serve a rural area (as defined by the applicable law).

"(b) REGULATIONS.—The Secretary shall issue regulations to establish the applicable limitations that a rural area cannot exceed in order to remain eligible for a program referred to in subsection (a).".

SEC. 6015. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking paragraphs (B) and (C) and inserting the following:

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of the fiscal years 2008 through 2012.".

(b) ELIMINATION OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.— Section 375 of such Act (7 U.S.C. 2008j) is amended by striking subsection (j).

SEC. 6016. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m(g)(1)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6017. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5) and inserting after paragraph (2) the following:

"(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).".

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of such Act (7 U.S.C. 2008o(c)(5)), as so redesignated by subsection (a) of this section, is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6018. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6019. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-12(a)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

(b) TERMINATION OF AUTHORITY.—Section 382N of such Act (7 U.S.C. 2009aa-13) is amended by striking "2007" and inserting "2012".

SEC. 6020. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) FEDERAL SHARE OF ADMINISTRATIVE EXPENSES.—Section 383B(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb-1(g)(1)) is amended—

(1) in subparagraph (A), by striking "2002" and inserting "2007";

(2) in subparagraph (B), by striking "2003" and inserting "2008"; and

(3) in subparagraph (C), by striking "2004" and inserting "2009".

(b) TECHNICAL AMENDMENT.—Section 383B(d)(6)(A) of such Act (7 U.S.C. 2009bb-1(d)(6)(A)) is amended by inserting "and resource conservation" after "development".

(c) ELIMINATION OF PRIORITIZATION RANKING OF ACTIVITIES TO BE FUNDED.—Section 383C(b)(2) of such Act (7 U.S.C. 2009bb-2(b)(2)) is amended by striking "activities in the following order of priority" and inserting "following activities".

(d) ELIMINATION OF ISOLATED AREA OF DISTRESS DESIGNATION.—

(1) IN GENERAL.—Section 383F(a) of such Act (7 U.S.C. 2009bb-5(a)) is amended—

(A) by adding "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 383F(b) of such Act (7 U.S.C. 2009bb-5(b)) is amended—

(A) in paragraph (1), by striking "and isolated areas of distress"; and

(B) in paragraph (2), by striking "or isolated areas of distress".

(e) REDUCTION OF MINIMUM FUNDS ALLOCATION FOR DISTRESSED COUNTIES.—Section 383F(b)(1) of such Act (7 U.S.C. 2009bb-5(b)(1)) is amended by striking "75" and inserting "50".

(f) ELIMINATION OF PROHIBITION ON PROVIDING FUNDS TO NONDISTRESSED COUNTIES.—Section 383F of such Act (7 U.S.C. 2009bb-5) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(g) INCLUSION OF RENEWABLE ENERGY AMONG OBJECTS OF MINIMUM FUNDS ALLOCATION.—Section 383F(c) of such Act (7 U.S.C. 2009bb-5(c)), as so redesignated by subsection (a) of this section, is amended—

(1) in the subsection heading, by inserting "RENEWABLE ENERGY," after "TELECOMMUNICATION,"; and

(2) by inserting "renewable energy," after "telecommunication".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 383M(a) of such Act (7 U.S.C. 2009bb-12(a)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

(i) TERMINATION OF AUTHORITY.—Section 383N of such Act (7 U.S.C. 2009bb-13) is amended by striking "2007" and inserting "2012".

SEC. 6021. RURAL STRATEGIC INVESTMENT PROGRAM.

(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 385E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd-4) is amended to read as follows:

"SEC. 385E. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this subtitle not more than $25,000,000 for each of the fiscal years 2008 through 2012.".

(b) PRESERVATION AND PROMOTION OF RURAL HERITAGE.—

(1) DEFINITION.—Section 385B of such Act (7 U.S.C. 2009dd-1) is amended by adding at the end the following:

"(12) RURAL HERITAGE.—The term 'rural heritage' means historic sites, structures, and districts which may include rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, and heritage areas and historic landscapes.".

(2) RURAL STRATEGIC INVESTMENT PLANNING GRANTS.—Section 385F(b) of such Act (7 U.S.C. 2009dd-5(b)) is amended—

(A) by striking "and" at the end of paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7) preservation and promotion of rural heritage; and".

(3) INNOVATION GRANTS.—Section 385G(d) of such Act (7 U.S.C. 2009dd-6(d)) is amended—

(A) by striking "and" at the end of paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7) demonstrate a plan to protect and promote rural heritage; and".

SEC. 6022. EXPANSION OF 911 ACCESS.

Section 315(b) of the Rural Electrification Act of 1936 (7 U.S.C. 904e(b)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6023. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) DEFINITIONS.—Section 601(b) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)) is amended by striking paragraph (2) and inserting the following:

"(2) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means any area of the United States that is not—

"(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

"(B) the urbanized area contiguous and adjacent to such a city or town.".

(b) PRIORITIZATION OF APPLICATIONS.—

(1) DEFINITION.—Section 601(b) of such Act (7 U.S.C. 950bb(b)), as amended by subsection (a) of this section, is amended by adding at the end the following:

"(3) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider' means, with respect to an application submitted pursuant to this section, an entity that is providing broadband service to at least 5 percent of the households in the service area proposed in the application.".

(2) PRIORITY BASED ON NUMBER OF INCUMBENT SERVICE PROVIDERS.—Section 601(c) of such Act (7 U.S.C. 950bb(c)) is amended by adding at the end the following:

"(3) APPLICATIONS PRIORITIZED BASED ON NUMBER OF INCUMBENT SERVICE PROVIDERS.—

"(A) IN GENERAL.—In making or guaranteeing loans under paragraph (1), the Secretary shall give priority, in the following order, to applications from eligible rural communities that have—

"(i) no incumbent service provider;

"(ii) 1 incumbent services provider; or

"(iii) 2 incumbent service providers who, together, serve not more than 25 percent of the households in the service area proposed in the application.

"(B) PROHIBITIONS.—In carrying out this section, the Secretary may not—

"(i) make a loan to an eligible community in which there are 3 or more incumbent service providers, unless—

"(I) the loan is to an incumbent service provider of the community;

"(II) the other providers in that community are notified of the application before approval by the Secretary, and have sufficient time to comment on the application; and

"(III) the application includes substantially increasing—

"(aa) the quality of broadband service in the community; and

"(bb) the provision of broadband service to unserved households inside and outside the community; or

"(ii) make a loan for new construction to any community in which more than 75 percent of the households may obtain affordable broadband service, on request, from at least 1 incumbent service provider.".

(c) PAPERWORK REDUCTION.—Section 601(c) of such Act (7 U.S.C. 950bb(c)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following:

"(4) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants, particularly those who are smaller and start-up Internet providers, including by providing for a new application which shall maintain the ability of the Secretary to make an analysis of the risk associated with the loan involved.".

(d) INCREASE IN MAXIMUM NUMBER OF SUBSCRIBER LINES THAT MAY BE SERVED BY AN ELIGIBLE ENTITY.—Section 601(d)(3) of such Act (7 U.S.C. 950bb(d)(3)) is amended by striking "2" and inserting "10".

(e) LIMITATION ON FUNDS TO ENTITIES WITH MORE THAN 2 PERCENT OF SUBSCRIBER LINES.—Section 601(d) of such Act (7 U.S.C. 950bb(d)) is amended by adding at the end the following:

"(4) LIMITATION ON FUNDS TO ENTITIES WITH MORE THAN 2 PERCENT OF SUBSCRIBER LINES.—Not more than 25 percent of the loans made under this section in a single fiscal year may be approved for entities that serve more than 2 percent of the telephone subscriber lines in the United States.".

(f) LOAN TERM NOT TO EXCEED 35 YEARS.—Section 601(g)(2) of such Act (7 U.S.C. 950bb(g)(2)) is amended by striking "not to exceed the useful life of the assets constructed, improved, or acquired with the proceeds of the loan or extension of credit." and inserting "of such length, not exceeding 35 years, as the borrower may request, so long as the Secretary determines that the loan is adequately secured. In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services."

(g) ADEQUACY OF SECURITY.—Section 601 of such Act (7 U.S.C. 950bb) is amended by redesignating subsections (h) through (k) as subsections (i) through (l), respectively, and inserting after subsection (g) the following:

"(h) ADEQUACY OF SECURITY.—The Secretary shall ensure that the type, amount, and method of security used to secure any loan or loan guarantee provided under this section is commensurate to the risk involved with the loan or loan guarantee, particularly when the loan or loan guarantee is issued to a financially healthy, strong, and stable entity. In determining the amount and method of security, the Secretary shall consider reducing the security in areas that do not have broadband service.".

(h) GENERAL REPORT ON PROGRAM.—Section 601 of such Act (7 U.S.C. 950bb), as amended by subsection (g) of this section, is amended by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and inserting after subsection (j) the following:

"(k) GENERAL PROGRAM REPORT.—Not later than December 1 of each year, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that details for the preceding fiscal year—

"(1) the loans made under this section;

"(2) the communities served under this section;

"(3) the speed of the broadband service offered by applicants for, and recipients of, loans or loan guarantees under this section;

"(4) the type of services offered by the applicants and recipients;

"(5) the length of time to approve applications submitted pursuant to this section; and

"(6) the outreach efforts undertaken by the Department of Agriculture to encourage persons in areas without broadband service to submit applications pursuant to this section.".

(i) NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.—Section 601 of such Act (7 U.S.C. 950bb), as amended by subsections (g) and (h) of this section, is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and inserting after subsection (k) the following:

"(l) NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.—

"(1) ESTABLISHMENT OF CENTER.—The Secretary shall designate a National Center for Rural Telecommunications Assessment (in this subsection referred to as the 'Center').

"(2) CRITERIA.—The Secretary shall use the following criteria in making the designation:

"(A) The Center must be an entity with a focus on rural policy research and a minimum of 5 years experience in rural telecommunications research and assessment.

"(B) The Center must be capable of assessing broadband services in rural areas.

"(C) The Center must have significant experience with other rural economic development centers and organizations in the assessment of rural policies and formulation of policy solutions at the local, State, and Federal level.

"(3) BOARD.—The management of the Center shall be vested in a board of directors that is capable of oversight of the duties set forth in paragraph (4).

"(4) DUTIES.—The Center shall—

"(A) assess the effectiveness of programs provided under subsection (b) in increasing broadband penetration and purchase in rural areas, especially in those rural communities identified by the Secretary as having no service before award of a broadband loan or loan guarantee under subsection (b);

"(B) develop assessments of broadband availability in rural areas, working with existing rural development centers selected by the Center;

"(C) identify policies and initiatives at the local, State and Federal level that have increased broadband penetration and purchase in rural areas;

"(D) conduct a national study of rural households and businesses focusing on the adoption of, barriers to, and utilization of broadband services; and

"(E) provide reports to the public on the activities undertaken under this section.

"(5) REPORTING REQUIREMENTS.—The Center shall report by December 1 of each year to the

Secretary its activities, the results of its research, and any such information the Secretary may request regarding the prior fiscal year. In reporting to the Secretary the Center shall include the following:

"(A) Assessments of the programs provided under subsection (b).

"(B) Annual assessments on broadband availability in rural areas under consideration by the Center.

"(C) Annual assessments on the effects of the policy initiatives identified in paragraph (2)(C).

"(D) Results from the national study of rural households and businesses conducted under paragraph (4)(D).

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection not more than $1,000,000 for each of the fiscal years 2008 through 2012.".

(j) FUNDING.—Section 601(m) of such Act (7 U.S.C. 950bb(l)) as so redesignated by subsections (g) through (i) of this section, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(B) (as so redesignated), by striking "2007" and inserting "2012";

(4) in paragraph (2) (as so redesignated), by striking "2003 through 2007" and inserting "2008 through 2012"; and

(5) in paragraph (3) (as so redesignated), by adding at the end the following:

"(D) ELIGIBLE TRIBAL COMMUNITIES.—Of the amounts made available under subparagraph (A) for a fiscal year, 10 percent shall be reserved for entities serving eligible tribal communities.

"(E) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for eligible tribal communities for a fiscal year under subparagraph (D) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.".

(k) EXTENSION OF AUTHORITY TO ISSUE LOANS.—Section 601(n) of such Act (7 U.S.C. 950bb(m)), as so redesignated by subsections (f) through (h) of this section, is amended by striking "2007" and inserting "2012".

SEC. 6024. COMMUNITY CONNECT GRANT PROGRAM.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended by adding at the end the following:

"SEC. 602. COMMUNITY CONNECT GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a grant program to be known as the 'Community Connect Grant Program' to provide financial assistance to eligible applicants to provide broadband transmission service that fosters economic growth and delivers enhanced educational, health care, and public safety services.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, the applicant must—

"(1) be legally organized as an incorporated tribal organization, an Indian tribe, or tribal organization, as defined in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b) and (c)), a State or local unit of government, or other legal entity, including a cooperative, private corporation, or limited liability company organized on a for-profit or not-for-profit basis;

"(2) have the legal capacity and authority to own and operate broadband facilities as proposed in its application, to enter into contracts, and to otherwise comply with applicable Federal statutes and regulations; or

"(3) be in an eligible rural community (as defined in section 601(b)(2) of the Rural Electrification Act of 1936).

"(c) INELIGIBLE GRANT PURPOSES.—A grant made under this section may not be used—

"(1) to finance the duplication of any broadband transmission service provided by another entity; or

"(2) with respect to facilities, to provide local exchange telecommunications service to any person or entity receiving the service.

"(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to grants that will enhance community access to telemedicine and distance learning resources.

"(e) MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a grant applicant shall provide a matching contribution of at least 15 percent of the grant amount requested, in funds and in-kind contributions in a proportion to be determined by the Secretary.

"(2) LIMITATIONS.—

"(A) Costs incurred by or on behalf of an applicant, for facilities, installed equipment, or other services rendered before submission of a completed application shall not be considered to be for an eligible grant purpose or a matching contribution.

"(B) Any financial assistance from Federal sources shall not be considered to be a matching contribution for purposes of this section, unless there is a Federal statutory exception specifically authorizing the Federal financial assistance to be so considered.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $25,000,000 for each of the fiscal years 2008 through 2012.".

SEC. 6025. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended to read as follows:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of the fiscal years 2008 through 2012.".

SEC. 6026. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note) is amended to read as follows:

"SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to eligible entities to—

"(1) enable the entities to provide for improved emergency medical services in rural areas; and

"(2) pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

"(A) a State emergency medical services office;

"(B) a State emergency medical services association;

"(C) a State office of rural health;

"(D) a local government entity;

"(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(F) a State or local ambulance provider; or

"(G) any other entity determined appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

"(A) a description of the activities to be carried out under the grant; and

"(B) an assurance that the applicant will comply with the matching requirement of subsection (e).

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a) only in rural areas to—

"(1) hire or recruit emergency medical service personnel;

"(2) recruit or retain volunteer emergency medical service personnel;

"(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

"(4) fund training to meet State or Federal certification requirements;

"(5) provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

"(6) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(7) acquire emergency medical services vehicles, including ambulances;

"(8) acquire emergency medical services equipment, including cardiac defibrillators;

"(9) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

"(10) educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

"(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (b)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

"(e) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

"(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

"(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

"(A) the condition of the patient; or

"(B) a natural disaster or similar situation; and

"(2) includes (compensated or volunteer) services delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under

paragraph (1) for a fiscal year may be used for administrative expenses.''.

SEC. 6027. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM.

(a) DEFINITION OF MID-TIER VALUE CHAIN.—Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by adding at the end the following:

''(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(A) targets and strengthens the profitability and competitiveness of small and medium-sized family farms, as defined in regulations pursuant to Section 302 of the Consolidated Farm and Rural Development Act; and

''(B) obtains agreement from the eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture engaged in the value chain in the method for price determination.''.

(b) FUNDING; RESERVATION OF FUNDS; GRANT AWARD CRITERIA.—Section 231(b) of such Act (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) FUNDING.—Not later than 30 days after the date of the enactment of this paragraph, on October 1, 2008, and on each October 1 thereafter through October 1, 2012, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $30,000,000, to remain available until expended.

''(5) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS AND RANCHERS OR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND MID-TIER VALUE CHAINS.—

''(A) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available under paragraph (4) to fund projects that benefit beginning farmers and ranchers (as defined in section 343(a)(11) of the Consolidated Farm and Rural Development Act) or socially disadvantaged farmers and ranchers (as defined in section 355(e) of such Act).

''(B) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available under paragraph (4) to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

''(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserves established under subparagraphs (A) and (B) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this section to eligible entities in any State, as determined by the Secretary.''; and

(2) by adding at the end the following:

''(6) CRITERIA TO BE APPLIED IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall consider an application more favorably when compared to other applications to the extent that the project contributes to increasing opportunities for operators of small and medium-size farms and ranches structured as family farms (as defined in regulations prescribed under section 302 of the Consolidated Farm and Rural Development Act).''.

SEC. 6028. ASSISTANCE FOR RURAL PUBLIC TELEVISION STATIONS.

Section 2333 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa-2) is amended by adding at the end the following:

''(j) DIGITAL SERVICE TRANSITION ASSISTANCE FOR PUBLIC TELEVISION STATIONS.—The Secretary may provide grants under this section to noncommercial education television broadcast stations that serve rural areas for the purposes of developing digital facilities, equipment, and infrastructure to enhance digital services to rural areas.''.

SEC. 6029. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended by striking ''2007'' and inserting ''2012''.

(b) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6030. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6031. COMPREHENSIVE RURAL BROADBAND STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

(B) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(C) to address both short- and long-term solutions and needs assessments for a rapid buildout of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(E) to promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the cataloging and successes of other State, regional, and local governments; and

(2) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

SEC. 6032. STUDY OF RAILROAD ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of Transportation, shall conduct a study of railroad issues regarding the movement of agricultural products, domestically produced renewable fuels and domestically produced resources for the production of electricity for rural America, and economic development in rural America. The study shall include an examination of the following:

(1) The importance of freight railroads to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural America;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural America; and

(G) the vitality and economic development of rural communities.

(2) The sufficiency in rural America of railroad capacity, the sufficiency of competition in the railroad system, the reliability of rail service, and the reasonableness of railroad prices.

(3) The accessibility to rail customers in rural America of Federal processes for the resolution of rail customer grievances with the railroads.

(b) REPORT TO THE CONGRESS.—Within 9 months after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report that contains the results of the study required by subsection (a), and the recommendations of the Secretary for new Federal policies to address any problems identified by the study.

TITLE VII—RESEARCH

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Subtitle A—General Provisions

SEC. 7101. DEFINITIONS.

For purposes of this title:

(1) CAPACITY PROGRAM.—The term "capacity program" means the capacity program in subparagraph (M) and each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this Act:

(A) Each program providing funding to any of the 1994 institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) (commonly known as financial assistance, technical assistance, and endowments to tribal colleges and the Navajo Community College).

(B) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) providing research grants for 1994 institutions.

(C) Each program established under subsections (b), (c), and (d) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

(D) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

(E) Each program established under section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)), including grant programs under that section (commonly known as the 1890 Institution Teaching and Research Capacity Building Grants Program).

(F) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

(G) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222) (commonly known as the Evans-Allen Program).

(H) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

(I) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

(J) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

(K) Each research and development and related program established under Public Law 87-788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.).

(L) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

(M) The capacity building grant program for ASCARR Institutions established under this Act.

(N) Such other programs or parts of programs as determined appropriate by the Secretary.

(O) The program providing competitive extension grants to eligible 1994 institutions under section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)).

(2) COMPETITIVE PROGRAMS.—The term "competitive programs" means the competitive program in subparagraph (N) and each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this Act:

(A) Competitive grant programs authorized or otherwise administered by the Department of Agriculture under the terms of section 2(b) of the Competitive, Special and Facilities Research Grant (7 U.S.C. 450i).

(B) Institution Challenge Grants, administered under 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(j)).

(C) Grants and related authorities authorized or otherwise administered by the Secretary of Agriculture under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) (commonly known as the Higher Education Multicultural Scholars Program).

(D) Programs authorized or otherwise administered under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) (commonly known as educational grant programs for Hispanic-serving institutions).

(E) Integrated research, education, or extension programs authorized or otherwise administered under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) except as provided under subsection (a)(14).

(F) Sustainable Agriculture Research and Education (7 U.S.C. 5811).

(G) Organic Research and Extension Initiative (7 U.S.C. 5925b).

(H) Higher Education Challenge Grants (7 U.S.C. 3152(b)(1)).

(I) Food and Agriculture Sciences National Needs Graduate and Postgraduate Fellowship Grants (7 U.S.C. 3152(b)(6)).

(J) International Science and Education Competitive Grants (7 U.S.C. 3292b).

(K) Community Food Projects Competitive Grants (7 U.S.C. 2034).

(L) Risk Management Education (7 U.S.C. 1524).

(M) High Priority Research and Extension Areas (7 U.S.C. 5925).

(N) Such other programs or parts of programs as determined appropriate by the Secretary.

(3) CAPACITY PROGRAM CRITICAL BASE FUNDING.—The term "capacity program critical base funding" means the aggregate amount of Federal funds made available for all or individual capacity programs for fiscal year 2007, as appropriate.

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term "competitive program critical base funding" means the aggregate amount of Federal funds made available for all or individual competitive programs for fiscal year 2007, as appropriate.

(5) ASCARR INSTITUTION.—

(A) IN GENERAL.—The term "ASCARR Institution" means a public college or university offering a baccalaureate or higher degree in the study of agriculture.

(B) EXCLUSIONS.—The term "ASCARR Institution" does not include Hispanic-serving agricultural colleges or any institution designated under—

(i) the Act of July 2, 1862 (commonly known as the "First Morrill Act"; 7 U.S.C. 301 et seq.);

(ii) the Act of August 30, 1890 (commonly known as the "Second Morrill Act"; 7 U.S.C. 321 et seq.); or

(iii) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) DIRECTORS.—The term "Directors" refers to those directors appointed under section 7104.

(8) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Research, Education, and Economics.

(9) HISPANIC-SERVING AGRICULTURAL COLLEGE.—The term "Hispanic-serving agricultural college" means a college or university that—

(A) qualifies as a "Hispanic-serving institution" as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)); and

(B) offers a baccalaureate degree program in an agricultural or food science-related discipline.

SEC. 7102. BUDGET SUBMISSION AND FUNDING.

(a) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for capacity programs, and a single budget line item reflecting the total amount requested by the President for funding for competitive programs for that fiscal year and for the previous 5 fiscal years.

(b) CAPACITY PROGRAM REQUEST.—

(1) CRITICAL BASE FUNDING.—Up to the amount of the capacity program critical base funding level, any funds requested for capacity programs in the budget submission single line item shall be apportioned among the capacity programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—Of the funds requested for capacity programs in excess of the capacity program critical base funding level, budgetary emphasis should be placed on enhancing funding for the 1890, 1994, ASCARR Institutions, Hispanic-serving agricultural colleges, and small 1862 institutions.

(c) COMPETITIVE PROGRAM REQUEST.—

(1) CRITICAL BASE FUNDING.—Up to the amount of the competitive program critical base funding level, any funds requested for competitive programs in the budget submission single line item shall be apportioned among the competitive programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis shall be placed on enhancing funding for emerging problems and their solutions.

(d) FUNDING.—

(1) CRITICAL BASE FUNDING.—Up to the total aggregate amount of the capacity program critical base funding level and the competitive program critical base funding level, funds appropriated or otherwise made available shall be apportioned among each of the capacity programs and the competitive programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—

(A) CAPACITY FUNDING.—Of the funds appropriated or otherwise made available for capacity programs in excess of the capacity program critical base funding level, funding emphasis should be placed on enhancing funding for the 1890, 1994, ASCARR Institutions, Hispanic-serving agricultural colleges, and small 1862 institutions.

(B) COMPETITIVE FUNDING.—Of the funds appropriated or otherwise made available for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis shall be placed on enhancing funding for emerging problems and solutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

(f) COMPETITIVE PROGRAMS.—For the purposes of this section, the term "competitive programs" includes only those programs for which annual appropriations are requested in the President's budget.

SEC. 7103. ADDITIONAL PURPOSES OF AGRICULTURAL RESEARCH AND EXTENSION.

Section 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3102) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (7) the following:

"(8) to integrate and organize the administration of the agricultural research, extension, education, and related programs administered by the Secretary of Agriculture to respond to 21st century challenges and continue to meet the needs of society from a local, tribal, State, national, and international perspective;

"(9) to minimize duplication, and maximize coordination and integration, among all of the programs at all levels through a solution-based approach; and

"(10) to position the agricultural research, extension, education, and related programs system to increase the contribution of the system to society through the expansion of the portfolio of the system.".

SEC. 7104. NATIONAL AGRICULTURAL RESEARCH PROGRAM OFFICE.

(a) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 research Program Offices to be known collectively as the National Agricultural Research Program Office, which shall coordinate the programs and activities of the research agencies within the mission area in an integrated, multidisciplinary, interdisciplinary, interagency, and interinstitutional manner, to the maximum extent practicable. The Program Offices within the National Agricultural Research Program Office are as follows:

(1) Renewable energy, natural resources, and environment.

(2) Food safety, nutrition, and health.

(3) Plant health and production.

(4) Animal health and production and animal products.

(5) Agriculture systems and technology.

(6) Agriculture economics and rural communities.

(b) QUALIFICATIONS OF DIRECTORS.—

(1) APPOINTMENT AND CLASSIFICATION.—The Under Secretary shall appoint a Director for each Program Office as a senior level position in the competitive service.

(2) QUALIFICATIONS.—To be eligible for appointment as a Director, an individual shall have—

(A) conducted outstanding research, education, or extension in the field of agriculture or forestry;

(B) earned a doctoral level degree at an institution of higher education (as defined in section 101 of Public Law 89-329 (20 U.S.C. 1001)); and

(C) met qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a senior level position of the competitive service.

(c) DUTIES OF DIRECTORS.—Except as otherwise provided in this Act, each Director as appointed by the Secretary shall—

(1) formulate programs in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board (7 U.S.C. 3123) (hereinafter referred to as the "Board");

(2) assess strategic workforce needs of research, education, extension, and other fields;

(3) cooperate with the Board to plan programs that assist in meeting the future personnel needs of disciplines and programs;

(4) develop strategic planning for department-wide research, education, extension, and related activities;

(5) establish department-wide priorities for research, education, extension, and related programs;

(6) communicate with research, education, and extension beneficiaries to identify their needs; and

(7) perform such other duties deemed necessary by the Secretary.

(d) ADMINISTRATION.—The Under Secretary, in conjunction with the Directors and in consultation with the Board, shall direct and coordinate research, education, and extension programs within the relevant agencies of the Department of Agriculture to focus those programs, and the participants, grantees, and other beneficiaries of those programs, on—

(1) understanding important problem areas and opportunities relating to a program;

(2) discovering and implementing solutions to address those problem areas;

(3) exploring other opportunities provided under the programs; and

(4) national, regional and local priorities.

(e) PROGRAM INTEGRATION AND COORDINATION.—

(1) IN GENERAL.—In accordance with applicable law (including regulations), the Under Secretary, in coordination with the Director of each Program Office and taking into consideration the advice of the Board, shall ensure, to the maximum extent practicable, that the research, education, and extension programs are administered, funded, and carried out—

(A) in an integrated, multidisciplinary, interdisciplinary, interagency, and interinstitutional manner that ensures—

(i) the most efficient collaborative use of resources; and

(ii) the focus of all resources and activities on strategic, priority, problem, opportunity, and solution areas identified by the Under Secretary and the Directors, taking into consideration the advice of the Board; and

(B) among applicable participants, grantees, and beneficiaries, in a coordinated manner that encourages and ensures—

(i) the most efficient collaborative application of resources; and

(ii) the focus of all resources and activities on strategic, priority, problem, opportunity, and solution areas on a local, State, tribal, regional, national, and international basis, as the Under Secretary and each Director, taking into consideration the advice of the Board, determine to be appropriate.

(2) SCOPE.—Each Director, in consultation with the Under Secretary and the Board, shall ensure, through the integration and coordination under paragraph (1), that opportunities are maximized with respect to—

(A) the use of appropriate authorities, agencies, institutions, disciplines, and activities; and

(B) the inclusion of appropriate participants and other beneficiaries in those activities, including intramural, extramural, Government, university, extension, and international, as determined by the Under Secretary.

(f) FUNDING.—The Under Secretary shall fund each Program Office through the appropriations available to the various agencies within the mission area. The aggregate staff for all Program Offices shall not exceed 30 full-time equivalent positions and shall be filled by current full-time equivalent positions.

(g) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the National Agricultural Research Program Office in such form as required to ensure that the Directors of the Program Offices are the primary program leaders for the mission areas of the integrated agencies and that administrative duplication does not occur.

(h) PRIORITIZING FEDERAL RESEARCH ACTIVITIES FOR SPECIALTY CROPS.—The Under Secretary, in coordination with the Directors of relevant Program Offices, shall—

(1) coordinate with and assist producers and organizations comprised of program beneficiaries working together to develop and implement applied research and extension related to the United States specialty crop industry;

(2) facilitate in the delivery of information to beneficiaries in a user-friendly form, in addition to a standard research publication, and reward providers for their abilities to deliver information to both the scientific community and the end-user; and

(3) ensure coordination among research initiatives funded and sponsored by the Department of Agriculture.

SEC. 7105. ESTABLISHMENT OF COMPETITIVE GRANT PROGRAMS UNDER THE NATIONAL INSTITUTE FOR FOOD AND AGRICULTURE.

Any office established to administer competitive programs under section 7101(b)(2), including the Agricultural Bioenergy and Biobased Products Research Initiative, the Specialty Crop Research Initiative, and Fresh Cut Produce Safety Grants created by this Act, shall be referred to as the National Institute of Food and Agriculture.

SEC. 7106. MERGING OF IFAFS AND NRI.

(a) AMENDMENT.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended to read as follows:

"(b) COMPETITIVE GRANT PROGRAMS.—

"(1) COMPETITIVE BASIS.—The Secretary of Agriculture is authorized to make competitive grants for the purposes and priorities established under this subsection.

"(2) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

"(3) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

"(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priorities established under paragraphs (8) and (12) of this subsection;

"(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

"(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

"(4) ELIGIBLE ENTITIES.—The Secretary may make a grant under this subsection to State agricultural experiment stations, all colleges and universities, university research foundations, other research institutions and organizations, Federal agencies, national laboratories, private organizations or corporations, and individuals, for research to further the programs of the Department of Agriculture.

"(5) ADMINISTRATIVE COSTS.—Not more than 4 percent of funds made available pursuant to this subsection may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

"(6) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

"(7) PURPOSES.—The purposes of the programs established under paragraph (8) shall reflect the purposes and additional purposes of agricultural research, extension, and education reflected in sections 1402 and 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 and 3102).

"(8) BASIC AND APPLIED RESEARCH PROGRAMS.—The Secretary shall establish 2 distinct programs of agricultural research, one to fund fundamental, basic research pursuant to paragraph (9) to be known as the National Research Initiative and one to fund applied, integrated research, education, and extension pursuant to paragraph (10) to be known as the Initiative for Future Agricultural and Food Systems.

"(9) NATIONAL RESEARCH INITIATIVE.—

"(A) ALLOCATION.—The allocation of funds to the National Research Initiative shall be as follows:

"(i) Not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams.

"(ii) Not less than 20 percent shall be available to make grants for research to be conducted by persons conducting mission-linked systems research.

"(iii) Not less than 10 percent shall be available to make grants under subparagraphs (D), (F), and (G) of paragraph (13) for research and education strengthening and research opportunity.

"(iv) Not more than 2 percent may be used for equipment grants under paragraph (13)(D).

"(B) MATCHING FUNDS.—Except as provided in this subparagraph, the Secretary may not take the offer or availability of matching funds into consideration in making a grant under this subsection. In the case of grants under paragraph (13)(D), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired. The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest one-third of such colleges, universities, and research foundations on the basis of Federal research funds received if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

"(10) INITIATIVE FOR FUTURE AGRICULTURAL AND FOOD SYSTEMS MATCHING FUNDS.—As a condition of making a grant under this paragraph, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

"(A) for applied research that is commodity-specific; and

"(B) not of national scope.

"(11) RESEARCH PRIORITIES.—The research priorities for the programs established in paragraph (8) shall be consistent with the priorities in effect for the National Research Initiative (7 U.S.C. 450i(b)) and Initiative for Future Agricultural and Food Systems (7 U.S.C. 7621) on the day before the date of enactment of this subsection. Priorities under the Initiative for Future Agricultural and Food Systems shall include classical plant and animal breeding.

"(12) PROGRAM ADMINISTRATION.—To the greatest extent possible, the Under Secretary, in conjunction with the Directors of the National Agricultural Research Program Offices established in section 7104 of the Farm, Nutrition, and Bioenergy Act of 2007, shall allocate these grants to high priority research taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

"(13) SPECIAL CONSIDERATIONS.—In addition to making research grants under paragraph (9), the Secretary may conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and award the following categories of competitive grants. Grants may be awarded—

"(A) to a single investigator or coinvestigators within the same discipline;

"(B) to teams of researchers from different areas of agricultural research and scientific disciplines;

"(C) to multidisciplinary teams that are proposing research on long-term applied research problems, with technology transfer a major component of all such grant proposals;

"(D) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching; however the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

"(E) to a single investigator or coinvestigators who are beginning their research careers and do not have an extensive research publication record; however, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the individual's initial career track position;

"(F) to ensure that the faculty of small and mid-sized institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

"(G) to improve research capabilities in States (as defined in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

"(14) DIVISION OF FUNDS.—Of the funds made available to carry out this subsection, 60 percent shall be used to fund programs under paragraph (9) and 40 percent shall be used to fund programs under paragraph (10).

"(15) TRANSFER OF FUNDS FROM THE INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.—Funds made available pursuant to section 401(b)(3)(D) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 (b)(3)(D)) shall be transferred to the program established under this subsection.

"(16) AUTHORIZATION OF APPROPRIATIONS.—

"(A) There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2008 through 2012.

"(B) Funds made available in each fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.".

(b) REPEALS.—The following provisions are hereby repealed:

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(2) Subsection (2)(d) of the Competitive, Special, and Facilities Research Grant Act of 1965 (7 U.S.C. 450i(c)).

SEC. 7107. CAPACITY BUILDING GRANTS FOR ASCARR INSTITUTIONS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall make competitive grants to ASCARR Institutions to assist the ASCARR Institutions in maintaining and expanding the capacity of the ASCARR Institutions to conduct education, research, and outreach activities relating to—

(A) agriculture;

(B) renewable resources; and

(C) other similar disciplines.

(2) USE OF FUNDS.—An ASCARR Institution that receives a grant under subsection (a)(1) may use the funds made available through the grant to maintain and expand the capacity of the ASCARR Institution—

(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

(B) to disseminate information relating to priority concerns to—

(i) interested members of the agriculture, renewable resources, and other relevant communities;

(ii) the public; and

(iii) any other interested entity;

(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

(D) through—

(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

(ii) the professional growth and development of the faculty of the ASCARR Institution; and

(iii) the development of graduate assistantships.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each fiscal year 2008 through 2012.

SEC. 7108. ESTABLISHMENT OF RESEARCH LABORATORIES FOR ANIMAL DISEASES.

(a) DEFINITIONS.—In this section—

(1) ANIMAL DISEASE.—The term "animal disease" has the meaning given the term by the Secretary.

(2) IMPORT.—The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(3) LIVE VIRUS.—The term "live virus" means a live virus of foot-and-mouth disease or a live virus of any other animal disease that is a threat to the health of livestock, as determined by the Secretary.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(6) UNITED STATES.—The term "United States" means all of the States.

(b) ANIMAL DISEASE RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH FACILITIES.—The Secretary is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, for research on animal diseases in the United States.

(2) ACTIVITIES AUTHORIZED WHEN DISEASE THREATENS LIVESTOCK.—To the extent the Secretary determines that an animal disease constitutes a threat to the livestock industry, the Secretary is authorized to conduct research, diagnostics, and other activities related to the animal disease.

(c) RESTRICTIONS REGARDING LIVE VIRUS.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a person or State or Federal agency may not—

(A) import a live virus into the United States;

(B) transport a live virus within the United States; and

(C) store and maintain a live virus at a research facility.

(2) AUTHORITY OF THE SECRETARY.—The Secretary of Agriculture may—

(A) import a live virus into the United States;

(B) transport a live virus within the United States; and

(C) store and maintain a live virus at a research facility.

(3) PERMITS.—

(A) IN GENERAL.—If the Secretary determines that it is in the public interest to do so, the Secretary may issue a permit to allow a private person or a State or Federal agency to—

(i) import a live virus into the United States;

(ii) transport a live virus within the United States; and

(iii) store and maintain a live virus at a research facility.

(B) PERMIT TERMS.—A permit issued under this paragraph shall be subject to terms and conditions prescribed by the Secretary.

(4) LIMITATION.—Nothing in this section shall apply to the importation, transportation, storage, and maintenance of any live virus governed by regulations promulgated pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a) or the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for the control or eradication of animal diseases, there are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 7109. GRAZINGLANDS RESEARCH LABORATORY.

Notwithstanding any other provision of law, without specific authorization by an Act of Congress, the Federal land and facilities at El Reno, Oklahoma, currently administered by the Secretary of Agriculture as the Grazinglands Research Laboratory, shall not at any time, in whole or part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part.

SEC. 7110. RESEARCHER TRAINING.

(a) REQUIREMENT.—The Secretary shall require that persons receiving funds under section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)) to conduct research concerning genetically engineered plants, including seed and other propagative materials, complete a training program approved by the Secretary.

(b) CERTIFICATION OF THIRD-PARTY PROVIDERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a system for approving individuals and entities to provide training under subsection (a), including criteria for the evaluation of trainers or potential trainers.

(c) EXPERTISE.—In establishing criteria for the evaluation of potential trainers, the Secretary shall ensure that individuals and entities with expertise in quality management systems, plant breeding and genetics, and the technical aspects of the Federal regulatory process for agricultural biotechnology, are eligible to become approved trainers under subsection (b).

SEC. 7111. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary of Agriculture may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7112. ASSESSING THE NUTRITIONAL COMPOSITION OF BEEF PRODUCTS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall award a grant, contract, or other agreement with an appropriate land-grant university to update the Department of Agriculture's Nutrient Composition Handbook for Beef, also known as Handbook #8-13. The Handbook shall incorporate accurate and current data collected by the university to be used by Federal agencies, private industries, health organizations, and consumers to determine important diet and health-related issues associated with the consumption of beef and beef products.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section to be available until expended .

SEC. 7113. SENSE OF CONGRESS REGARDING FUNDING FOR HUMAN NUTRITION RESEARCH.

It is the sense of the Congress that—

(1) human nutrition research has the potential for improving the health status of the American public through studies that help determine—

(A) the food and beverage intakes of Americans and the nutrient composition of the food supply;

(B) the relationship between diet and obesity, particularly to prevent childhood obesity;

(C) the authoritative, peer-reviewed, science-based evidence that forms the basis for Federal nutrition policy, dietary guidelines and programs; and

(D) the nutrient requirements for individuals at various stages in the lifespan and for vulnerable populations, particularly children and the elderly;

(2) human nutrition research holds the potential for identifying factors in crops and livestock that provide nutrition benefits to humans and add value for producers;

(3) the potential cost savings to Federal health programs, combined with the boost in revenues

for farmers who produce nutritionally enhanced foods, justifies an increase in funding to a level sufficient to conduct this essential research; and

(4) the USDA regional human nutritional research centers have unique value in linking producer and consumer interests into investigations of food and human nutrition issues and conducting long-term nutrition studies; and activities at these centers should be preserved and coordinated with other human nutrition research activities.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7201. ADVISORY BOARD.

Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by striking "$350,000" and inserting "$500,000".

SEC. 7202. ADVISORY BOARD TERMINATION.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking "2007" and inserting "2012".

SEC. 7203. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A the following:

"SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

"(a) INITIAL MEMBERS.—Not later than 90 days after the date of the enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee that shall be responsible for studying the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

"(b) NON-ADVISORY BOARD MEMBERS.—Individuals who are not members of the Advisory Board may be appointed as members of the renewable energy committee. Members of the renewable energy committee shall serve at the discretion of the executive committee.

"(c) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report containing the findings of its study under subsection (a). The renewable energy committee shall include in each report its recommendations.

"(d) COORDINATION OF FUNCTIONS.—In carrying out its functions, the Renewable Energy Committee shall coordinate with the Biomass Research and Development Act Committee.

"(e) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee that are adopted by the Advisory Committee.

"(f) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report describing how the Secretary addressed each recommendation of the renewable energy committee described in subsection (e) of this section.".

SEC. 7204. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

"(4) Analyses of the specialty crop sector, including the impact of changes in domestic and international markets, production and new product technologies, alternative policies and macroeconomic conditions on specialty crop production, use, farm and retail prices, and farm income and financial stability from a national, regional, and farm-level perspective.

"(5) Review of the economic state of the specialty crop industry from a regional perspective.

"(6) Development of data that provides applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.".

SEC. 7205. INCLUSION OF UDC IN GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in subsection (b), by inserting "including the University of the District of Columbia," after "universities,"; and

(2) in subsection (d)(2), by inserting ", including the University of the District of Columbia," after "universities".

SEC. 7206. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking "SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS" and inserting "SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM"; and

(2) in paragraph (3)—

(A) by striking "secondary schools, and institutions of higher education that award an associate's degree" and inserting "secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(G) to support current agriculture in the classroom programs for grades K–12.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(l) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(l)) is amended by striking "2007" and inserting "2012".

(c) REPORT.—Section 1417 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 is amended by adding at the end the following:

"(m) REPORT.—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate detailing the distribution of funds used to implement the teaching programs under subsection (j).".

SEC. 7207. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "2007" and inserting "2012".

SEC. 7208. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (b), by inserting ", including the Food Agricultural Policy Research Institute and the Agricultural and Food Policy Center" after "research institutions and organizations"; and

(2) in subsection (d), by striking "2007" and inserting "2012".

SEC. 7209. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2007" and inserting "2012".

SEC. 7210. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2007" and inserting "2012".

SEC. 7211. NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "2007" and inserting "2012".

SEC. 7212. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "2007" and inserting "2012".

SEC. 7213. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by adding at the end the following new subsection:

"(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.".

SEC. 7214. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "2007" and inserting "2012".

SEC. 7215. AUTHORIZATION LEVEL OF EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7216. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 7217. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447 the following:

"SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

"(a) PURPOSE.—It is declared to be the intent of Congress to assist the land grant university in the District of Columbia, as established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act of October 26, 1974 (Public Law 93–471) in efforts acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out the provisions of this *section $750,000 for each of fiscal years 2008 through 2012.".*

SEC. 7218. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "2007" and inserting "2012".

SEC. 7219. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking "2007" each place it appears in subsections (a)(1) and (f) and inserting "2012".

SEC. 7220. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended in the first sentence by striking "for each of fiscal years 2003 through 2007,".

SEC. 7221. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking "2007" and inserting "2012".

SEC. 7222. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension and Teaching Policy Act of 1977 is amended by inserting after section 1455 the following:

"SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) ENDOWMENT FUND.—The term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

"(2) HISPANIC-SERVING AGRICULTURAL COLLEGE AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' means a college or university that—

"(A) qualifies as a 'Hispanic-serving institution' as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)); and

"(B) offers associate, bachelor's, or other accredited degree programs in agriculture-related fields.

"(b) ENDOWMENT.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a Hispanic-Serving Agricultural Colleges and Universities Fund. The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

"(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

"(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

"(B) interest earned on the endowment fund corpus.

"(3) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

"(4) WITHDRAWALS AND EXPENDITURES.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus. On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

"(A) 60 percent distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on each institution's Hispanic enrollment count.

"(B) 40 percent distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For fiscal year 2008, and for each fiscal year thereafter, there is authorized to be appropriated to the Department of Agriculture an amount equal to—

"(i) $80,000; multiplied by

"(ii) the number of Hispanic-serving agricultural colleges and universities.

"(B) PAYMENTS.—For fiscal year 2008, and for each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-Serving agricultural college and university an amount equal to—

"(i) the total amount made available by appropriations pursuant to paragraph (1); divided by

"(ii) the number of Hispanic-serving agricultural colleges and universities.

"(C) USE OF FUNDS.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the Second Morrill Act), and except as otherwise provided in this subsection, the requirements of such Act shall apply to the Hispanic-serving agricultural colleges and universities.

"(D) Amounts appropriated pursuant to this section shall be held and considered to have been granted to Hispanic-serving agricultural colleges and universities to establish an endowment pursuant to subsection (b).

"(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—

"(1) PURPOSE AND ALLOWABLE USES.—For fiscal year 2008, and for each fiscal year thereafter, the Secretary shall make institutional capacity building grants to assist Hispanic-serving agricultural colleges and universities not including alteration, repair, renovation, or construction of buildings.

"(2) CRITERIA FOR INSTITUTIONAL CAPACITY BUILDING GRANTS.—

"(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary in such form and manner as the Secretary may prescribe.

"(B) BROADER PARTICIPATION AND GEOGRAPHIC DIVERSITY.—All Hispanic-serving agricultural colleges and universities shall be eligible to compete for grants under this subsection.

"(C) DEMONSTRATION OF NEED.—The Secretary shall require as part of an application for a grant under this subsection, a demonstration of need based on criteria stated in subsection (b)(5). The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

"(D) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary and based upon assessed institutional needs.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this subsection, such sums as are necessary for fiscal year 2008, and for each fiscal year thereafter.

"(d) COMPETITIVE GRANTS PROGRAM.—The Secretary of Agriculture shall establish a competitive grants program to fund basic and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and for each fiscal year thereafter.".

(b) FUNDING.—Section 3 of the Act of May 8, 1914, (commonly known as the Smith-Lever Act), is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(4) There are authorized to be appropriated for fiscal year 2008, and for each fiscal year thereafter, such sums as are necessary for the purposes set forth in section 4. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis on a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to the State institutions established in accordance with the provisions of the Act of July 2, 1862 (commonly known as the First Morrill Act) and administered by such institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the States of the institutions in accordance with regulations that the Secretary shall adopt."; and

(2) in subsection (f), by inserting "or Hispanic-serving agricultural colleges and universities" after "Institution".

SEC. 7223. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by adding "and" at the end; and

(C) by adding at the end the following:

"(C) giving priority to those institutions with existing memorandums of understanding, agreements, or other formal ties to United States institutions, or State or Federal agencies;";

(2) in paragraph (3), by inserting "Hispanic-serving agricultural colleges and universities," after "universities,";

(3) in paragraph (7)(A), by striking "and land-grant colleges and universities" and inserting ", land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities";

(4) in paragraph (9)(A), by striking "or other colleges and universities" and inserting ", or other colleges and universities, or Hispanic-serving agricultural colleges and universities"; and

(5) by adding at the end the following:

"(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).".

SEC. 7224. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking "2007" and inserting "2012".

SEC. 7225. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended by striking "a competitive" and inserting "any".

SEC. 7226. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking "2007" and inserting "2012".

SEC. 7227. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking "2007" each place it appears in subsections (a) and (b) and inserting "2012".

SEC. 7228. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "2007" and inserting "2012".

SEC. 7229. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7230. AQUACULTURE RESEARCH FACILITIES.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "2007" and inserting "2012".

SEC. 7231. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "2007" and inserting "2012".

SEC. 7232. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking "2007" and inserting "2012".

SEC. 7233. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) Distance Education Grants for Insular Areas.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking "2007" and inserting "2012".

(b) Resident Instruction Grants for Insular Areas.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking "2007" and inserting "2012".

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7301. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "2007" and inserting "2012".

SEC. 7302. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking "1991 through 1997" and inserting "2008 through 2012".

SEC. 7303. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking "may" and inserting "shall".

SEC. 7304. AFLATOXIN RESEARCH AND EXTENSION.

Section 1672(e)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(e)(3)) is amended by striking "and controlling aflatoxin in the food and feed chains." and inserting "improving, and eventually commercializing alfatoxin controls in corn and other affected agricultural products and crops.".

SEC. 7305. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

Section 1672(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(e)) is amended by adding the following:

"(46) Farmed and Wild Cervid Disease and Applied Genetics Research.—Research grants may be made under this section for the purpose of investigating the major infectious, parasitic and toxic diseases of importance to farmed and wild cervids.

"(47) Air Emissions from Livestock Operations.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

"(48) Swine Genome Project.—Research grants may be made under this section to conduct swine genome research and to map the swine genome.

"(49) Cattle Fever Tick Program.—Research and extension grants may be made to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks; to develop advanced methods for eradication of cattle fever ticks; and to improve management of diseases related to cattle fever ticks that are associated with wildlife, livestock, and human health.

"(50) Colony Collapse Disorder Program.—Research and extension grants may be made to survey and collect data of honey bee colony production and health; research various factors possibly contributing to or associated with colony collapse disorder; and develop mitigative and preventative measures to improve bee health.

"(51) Synthetic Gypsum from Electric Power Plants Research.—Research and extension grants may be made to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

"(52) Cranberry Research Program.—Research and extension grants may be made to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate farmers about sustainable growth practices.

"(53) Sorghum Research Initiative.—Research and extension grants may be made to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental sustainability of sorghum production, and promote water conservation through the use of sorghum.

"(54) Bean Health Research Program.—Research and extension grants may be made to study bean-based solutions to chronic health and nutritional concerns in both developed and developing countries, and to increase bean consumption.".

SEC. 7306. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(h)) is amended by striking "2007" and inserting "2012".

SEC. 7307. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) by redesignating subsection (g) as subsection (f);

(2) in subsection (d), by inserting "or address unique regional concerns" after "entities";

(3) in subsection (e)(1)(B), by inserting "and dairy cattle waste" after "swine waste"; and

(4) in subsection (f) (as so redesignated in paragraph (1)), by striking "2007" and inserting "2012".

SEC. 7308. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking "2007" and inserting "2012".

SEC. 7309. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking "2007" and inserting "2012".

SEC. 7310. ORGANIC RESEARCH.

(a) In General.—The Organic Agriculture Research and Extension Initiative (section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b)) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), at the end by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

"(8) developing new and improved seed varieties that are particularly suited for organic agriculture."; and

(2) by adding at the end the following—

"(f) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2012.

"(g) Additional Funding.—In addition to funds made available under subsection (f), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $25,000,000 for fiscal years 2008 through 2012.".

(b) Coordination.—In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

SEC. 7311. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "2007" and inserting "2012".

SEC. 7312. NEW ERA RURAL TECHNOLOGY PROGRAM.

(a) Functions.—

(1) The Secretary shall establish the "New Era Rural Technology Program", to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce. This initiative shall support the fields of bioenergy, pulp and paper manufacturing, and for agriculture-based renewable energy resources.

(2) To receive funding under this section an entity—

(A) shall be a rural community college or advanced technological center, in existence on the date of the enactment of this Act, that participates in agricultural or bioenergy research and applied research;

(B) shall have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians as determined by the Secretary of Agriculture; and

(C) shall have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions and relevant non-profit organizations.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as necessary for each of the fiscal years 2008 through 2012.

(c) COMMUNITY COLLEGES.—In this section, the term "community college" means an institution of higher education—

(1) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree, or an equivalent degree; and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree; or

(B) offers a two-year program in engineering, technology, mathematics, or the physical, chemical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(d) GRANT PRIORITY.—Preference shall be given to rural community colleges working in partnership to improve information sharing capacity and to maximize the ability to meet the requirements of this section.

Subtitle D—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7401. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking "2007" and inserting "2012".

SEC. 7402. PRECISION AGRICULTURE.

Section 403(i)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623(i)(1)) is amended by striking "2007" and inserting "2012".

SEC. 7403. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking "2007" and inserting "2012".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking "2007" and inserting "2012".

SEC. 7404. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(h)) is amended by striking "2007" and inserting "2012".

SEC. 7405. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking "2007" and inserting "2012".

SEC. 7406. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended—

(1) in the heading for such section, by striking "**GRANT**" and inserting "**GRANTS**"; and

(2) in subsection (e), by striking "2007" and inserting "2012".

SEC. 7407. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking "2007" and inserting "2012".

SEC. 7408. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

"(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs are fully met.

"(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section are authorized to redistribute all or part of the funds received to individual councils or local chapters within such organization without further need of approval from the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7409. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking "2007" and inserting "2012".

SEC. 7410. AGRICULTURAL BIOENERGY AND BIOBASED PRODUCTS RESEARCH INITIATIVE.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 412. AGRICULTURAL BIOENERGY AND BIOBASED PRODUCTS RESEARCH INITIATIVE.

"(a) DEFINITION.—For the purposes of this section, the term 'Initiative' means the agricultural bioenergy and biobased products research initiative established by subsection (b).

"(b) ESTABLISHMENT.—There is established within the Department a bioenergy and biobased products research initiative to enhance the production, sustainability, and conversion of biomass to renewable fuels and related products.

"(c) LABORATORY NETWORK.—

"(1) IN GENERAL.—The Secretary shall carry out the Initiative through a bioenergy and biobased product laboratory network that may consist of—

"(A) Federal agencies;

"(B) national laboratories;

"(C) colleges and universities;

"(D) research institutions and organizations;

"(E) private organizations or corporations;

"(F) State agricultural experiment stations; and

"(G) individuals.

"(2) RESEARCH AND DEVELOPMENT OBJECTIVES.—The laboratory network shall focus on improving biomass production and sustainability, and improving biomass conversion in biorefineries, by—

"(A) leveraging the broad scientific capabilities of the Department in—

"(i) plant genetics and breeding;

"(ii) crop production;

"(iii) soil and water science;

"(iv) use of agricultural waste;

"(v) carbohydrate, lipid, protein, and lignin chemistry and biochemistry;

"(vi) enzyme development;

"(vii) fermentation;

"(viii) microbiology;

"(ix) cellulosic gasification; and

"(x) ethanol by-product utilization.

"(B) supporting bioenergy and biobased product research that will enhance the production, sustainability, and conversion of biomass to renewable fuels and related products; and

"(C) supporting bioenergy and biobased product research, and the dissemination of that research, that will assist in achieving the goals of this section.

"(d) COORDINATION.—In carrying out the Initiative, the Secretary shall ensure that the Director of the applicable Program office established under section 7104(a)(1) shall coordinate projects and activities carried out under the Initiative with projects and activities under the Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq) to ensure, to the maximum extent practicable, that—

"(1) duplication of effort is eliminated or minimized; and

"(2) the respective strengths of the Department and the Department of Energy are maximized.

"(e) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—For grants awarded under subsection (e)(2), the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer review in accordance with (7 U.S.C. 7613); and

"(C) award grants on the basis of merit, quality, and relevance.

"(2) TERM.—A grant under this section shall have a term that does not exceed 5 years.

"(3) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines appropriate.

"(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

"(h) FUNDING.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out this section.".

SEC. 7411. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.), as amended by section 7410, is further amended by adding at the end the following:

"SEC. 413. SPECIALTY CROP RESEARCH INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) INITIATIVE.—The term 'Initiative' means the specialty crop research initiative established by subsection (b).

"(2) SPECIALTY CROP.—The term 'specialty crop' shall have the meaning given that term in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621).

"(b) ESTABLISHMENT.—There is established within the Department a specialty crop research initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

"(1) research in—

"(A) plant breeding, genetics, and genomics to improve crop characteristics, such as—

"(i) product appearance;

"(ii) environmental responses and tolerances;

"(iii) nutrient management;

"(iv) pest and disease management; and

"(v) enhanced phytonutrient content;

"(B) safety;

"(C) quality;

"(D) yield;

"(E) taste; and

"(F) shelf life;

"(2) efforts to identify and address threats from invasive species;

"(3) efforts to improve agricultural production by developing more technologically efficient and effective applications of water, nutrients, and pesticides;

"(4) new innovations and technology, such as enhancing mechanization and reducing reliance on labor; and

"(5) production efficiency, productivity, profitability and marketing.

"(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

"(1) Federal agencies;

"(2) national laboratories;

"(3) colleges and universities;

"(4) research institutions and organizations;

"(5) private organizations or corporations;

"(6) State agricultural experiment stations; and

"(7) individuals.

"(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—For grants awarded under subsection (d) the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103; and

"(C) award grants on the basis of merit, quality, and relevance.

"(2) TERM.—A grant under this section shall have a term that does not exceed 5 years.

"(3) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines appropriate.

"(f) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

"(g) FUNDING.—There is authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

"(h) ADDITIONAL FUNDING.—In addition to funds made available under subsection (g), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $215,000,000 for fiscal years 2008 through 2012.".

(b) COORDINATION.— In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

SEC. 7412. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking "2007" and inserting "2012".

Subtitle E—Other Laws

SEC. 7501. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "2007" and inserting "2012".

SEC. 7502. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2007" and inserting "2012".

(b) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "2007" each place it appears and inserting "2012".

(c) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2007" and inserting "2012".

SEC. 7503. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7504. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking "2007" and inserting "2012".

SEC. 7505. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT (NATIONAL RESEARCH INITIATIVE).

Section 2 of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(10), by striking "2007" and inserting "2012"; and

(2) by striking subsection (g).

SEC. 7506. AGRICULTURAL RISK PROTECTION ACT OF 2000 (CARBON CYCLE RESEARCH).

Section 221(g) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking "2007" and inserting "2012".

SEC. 7507. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking "2007" and inserting "2012".

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking "2007" and inserting "2012".

SEC. 7508. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "2007" each place it appears and inserting "2012".

SEC. 7509. CONSTRUCTION OF A CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

"SEC. 197. CONSTRUCTION OF A CHINESE GARDEN AT THE NATIONAL ARBORETUM.

"A Chinese Garden may be constructed at the National Arboretum established under this Act with—

"(1) funds accepted under the provisions of section 195 (20 U.S.C. 195);

"(2) authorities provided to the Secretary of Agriculture under section 196 (20 U.S.C. 196); and

"(3) appropriations provided for this purpose.".

SEC. 7510. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a(b))is amended by striking "2007" and inserting "2012".

SEC. 7511. FRESH CUT PRODUCE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary may award competitive research and extension grants to eligible entities to enable such entities to design, implement, and evaluate innovative, cost-effective programs to improve and enhance the safety of fresh cut produce.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

(1) be a university, college, or other entity designated by the Secretary; and

(2) have developed partnerships with producers of fresh cut produce.

(c) USE OF FUNDS.—An entity shall use funds received under a grant under this section to—

(1) improve sanitation and food safety practices in the processing of fresh cut produce;

(2) develop improved techniques to monitor and inspect fresh cut produce;

(3) develop efficient, rapid and sensitive methods to detect contaminants in fresh cut produce;

(4) determine the sources of contamination in fresh cut produce;

(5) develop methods to reduce or destroy harmful pathogens before, during, and after processing of fresh cut produce; and

(6) conduct other research as determined appropriate by the Secretary.

(d) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

(e) COORDINATION.—In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(g) ADDITIONAL FUNDING.—In addition to funds made available under subsection (f), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $25,000,000 for fiscal years 2008 through 2012.

SEC. 7512. UDC/EFNEP ELIGIBILITY.

Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471) is amended—

(1) in subsection (b)(2), by striking ", except" and all that follows through the period and inserting a period; and

(2) in subsection (c), by striking "section 3" each place it appears and inserting "section 3(c)".

SEC. 7513. SMITH-LEVER ACT.

Section 3(e)(4) of the Smith-Lever Act (7 U.S.C. 343(e)(4)) is amended—

(1) in the paragraph heading, by inserting "AND THE DISTRICT OF COLUMBIA" after "AREAS";

(2) in subparagraph (A), by inserting " and the District of Columbia" after "United States";

(3) in subparagraph (A), by inserting "and the District of Columbia" after "respectively,"; and

(4) in subparagraph (B), by inserting "or the District of Columbia" after "area".

SEC. 7514. HATCH ACT OF 1987.

Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 351c(d)(4)) is amended—

(1) in the paragraph heading, by inserting "AND THE DISTRICT OF COLUMBIA" after "AREAS";

(2) in subparagraph (A), by inserting " and the District of Columbia" after "United States";

(3) in subparagraph (A), by inserting "and the District of Columbia" after "respectively,"; and

(4) in subparagraph (B), by inserting "or the District of Columbia" after "area".

Subtitle F—Additional Provisions

SEC. 7601. MERIT REVIEW OF EXTENSION AND EDUCATIONAL GRANTS.

Section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7

U.S.C. 7613) is amended in subsection (a)(2)(A), by striking "Cooperative State Research, Education, and Extension Service of the Department" and inserting "the National Institute for Food and Agriculture.".

SEC. 7602. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements including those under—

(1) section 1444 and 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding the review carried out under subsection (a). The report shall include recommendations—

(1) to reduce the administrative burden and workload upon institutions associated with plan of work compliance while meeting Department reporting needs for inputs, outputs, and outcome indicators;

(2) to streamline the submission and reporting requirements of the plan of work such that it is of practical utility to both the department and the institution; and

(3) for any legislative changes necessary to carry out the plan of work improvements.

(c) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land grant institutions.

SEC. 7603. MULTISTATE AND INTEGRATION FUNDING.

(a) FUNDS EXPENDED ON INTEGRATION OF RESEARCH AND EXTENSION.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (i)(2)(B), by striking "the lesser of" and inserting "25 percent"; and

(2) by striking clauses (i) and (ii).

(b) FUNDS EXPENDED ON MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—Section 3 of the Smith Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (h)(2)(B), by striking "the lesser of" and inserting "25 percent"; and

(2) by striking clauses (i) and (ii).

SEC. 7604. EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM.

(a) FUNDING TO 1862, 1890, AND INSULAR AREA INSTITUTIONS.—Section 1425(c)(2)(B) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(2)(B)) is amended—

(1) in the prefatory material, by striking "among the States";

(2) by striking clause (i) and inserting the following:

"(i) $100,000 shall be distributed to each of the land grant colleges and universities;";

(3) by redesignating clause (ii) as clause (iii);

(4) by inserting after clause (i) the following:

"(ii) subject to subsection (d), of the remainder, 10 percent in fiscal year 2008, 11 percent in fiscal year 2009, 12 percent in fiscal year 2010, 13 percent in fiscal year 2011, 14 percent in fiscal year 2012, and 15 percent in fiscal year 2013 and each fiscal year thereafter, shall be allocated to each 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998) in an amount that bears the same ratio to the total amount to be allocated under this clause as the population of the State living at or below 125 percent of the income poverty guidelines prescribed by the Office of Management and Budget (adjusted pursuant to section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)), bears to the total population of all the States that have 1890 Institutions living at or below 125 percent of the income poverty guidelines, as determined by the last preceding decennial census at the time each such additional amount is first appropriated: Provided, That the total allocated under this clause shall not exceed (I) the amount of the funds appropriated for the conduct of the expanded food and nutrition education program for the fiscal year that are in excess of the amount appropriated for the conduct of the program for the fiscal year ending September 30, 2007, reduced by (II) any amounts expended pursuant to any adjustment under subsection (d); and"; and

(5) by amending clause (iii), as redesignated—

(A) by striking "allocated to each State" and inserting "allocated to the institution eligible to receive funds under the Act of July 2, 1862 (and including the appropriate insular area institution) in each State (and the University of the District of Columbia, notwithstanding section 208(c) of Public Law 93–471)"; and

(B) by striking "subparagraph." and inserting "subparagraph: Provided, That the total allocated under this clause to the University of the District of Columbia shall not exceed (I) the amount described in the proviso to clause (ii), reduced further by (II) the amount allocated under clause (ii).".

(b) AUTHORIZATION.—Section 1425(c)(3) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "$83,000,000 for each of fiscal years 1996 though 2007" and inserting "$90,000,000 for each of fiscal years 2008 through 2014".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 7605. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking "teaching and research" and inserting "teaching, research, and extension".

SEC. 7606. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Agriculture shall establish a fellowship program to be known as the "Borlaug International Agricultural Science and Technology Fellowship Program," to provide fellowships for scientific training to individuals from eligible countries (as described under subsection (b)) who specialize in agricultural education, research, and extension for study in the United States.

(2) PROGRAMS.—The Secretary shall carry out the program established under paragraph (1) through 3 programs designed to assist individual fellowship recipients as follows:

(A) A Graduate Studies Program in Agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution.

(B) An Individual Career Improvement Program to assist agricultural scientists from developing countries to upgrade skills and understanding in agricultural science and technology.

(C) The Borlaug Agricultural Policy Executive Leadership Course to assist senior agricultural policy makers from eligible countries with an initial focus on sub-Saharan Africa and from the newly independent states of the former Soviet Union.

(b) ELIGIBLE COUNTRIES.—Developing countries, as determined by the Secretary using a gross national income per capita test, shall be eligible to participate in the program established under this section.

(c) PURPOSE OF FELLOWSHIPS.—Fellowships under this section shall promote food security and economic growth in eligible countries by educating a new generation of agricultural scientists, increasing scientific knowledge and collaborative research to improve agricultural productivity, and extending this knowledge to users and their intermediaries in the market place. Fellowships shall support—

(1) training and collaborative research opportunities through exchanges for entry-level international agricultural research scientists, faculty, and policymakers from eligible countries;

(2) collaborative research to improve agricultural productivity;

(3) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

(4) the reduction of barriers to technology adoption.

(d) FELLOWSHIP RECIPIENTS.—

(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under the program authorized by this section to individuals from eligible countries who specialize in or have experience in agricultural education, research, extension, or related fields, including individuals from the public and private sectors, and private agricultural producers.

(2) CANDIDATE IDENTIFICATION.—The Secretary shall utilize the expertise of United States land-grant and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from both the public and private sectors of eligible countries.

(e) USE OF FELLOWSHIPS.—Fellowships shall promote collaborative programs between agricultural professionals of eligible countries with those of the United States and the international agricultural research system and, as appropriate, with United States entities conducting research. They will be used to support fellowship recipients through the Graduate Studies Program in Agriculture established under subsection (a)(2)(A).

(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation and monitoring of the overall Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to one or more collaborating universities the management of one or more of the fellowship programs.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the program established under this section.

SEC. 7607. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking "2007" and inserting "2012".

SEC. 7608. COST RECOVERY.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended by striking "not exceeding 10 percent of the direct cost" and inserting "not exceeding 19 percent of the direct cost".

SEC. 7609. ORGANIC FOOD AND AGRICULTURAL SYSTEMS FUNDING.

It is the sense of Congress that the Secretary of Agriculture should use a share of Agricultural Research Service's total annual funding for research specific to organic food and agricultural systems that is at least commensurate with the organic sector's market, in order to facilitate the development of this growing sector. A portion of these funds should be used to disseminate research results through the National Agriculture Library's Alternative Farming Systems Information Center.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 8001. National priorities for private forest conservation.
Sec. 8002. Long-term, State-wide assessments and strategies for forest resources.
Sec. 8003. Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
Sec. 8004. Changes to Forest Resource Coordinating Committee.
Sec. 8005. Changes to State Forest Stewardship Coordinating Committees.
Sec. 8006. Competition in programs under Cooperative Forestry Assistance Act of 1978.
Sec. 8007. Cooperative forest innovation partnership projects.

Subtitle B—Amendments to Other Laws

Sec. 8101. Healthy forest reserve program.
Sec. 8102. Emergency forest restoration program.
Sec. 8103. Office of International Forestry.
Sec. 8104. Rural revitalization technologies.

Subtitle C—Miscellaneous Provisions

Sec. 8201. Hispanic-serving institution agricultural land national resources leadership program.

Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

"(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

"(1) Conserving and managing working forest landscapes for multiple values and uses.

"(2) Protecting forests from threats, including wildfire, hurricane, tornado, windstorm, snow or ice storm, flooding, drought, invasive species, or insect or disease outbreak, and restoring appropriate forest types in response to such threats.

"(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife and wildlife habitat, and recreation.

"(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funding was used under this Act and through other programs administered by the Secretary to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.".

SEC. 8002. LONG-TERM, STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

"SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

"(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of the State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the following:

"(1) A State-wide assessment of forest resource conditions, including—

"(A) the conditions and trends of forest resources in that State;

"(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

"(C) any areas or regions of that State that are of priority; and

"(D) any areas, known as multi-State areas, that are of priority to more than just that State.

"(2) A State-wide forest resource strategy, including—

"(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

"(B) a description of the resources available to the State forester or equivalent State official from all sources to address the State-wide strategy required by subparagraph (A).

"(b) UPDATING.—The State forester or equivalent State official shall submit the State-wide strategy required by subsection (a)(2) on an annual basis. The State-wide assessment of forest resource conditions required by subsection (a)(1) shall be updated as the Secretary or State Forester or equivalent State official determines to be necessary.

"(c) COORDINATION.—In developing the State-wide assessment and annual strategy under subsection (a), the State forester or equivalent State official shall coordinate with—

"(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

"(2) the State wildlife agency to incorporate any overlapping priorities included in State wildlife action plans; and

"(3) the State Technical Committee.

"(d) FUNDING.—Of the funds available under this Act for a fiscal year, the Secretary may not use more than $10,000,000 to implement this section for that fiscal year. Use of funds for implementing this section shall be consistent with the original authorities for such funds.".

SEC. 8003. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking "the Trust Territory of the Pacific Islands," and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,".

SEC. 8004. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

"(a) FOREST RESOURCE COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate private non-industrial forestry activities within the Department of Agriculture and with the private sector.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

"(A) The Chief of the Forest Service.

"(B) The Chief of the Natural Resources Conservation Service.

"(C) The Director of the Farm Service Agency.

"(D) The Administrator of the Cooperative State Research, Education, and Extension Service.

"(E) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

"(F) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

"(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

"(ii) A representative of a State fish and wildlife agency.

"(iii) A private non-industrial forest landowner.

"(iv) A forest industry representative.

"(v) A conservation organization representative.

"(vi) A land-grant university or college representative.

"(vii) A private forestry consultant.

"(viii) A representative of a State fish and wildlife agency.

"(ix) Such other persons as determined by the Secretary to be appropriate.

"(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

"(4) DUTIES.—The Coordinating Committee shall—

"(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus on private non-industrial forest landowners;

"(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on private non-industrial forested land;

"(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 8005 and 8006 of the Farm, Nutrition, and Bioenergy Act of 2007; and

"(D) assist the Secretary in developing and reviewing the report required by section 2(d).

"(5) MEETING.—The Coordinating Committee shall meet biannually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding non-industrial private forest land.

"(6) COMPENSATION.—

"(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

"(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Committee.".

SEC. 8005. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking "and" at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

"(IX) the State Technical Committee.".

(2) in paragraph (2)(C), by striking "a Forest Stewardship Plan under paragraph (3)" and inserting "the State-wide assessment and strategy

regarding forest resource conditions under section 2A'';

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8006. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

(a) COMPETITION.—Beginning not later than three years after the date of the enactment of this Act, the Secretary of Agriculture shall competitively allocate a portion, to be determined by the Secretary, of the funds available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to State foresters or equivalent State officials.

(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(a)).

(c) PRIORITY.—The Secretary shall give priority for funding to States for which the strategies submitted under section 2A(a)(2) of the Cooperative Forestry Assistance Act of 1978 will best promote the national priorities specified in section 2(c) of such Act.

SEC. 8007. COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary of Agriculture may competitively allocate not more than 5 percent of funding available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c) of such Act.

(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained within the Cooperative Forestry Assistance Act of 1978, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible for funds under subsection (a).

(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.

Subtitle B—Amendments to Other Laws

SEC. 8101. HEALTHY FOREST RESERVE PROGRAM.

Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

"SEC. 508. FUNDING.

"Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this title $17,000,000 for each of fiscal years 2008 through 2012. Such funds shall remain available until expended.".

SEC. 8102. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205) is amended—

(1) by redesignating sections 404, 405, and 406 as sections 405, 406, and 407, respectively; and

(2) by inserting after section 403 the following new section:

"SEC. 404. EMERGENCY FOREST RESTORATION PROGRAM.

"(a) AVAILABILITY OF ASSISTANCE.—The Secretary of Agriculture is authorized to provide financial and technical assistance to an owner of non-industrial private forest lands to assist with developing and implementing an approved plan in accordance with subsection (c)(2).

"(b) AMOUNT OF ASSISTANCE.—

"(1) COST SHARE.—Payments under subsection (a) may not cover more than 75 percent of the total cost of measures implemented pursuant to an approved plan in accordance with subsection (c)(2).

"(2) ANNUAL LIMIT.—An owner of non-industrial private forest lands may not receive more than $50,000 per year under this section.

"(c) ELIGIBILITY.—To be eligible for assistance under this section, a landowner must—

"(1) have suffered a loss of, or damage to, non-industrial private forest land due to events, including wildfires, hurricanes, drought, windstorms, insect and disease, ice storms, or invasive species, as determined by the Secretary; and

"(2) develop a plan, in cooperation with the Secretary, and agree to implement the plan during the 10-year period beginning on the date of the loss, that—

"(A) provides for reforestation, rehabilitation, and related measures for the non-industrial private forest land;

"(B) restores the land and related natural resources;

"(C) uses best management practices on the forest land, in accordance with the best management practices as determined by the Secretary; and

"(D) incorporates good stewardship and conservation practices on the land, while maintaining the land in a forested state.

"(d) NON-INDUSTRIAL PRIVATE FOREST LAND DEFINED.—In this section, the term 'non-industrial private forest land' means rural lands, as determined by the Secretary, that—

"(1) have existing tree cover or had tree cover within the preceding 10 years; and

"(2) are owned by any non-industrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decision-making authority over the lands.".

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 404 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8103. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking "2007" and inserting "2012".

SEC. 8104. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking "2004 through 2008" and inserting "2008 through 2012".

Subtitle C—Miscellaneous Provisions

SEC. 8201. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(b) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

Sec. 9001. Table of contents.
Sec. 9002. Federal procurement of biobased products.
Sec. 9003. Loan guarantees for biorefineries and biofuel production plants.
Sec. 9004. Energy audit and renewable energy development program.
Sec. 9005. Renewable energy systems and energy efficiency improvements.
Sec. 9006. Biomass Research and Development Act of 2000.
Sec. 9007. Adjustments to the bioenergy program.
Sec. 9008. Research, extension, and educational programs on biobased energy technologies and products.
Sec. 9009. Energy Council of the Department of Agriculture.
Sec. 9010. Farm energy production pilot program.
Sec. 9011. Rural energy self-sufficiency initiative.
Sec. 9012. Agricultural biofuels from biomass internship pilot program.
Sec. 9013. Feedstock flexibility program for bioenergy producers.
Sec. 9014. Dedicated ethanol pipeline feasibility studies.
Sec. 9015. Biomass inventory report.
Sec. 9016. Future farmsteads program.
Sec. 9017. Sense of Congress on renewable energy.

SEC. 9001. TABLE OF CONTENTS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by inserting before section 9001 the following new section:

"SEC. 9000. TABLE OF CONTENTS.

"The table of contents of this title is as follows:

"TITLE IX - ENERGY

"Sec. 9000. Short title; table of contents.
"Sec. 9001. Definitions.
"Sec. 9002. Federal procurement of biobased products.
"Sec. 9003. Biorefinery development grants.
"Sec. 9004. Biodiesel fuel education program.
"Sec. 9005. Energy audit and renewable energy development program.
"Sec. 9006. Rural energy for America program.
"Sec. 9007. Hydrogen and fuel cell technologies.
"Sec. 9008. Biomass Research and Development Act of 2000.
"Sec. 9009. Cooperative research and extension projects.
"Sec. 9010. Continuation of bioenergy program.
"Sec. 9011. Research, extension, and educational programs on biobased energy technologies and products.
"Sec. 9012. Energy Council of the Department of Agriculture.
"Sec. 9013. Farm energy production pilot program.
"Sec. 9014. Rural energy self-sufficiency initiative.
"Sec. 9015. Agricultural Biofuels from Biomass Internship Pilot Program.
"Sec. 9016. Feedstock flexibility program for bioenergy producers.".

SEC. 9002. FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.

(a) COMPOSITION OF BIOBASED PRODUCTS.—Section 9002(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(c)(1)) is amended by inserting ", composed of at least five percent of intermediate ingredients and feedstocks (such as biopolymers, methyl soyate, and soy polyols) as designated by the Secretary," after "highest percentage of biobased products practicable".

(b) PROCUREMENT GUIDELINE CONSIDERATIONS.—Section 9002(e)(2)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8102(e)(2)(B)) is amended by striking "life cycle costs" and inserting "information on life cycle costs if such information is appropriate and available".

(c) LABELING REQUIREMENTS AND REVISED DEADLINE.—Section 9002(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(h)) is amended—

(1) in paragraph (2)—

(A) by striking "Within one year after the date of enactment of this Act" and inserting "Not later than 90 days after the date of enactment of the [Farm, Nutrition, and Bioenergy Act of 2007],"; and

(B) by adding at the end the following: "Criteria shall be issued for finished products and intermediate ingredients and feedstocks.";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) CONSULTATION.—In developing the eligibility criteria for the labeling program under this section, the Secretary shall consult with other Federal agencies and with non-governmental groups with an interest in biobased products including small and large producers of biobased materials and products, industry, trade organizations, academia, consumer organizations, and environmental organizations.".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 9002(k) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) FEDERAL PROCUREMENT.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement the provisions of this section other than subsection (h).

"(B) LABELING.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement subsection (h) of this section.".

(2) FUNDING FOR TESTING OF BIOBASED PRODUCTS.—Paragraph (2)(A) of such section is amended by striking "$1,000,000 for each of fiscal years 2002 through 2007" and inserting "$2,000,000 for each of fiscal years 2008 through 2013".

(e) REPORT REQUIREMENTS.—

(1) REPORT BY AGENCIES TO ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—Subsection (f) of section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(A) by striking "The Office of" and inserting "(1) The Administrator for"; and

(B) by adding at the end the following new paragraph:

"(2) To assist the Administrator for Federal Procurement Policy in preparing the report to Congress required under paragraph (1), each procuring agency each year shall submit to the Administrator a report covering the following:

"(A) Actions taken to implement subsections (c), (d), and (g) of this section.

"(B) The results of the annual review and monitoring program established under subsection (g)(2)(C).

"(C) The number of contracts entered into by the agency during the year covered by the report that include the procurement of biobased products.

"(D) A list of the biobased products procured by the agency during the year covered by the report.".

(2) REPORT BY SECRETARY TO CONGRESS ON IMPLEMENTATION OF SECTION.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended by adding at the end the following new subsection:

"(l) REPORT BY SECRETARY TO CONGRESS ON IMPLEMENTATION OF SECTION.—Not later than six months after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section. The report shall include the following:

"(1) A comprehensive management plan defining tasks, milestones, and funding allocations for fully implementing this section.

"(2) A list of items designated under subsection (e)(1)(A) whose procurement will carry out the objectives of this section, with associated cost and performance data.

"(3) Information on the current status of implementation of the procurement preference under this section, including the procurement program of each Federal agency under subsection (g), and the voluntary labeling program under subsection (h).".

(f) REPEAL OF SUBSECTION.—Subsection (b) of section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(b)) is hereby repealed.

SEC. 9003. LOAN GUARANTEES FOR BIOREFINERIES AND BIOFUEL PRODUCTION PLANTS.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in the section heading, by inserting "**; loan guarantees for biorefineries and biofuel production plants**" after "**grants**";

(2) in subsection (b)(2)(A), by striking "and" the 1st place it appears and inserting "or";

(3) in subsection (c), by redesignating subsections (d) through (h) as subsections (e) through (i), respectively, and inserting after subsection (c) the following:

"(d) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall make loan guarantees to eligible entities to assist in paying the cost of development and construction of biorefineries and biofuel production plants (including retrofitting) to carry out projects to demonstrate the commercial viability of 1 or more processes for converting biomass to fuels or chemicals.

"(2) LIMITATIONS.—

"(A) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—A loan guarantee under paragraph (1) shall be for not more than 90 percent of the principal and interest due on the loan.

"(B) TOTAL AMOUNTS GUARANTEED.—The total amount of principal and interest guaranteed under paragraph (1) shall not exceed—

"(i) $1,000,000,000, in the case of loans valued at not more than $100,000,000; or

"(ii) $1,000,000,000, in the case of loans valued at more than $100,000,000 but not more than $250,000,000.

"(C) MAXIMUM TERM OF LOAN GUARANTEED.—The Secretary shall determine the maximum term of a loan guarantee provided under paragraph (1).";

(4) in subsection (f) (as so redesignated)—

(A) in paragraph (2)(B)—

(i) by striking "and" at the end of clause (viii);

(ii) by striking the period at the end of clause (ix) and inserting "; and"; and

(iii) by adding at the end the following:

"(x) The level of local ownership."; and

(B) by adding at the end the following:

"(3) PRIORITY IN AWARDING LOAN GUARANTEES.—In selecting projects to receive loan guarantees under subsection (d), the Secretary shall give priority to projects based on the criteria set forth in paragraph (2)(B) of this subsection."; and

(5) in subsection (i) (as so redesignated), by striking "2007" and inserting "2012".

SEC. 9004. ENERGY AUDIT AND RENEWABLE ENERGY DEVELOPMENT PROGRAM.

Section 9005(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) is amended by striking "2007" and inserting "2012".

SEC. 9005. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS.

Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 9006. RURAL ENERGY FOR AMERICA PROGRAM.";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", other agricultural producer" after "rancher";

(B) in paragraph (1), by striking "and" at the end;

(C) in paragraph (2), by striking the period and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) produce and sell electricity generated by new renewable energy systems.";

(3) in subsection (b), by inserting ", other agricultural producer" after "rancher";

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "50 percent" and inserting "75 percent"; and

(ii) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B) LOAN GUARANTEES.—

"(i) MAXIMUM AMOUNT.—The amount of a loan guaranteed under this section shall not exceed $25,000,000.

"(ii) MAXIMUM PERCENTAGE.—A loan guaranteed under this section shall not exceed 75 percent of the cost of the activity funded under subsection (a)."; and

(B) by adding at the end the following new paragraph:

"(3) PRIORITIZATION.—The Secretary shall give the greatest priority for grants under subsection (a) to activities for which the least percentage of the total cost of such activities is requested by the farmer, rancher, other agricultural producer, or rural small business.".

(5) by redesignating subsections (e) and (f) as subsection (g) and (h), respectively; and

(6) by inserting after subsection (d) the following new subsections:

"(e) FEASIBILITY STUDIES.—

"(1) IN GENERAL.—The Secretary may provide assistance to a farmer, rancher, other agricultural producer, or rural small business to conduct a feasibility study of a project for which assistance may be provided under this section.

"(2) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this section to provide assistance described in paragraph (1).

"(3) CRITERIA.—The Secretary shall issue regulations establishing criteria for the receipt of assistance under this subsection.

"(4) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An farmer, rancher, other agricultural producer, or rural small business that receives assistance to carry out a feasibility study for a project under this subsection shall not be eligible for assistance to carry out a feasibility study for the project under any other provision of law.

"(f) SMALL ACTIVITIES.—

"(1) LIMITATION ON USE OF FUNDS.—The Secretary shall use not less than 15 percent of the funds made available under subsection (h) to provide grants for activities that have a cost of $50,000 or less.

"(2) EXCEPTION.—Beginning on the first day of the third quarter of a fiscal year, the limitation on the use of funds under paragraph (1) shall not apply to funds made available under subsection (h) for such fiscal year.".

SEC. 9006. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) RESTATEMENT OF ACT.—Section 9008 of the Farm Security and Rural Investment Act of 2002 (116 Stat. 486) is amended to read as follows:

"SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

"(a) SHORT TITLE.—This section may be cited as the 'Biomass Research and Development Act of 2000'.

"(b) FINDINGS.—Congress finds that—

"(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

"(A) improved strategic security and balance of payments;

"(B) healthier rural economies;

"(C) improved environmental quality;

"(D) near-zero net greenhouse gas emissions;

"(E) technology export; and

"(F) sustainable resource supply;

"(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

"(3) biobased fuels have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

"(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

"(5) biobased power can—

"(A) provide environmental benefits;

"(B) promote rural economic development; and

"(C) diversify energy resource options;

"(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

"(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

"(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

"(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

"(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

"(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

"(A) increasing the confidence and speed with which new technologies can be scaled up; and

"(B) giving rise to processing innovations based on new knowledge;

"(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

"(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

"(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

"(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

"(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

"(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

"(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

"(c) DEFINITIONS.—In this section:

"(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by this section.

"(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation fuel produced from biomass.

"(3) BIOBASED PRODUCT.—The term 'biobased product' means an industrial product (including chemicals, materials, and polymers) produced from biomass, or a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

"(4) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

"(5) BOARD.—The term 'Board' means the Biomass Research and Development Board established by this section.

"(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.

"(7) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under this section.

"(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

"(9) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 2 of the Energy Policy Act of 2005.

"(10) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under this section.

"(d) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased fuels and biobased products.

"(2) POINTS OF CONTACT.—

"(A) IN GENERAL.—To coordinate research and development programs and activities relating to biobased fuels and biobased products that are carried out by their respective Departments—

"(i) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

"(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

"(B) DUTIES.—The points of contact shall jointly—

"(i) assist in arranging interlaboratory and site-specific supplemental agreements for research and development projects relating to biobased fuels and biobased products;

"(ii) serve as cochairpersons of the Board;

"(iii) administer the Initiative; and

"(iv) respond in writing to each recommendation of the Advisory Committee made under subsection (f).

"(e) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board, which shall supersede the Interagency Council on Biobased Products and Bioenergy established by Executive Order No. 13134, to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased fuels and biobased products by—

"(A) maximizing the benefits deriving from Federal grants and assistance; and

"(B) bringing coherence to Federal strategic planning.

"(2) MEMBERSHIP.—The Board shall consist of—

"(A) the point of contact of the Department of Energy designated under subsection (d), who shall serve as cochairperson of the Board;

"(B) the point of contact of the Department of Agriculture designated under subsection (d), who shall serve as cochairperson of the Board;

"(C) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall—

"(i) be appointed by the head of the respective agency; and

"(ii) have a rank that is equivalent to the rank of the points of contact; and

"(D) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the members described in subparagraphs (A) through (C)).

"(3) DUTIES.—The Board shall—

"(A) coordinate research and development activities relating to biobased fuels and biobased products—

"(i) between the Department of Agriculture and the Department of Energy; and

"(ii) with other departments and agencies of the Federal Government;

"(B) provide recommendations to the points of contact concerning administration of this title;

"(C) ensure that—

"(i) solicitations are open and competitive with awards made annually; and

"(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

"(D) ensure that the panel of scientific and technical peers assembled under subsection (g) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

"(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

"(5) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under paragraph (3).

"(f) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee, which shall supersede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order No. 13134—

"(A) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

"(i) the technical focus and direction of requests for proposals issued under the Initiative; and

"(ii) procedures for reviewing and evaluating the proposals;

"(B) to facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

"(C) to evaluate and perform strategic planning on program activities relating to the Initiative.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Advisory Committee shall consist of—

"(i) an individual affiliated with the biofuels industry;

"(ii) an individual affiliated with the biobased industrial and commercial products industry;

"(iii) an individual affiliated with an institution of higher education who has expertise in biobased fuels and biobased products;

"(iv) two prominent engineers or scientists from government or academia who have expertise in biobased fuels and biobased products;

"(v) an individual affiliated with a commodity trade association;

"(vi) 2 individuals affiliated with an environmental or conservation organization;

"(vii) an individual associated with State government who has expertise in biobased fuels and biobased products;

"(viii) an individual with expertise in energy and environmental analysis;

"(ix) an individual with expertise in the economics of biobased fuels and biobased products;

"(x) an individual with expertise in agricultural economics;

"(xi) an individual with expertise in agronomy, crop science, or soil science; and

"(xii) at the option of the points of contact, other members.

"(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

"(3) DUTIES.—The Advisory Committee shall—

"(A) advise the points of contact with respect to the Initiative; and

"(B) evaluate whether, and make recommendations in writing to the Board to ensure that—

"(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

"(ii) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

"(iii) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

"(iv) activities under this section are carried out in accordance with this section.

"(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

"(5) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee.

"(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years, except that—

"(A) one-third of the members initially appointed shall be appointed for a term of 1 year; and

"(B) one-third of the members initially appointed shall be appointed for a term of 2 years.

"(g) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and technologies, for their production.

"(2) OBJECTIVES.—The objectives of the Initiative are to develop—

"(A) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

"(B) high-value biobased products—

"(i) to enhance the economic viability of biobased fuels and power;

"(ii) as substitutes for petroleum-based feedstocks and products; and

"(iii) to enhance the value of coproducts arise from such technologies and processes; and

"(C) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

"(3) PURPOSES.—The purposes of the Initiative are—

"(A) to increase the energy security of the United States;

"(B) to create jobs and enhance the economic development of the rural economy;

"(C) to enhance the environment and public health; and

"(D) to diversify markets for raw agricultural and forestry products.

"(4) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct research, development, and commercial applications toward—

"(A) feedstocks and feedstock systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

"(i) development of advanced and dedicated crops and other biomass sources with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

"(ii) advanced crop production methods to achieve the features described in clause (i);

"(iii) feedstock harvest, handling, transport, and storage;

"(iv) strategies for integrating feedstock production into existing managed land; and

"(v) improving the value and quality of coproducts, including materials used for animal feeding;

"(B) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

"(i) pretreatment in combination with enzymatic or microbial hydrolysis;

"(ii) thermochemical approaches, including gasification and pyrolysis; and

"(iii) self-processing crops that express enzymes capable of degrading cellulosic biomass;

"(C) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

"(i) catalytic processing, including thermochemical fuel production;

"(ii) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products, coproducts, or cogeneration of power;

"(iii) product recovery;

"(iv) power production technologies;

"(v) integration into existing biomass processing facilities, including starch ethanol plants, sugar processing or refining plants, paper mills, and power plants; and

"(vi) enhancement of products and coproducts, including dried distillers grains (including substantially elevated starch content, increased oil content, improved fatty acid profiles, and improved resistance to mold and mycotoxins; and

"(D) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

"(5) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (4), and in addition to advancing the purposes described in paragraph (3) and the objectives described in paragraph (2), the Secretaries shall support research and development—

"(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, such as improvements in dried distillers grains as a bridge feedstock;

"(B) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

"(C) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

"(6) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this subsection, an applicant shall be—

"(A) an institution of higher education;

"(B) a National Laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of two or more entities described in subparagraphs (A) through (F).

"(7) ADMINISTRATION.—

"(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

"(i) publish annually one or more joint requests for proposals for grants, contracts, and assistance under this subsection;

"(ii) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

"(iii) give some preference to applications that—

"(I) involve a consortia of experts from multiple institutions;

"(II) encourage the integration of disciplines and application of the best technical resources; and

"(III) increase the geographic diversity of demonstration projects.

"(B) DISTRIBUTION OF FUNDING BY TECHNICAL AREA.—Of the funds authorized to be appropriated for activities described in this subsection, funds shall be distributed for each of

fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

"(i) 20 percent of the funds to carry out activities for feedstock production under paragraph (4)(A);

"(ii) 45 percent of the funds to carry out activities for overcoming recalcitrance of cellulosic biomass under paragraph (4)(B), of which not less than 10 percent shall be used for activities referred to in each clause of paragraph (4)(B);

"(iii) 30 percent of the funds to carry out activities for product diversification under paragraph (4)(C); and

"(iv) 5 percent of the funds to carry out activities for strategic guidance under paragraph (4)(D).

"(C) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in subparagraphs (A) through (C) of paragraph (4), funds shall be distributed for each of fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

"(i) 15 percent of the funds for applied fundamentals;

"(ii) 35 percent of the funds for innovation; and

"(iii) 50 percent of the funds for demonstration and commercial applications.

"(D) MATCHING FUNDS.—

"(i) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this section.

"(ii) COMMERCIAL APPLICATIONS.—A minimum of 50 percent funding match shall be required for commercial application projects under this section.

"(E) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

"(h) ADMINISTRATIVE SUPPORT AND FUNDS.—

"(1) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under paragraph (2)(b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

"(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (e)(2)(C), and the other members appointed under subsection (e)(2)(D), may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

"(3) LIMITATION.—Not more than 4 percent of the amount appropriated for each fiscal year under subsection (g)(6) may be used to pay the administrative costs of carrying out this section.

"(i) REPORTS.—

"(1) ANNUAL REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

"(A) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that—

"(i) is consistent with the objectives, purposes, and additional considerations described in paragraphs (2) through (5) of subsection (g);

"(ii) uses the set of criteria established in the initial report submitted under title III of the Agricultural Risk Protection Act of 2000;

"(iii) achieves the distribution of funds described in subparagraphs (B) and (C) of subsection (g)(7); and

"(iv) takes into account any recommendations that have been made by the Advisory Committee;

"(B) the general status of cooperation and research and development efforts carried out at each agency with respect to biobased fuels and biobased products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under subsection (g)(3)(B)(iii); and

"(C) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

"(2) UPDATES.—The Secretary and the Secretary of Energy shall update the Vision and Roadmap documents prepared for Federal biomass research and development activities.

"(3) MANAGEMENT PLAN.—The Secretary shall every five years, in consultation with the Secretary of Energy, submit to Congress a detailed management plan for the implementation of this section. The management plan shall include—

"(A) consideration of the contribution of the section towards achieving the objectives referred to in paragraphs (2) and (3) of subsection (g) and in achieving the goals of the biomass program of the Department of Energy;

"(B) consideration of input solicited from the Advisory Committee, State, and private sources; and

"(C) specific and quantifiable near and long-term goals.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2006 through 2015.".

(b) REPEAL.—Title III of the Agricultural Risk Protection Act of 2000 (Public Law 106-224) is hereby repealed.

(c) MANAGEMENT PLAN SUBMISSION DATE.—The first management plan required to be submitted under section 9008(i)(3) of the Biomass Research and Development Act of 2000, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 9007. ADJUSTMENTS TO THE BIOENERGY PROGRAM.

Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and";

(ii) in subparagraph (B), by striking the final period and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

"(C) production of heat and power at a biofuels plant;

"(D) biomass gasification;

"(E) hydrogen made from cellulosic commodities for fuel cells;

"(F) renewable diesel;

"(G) such other items as the Secretary considers appropriate.";

(B) by striking paragraph (3) and inserting the following:

"(3) ELIGIBLE FEEDSTOCK.—

"(A) IN GENERAL.—The term 'eligible feedstock' means—

"(i) any plant material grown or collected for the purpose of being converted to energy (including aquatic plants);

"(ii) any organic byproduct or residue from agriculture and forestry, including mill residues and pulping residues that can be converted into energy;

"(iii) any waste material that can be converted to energy and is derived from plant material, including—

"(I) wood waste and residue;

"(II) specialty crop waste, including waste derived from orchard trees, vineyard crops, and nut crops; or

"(III) other fruit and vegetable byproducts or residues; or

"(iv) animal waste and byproducts.

"(B) EXCLUSION.—The term 'eligible feedstock' does not include corn starch.";

(C) in paragraph (4), by striking "an eligible commodity" and inserting "eligible feedstock"; and

(D) by adding at the end the following new paragraph:

"(5) RENEWABLE DIESEL.—The term 'renewable diesel' means any type of biobased renewable fuel derived from plant or animal matter that may be used as a substitute for standard diesel fuel and meets the requirements of an appropriate American Society for Testing and Material standard. Such term does not include any fuel derived from coprocessing an eligible feedstock with a feedstock that is not biomass."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "The Secretary shall continue" and all that follows through "the Secretary makes" and inserting "The Secretary shall make"; and

(ii) by striking "eligible commodities" and inserting "eligible feedstock";

(B) in paragraph (2)(B), by striking "eligible commodities" and inserting "eligible feedstock";

(C) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

"(B) PRIORITY.—In making payments under this paragraph, the Secretary shall give priority to contracts by considering the factors referred to in section 9003(e)(2)(B)."; and

(D) by striking paragraph (6) and inserting the following:

"(6) LIMITATION.—The Secretary may limit the amount of payments that may be received by an eligible producer under this section as the Secretary considers appropriate.".

SEC. 9008. RESEARCH, EXTENSION, AND EDUCATIONAL PROGRAMS ON BIOBASED ENERGY TECHNOLOGIES AND PRODUCTS.

Section 9011(j)(1)(C) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(j)(1)(C)) is amended by striking "2010" and inserting "2012".

SEC. 9009. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9012. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

"(a) IN GENERAL.—The Secretary of Agriculture shall establish an energy council in the Office of the Secretary (in this section referred to as the 'Council') to coordinate the energy policy of the Department of Agriculture and consult with other departments and agencies of the Federal Government.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Secretary shall appoint the members of the Council from among the staff of the agencies and mission areas of the Department of Agriculture with responsibilities relating to energy programs or policies.

"(2) CHAIR.—The chief economist and the Under Secretary for Rural Development of the Department of Agriculture shall serve as the Chairs of the Council.

"(c) DUTIES OF OFFICE OF ENERGY POLICY AND NEW USES.—The Office of Energy Policy and New Uses of the Department of Agriculture shall support the activities of the Council.".

SEC. 9010. FARM ENERGY PRODUCTION PILOT PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is *further amended by adding at the end the following new section:*

"SEC. 9013. FARM ENERGY PRODUCTION PILOT PROGRAM.

"(a) PROGRAM.—The Secretary of Agriculture shall establish a pilot program to provide grants to farmers for the purpose of demonstrating the feasibility of making a farm energy neutral using existing technologies.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2008 through 2012.".

SEC. 9011. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9014. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

"(a) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the 'Secretary') may make grants in accordance with this section to enable eligible rural communities to substantially increase their energy self-sufficiency.

"(2) ELIGIBLE RURAL COMMUNITY DEFINED.—In this section, the term 'eligible rural community' means a community that has a population of fewer than 25,000 individuals, and is not located in a metropolitan statistical area (as defined by the Bureau of the Census).

"(b) APPLICATIONS.—

"(1) IN GENERAL.—A community desiring to receive a grant under this section shall submit to the Secretary an application for the grant, which contains a description of how the community would use the grant to develop an integrated renewable energy system to substantially increase its energy self-sufficiency.

"(2) INTEGRATED RENEWABLE ENERGY SYSTEM.—In paragraph (1), the term 'integrated renewable energy system' includes—

"(A) the use of biofuels;

"(B) the use of biomass to produce electricity

"(C) the use of animal manure to produce biogas as a substitute for natural gas;

"(D) the use of new technologies to provide highly energy efficient lighting, buildings, or vehicles;

"(E) the use of wind power to produce electricity and hydrogen; and

"(F) the use of solar energy.

"(c) CONSIDERATION OF APPLICATIONS.—

"(1) EVALUATION.—In making grants under this section, the Secretary shall evaluate applications based on their ability to demonstrate—

"(A) integration of different renewable energy sources at lowest total cost;

"(B) integration of different renewable energy sources with greatest potential for commercialization; and

"(C) development of best practices, and models for viable rural energy self-sufficiency.

"(2) PREFERENCE.—In making grants under this section, the Secretary shall give preference to those which propose a project developed or carried out in coordination with—

"(A) universities or their non-profit foundations;

"(B) Federal, State, or local government agencies;

"(C) public or private power generation entities; or

"(D) government entities with responsibility for water or natural resources.

"(d) GRANTS.—

"(1) COST-SHARING.—The amount of a grant under this section with respect to an application shall not exceed 75 percent of the cost of the activities described in the application.

"(2) NUMBER OF GRANTS PER YEAR.—The Secretary may make not more than 5 grants under this section in each fiscal year.

"(e) USE OF GRANTS.—A community to which a grant is made under this section shall use the grant to develop an integrated renewable energy system to improve the energy efficiency of the community, and shall document any energy savings resulting from the use of the grant.

"(f) REPORT TO THE CONGRESS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that document the best practices and approaches used by grantees receiving funds under this section.

"(g) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Secretary not more than $5,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2012.".

SEC. 9012. AGRICULTURAL BIOFUELS FROM BIOMASS INTERNSHIP PILOT PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9015. AGRICULTURAL BIOFUELS FROM BIOMASS INTERNSHIP PILOT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a structured, academically-oriented internship pilot program (in this section referred to as the 'Program') to provide students from universities in California, Iowa, Missouri, Georgia, Minnesota, and other states with substantial farm-based economies with the opportunity to work within the Department of Agriculture, Congress and legislative branch agencies, other Federal departments and agencies, corporations, and nonprofit institutions on matters pertaining to policies regarding renewable energy, including the conversion of biomass and other agricultural products to produce ethanol and other biofuels.

"(b) ELIGIBILITY.—To be eligible for an internship under subsection (a) a student shall—

"(1) be a third or fourth year undergraduate student or a graduate student at an accredited college or university in California, Iowa, Missouri, Georgia, Minnesota, or another State with a substantial farm-based economy that commits matching funds in accordance with subsection (g);

"(2) be a United States citizen;

"(3) be pursuing an undergraduate or graduate program in agriculture and related supporting subjects with direct relevance to the subject of biorefinery, biofuels, and renewable energy; and

"(4) meet any other conditions or requirements that the Secretary considers necessary.

"(c) PRIORITIES OF INTERNSHIP PILOT PROGRAM.—In administering the Program (including in the selection of students to participate in the Program), the Secretary shall prioritize the following activities and placements:

"(1) Structured internship experiences that feature direct, hands-on assistance to policy makers engaged in the development and implementation of agriculture and related supporting policies and legislation, with direct relevance to the subject of biorefinery, biofuels, and renewable energy.

"(2) Internship and academic seminar programs that provide a combination of workforce training, experiential education, and leadership development designed specifically for the Department of Agriculture and Congress, with regard to agriculture-based biorefinery, biofuels, and related renewable energy policies.

"(3) Establishment of regional and state networks that partner with the agricultural business, government and academic communities to enhance the prospects for providing financial assistance to students, particularly minority students, from colleges and universities in each participating State who are from economically disadvantaged backgrounds.

"(4) Internship and academic seminar programs that focus on agriculture-based research, development, and policies addressing new technologies to enhance agriculture production and enhanced economic development in the agriculture sector of the United States.

"(d) ADMINISTRATION OF THE PILOT PROGRAM.—The Secretary, in consultation with other executive and legislative branch officials, shall administer the Program. The Secretary may engage the services of an experienced, nonprofit, nonpartisan professional internship and academic seminar organization with extensive experience in developing and carrying out Washington-based or other State-based internship programs and State-based financial assistance initiatives for interns to assist in carrying out the Program.

"(e) SCHOLARSHIPS AND OTHER ASSISTANCE FOR INTERNSHIPS.—The Secretary may make available to undergraduate and graduate students participating in the Program scholarships or other types of financial assistance, including funds to cover the cost of housing, per diem living expenses, transportation, tuition and other educational expenses, and related costs, that would allow participation by eligible undergraduate and graduate students from economically-disadvantaged backgrounds within the Program States.

"(f) LONGITUDINAL STUDIES AND REPORTING REQUIREMENTS.—

"(1) LONGITUDINAL STUDIES AND EVALUATION OF INTERNSHIP PROGRAM.—In developing and implementing the Program, the Secretary shall carry out such longitudinal studies and program evaluations as he or she deems appropriate to ensure that the program is administered in a cost-effective manner and has specific milestones, objectives, and results quantified with regard to such Program.

"(2) REPORTING REQUIREMENTS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate periodic reports regarding the development and implementation of the Program, including the longitudinal studies and evaluations required under paragraph (1).

"(g) STATE MATCHING REQUIREMENT.—As a condition of receiving an internship under the Program, the State in which the student receiving the internship is pursuing an undergraduate or graduate degree shall provide matching funds in the amount of one dollar for every two dollars provided by the Secretary under the Program.

"(h) FEDERAL CONTRIBUTION LIMIT.—The Secretary may not expend more than $200,000 in any fiscal year to provide internships to students pursuing an undergraduate or graduate degree in any particular State.

"(i) APPLICATION OF FUNDS.—The Secretary shall, to the maximum extent practicable, use funds made available under subsection (j) to provide scholarships and the other forms of financial assistance described in subsection (e) directly attributable to the participation in the Program by students from rural, economically-disadvantaged backgrounds.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 9013. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9016. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

"(a) DEFINITIONS.—In this section:

"(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

"(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

"(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

"(1) IN GENERAL.—

"(A) PURCHASES AND SALES.—For each of fiscal years 2008 through 2012, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that 156 of the Federal Agricultural Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

"(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in fiscal years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(2) NOTICE.—

"(A) IN GENERAL.—Not later than September 1, 2007, and each September 1 thereafter through fiscal year 2011, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the subsequent fiscal year under this section.

"(B) REESTIMATES.—Not later than the first day of each of the second through fourth quarters of each of fiscal years 2008 through 2012, the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

"(3) COMMODITY CREDIT CORPORATION INVENTORY.—To the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall sell such commodity to bioenergy producers under this section.

"(4) TRANSFER RULE; STORAGE FEES.—

"(A) GENERAL TRANSFER RULE.—Except as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this subsection take possession of such commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

"(B) PAYMENT OF STORAGE FEES PROHIBITED.—

"(i) IN GENERAL.—The Secretary shall, to the greatest extent practicable, carry out this subsection in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this subsection.

"(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

"(C) OPTION TO PREVENT STORAGE FEES.—

"(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase such commodities to be used to satisfy the contracts entered into with the bioenergy producers.

"(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases such commodities.

"(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, such sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

"(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.".

SEC. 9014. DEDICATED ETHANOL PIPELINE FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of Energy and the Secretary of Transportation, shall spend up to $1,000,000 to fund feasibility studies for the construction of dedicated ethanol pipelines.

(b) CONDUCT OF STUDIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall—

(A) through a competitive solicitation process, select 1 or more firms having capabilities in the planning, development, and construction of dedicated pipelines to carry out the feasibility studies described in subsection (a); or

(B) carry out the feasibility studies in conjunction with such firms.

(2) TIMING.—

(A) IN GENERAL.—Not later than 120 days after the Secretary selects 1 or more firms under paragraph (1)(A) and funding is made available under subsection (f), the Secretary shall award funding under this section.

(B) STUDIES.—As a condition of receiving funds under this section, a recipient of funding shall agree to submit to the Secretary a completed feasibility study not later than one year after the date on which the recipient is awarded funds pursuant to paragraph (1)(A).

(c) STUDY FACTORS.—Feasibility studies funded under this section shall include consideration of—

(1) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(2) potential evolutionary pathways for the development of an ethanol pipeline transport system, such as starting with localized gathering networks as compared to major interstate ethanol pipelines to carry larger volumes from the Midwest to the East or West coast;

(3) market risk, including throughput risk, and ways of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in these areas and help ensure the construction of dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the first dedicated ethanol pipelines will require to invest in the pipelines;

(6) ethanol production of 20,000,000,000, 30,000,000,000, and 40,000,000,000 gallons per year by 2020; and

(7) such other factors that the Secretary considers to be appropriate.

(d) CONFIDENTIALITY.—If a recipient of funding under this section requests confidential treatment for critical energy infrastructure information or commercially-sensitive data contained in a feasibility study submitted by the recipient under subsection (b)(2)(B), the Secretary shall offer to enter into a confidentiality agreement with the recipient to maintain the confidentiality of the submitted information.

(e) REVIEW; REPORT.—The Secretary of Agriculture shall—

(1) review the feasibility studies submitted under subsection (b)(2)(B) or carried out under subsection (b)(1)(B); and

(2) not later than 90 days after the date on which all studies are completed under subsection (b), submit to Congress a report that includes—

(A) information about the potential benefits of constructing dedicated ethanol pipelines; and

(B) recommendations for legislation that could help provide for the construction of dedicated ethanol pipelines.

(f) FUNDING.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

SEC. 9015. BIOMASS INVENTORY REPORT.

(a) INVENTORY REQUIRED.—The Secretary of Agriculture shall conduct an inventory of biomass resources on a county-by-county basis.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(1) the results of the inventory conducted under subsection (a); and

(2) an estimate of the amount of unused crop land in the United States that could be used for dedicated energy crops.

(c) BIOMASS RESOURCES DEFINED.—In this section, the term "biomass resource" has the meaning given the term "eligible commodity" in section 9010(a)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(a)(3)).

SEC. 9016. FUTURE FARMSTEADS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program to equip, in each of 5 regions of the country chosen to represent different farming practices, a farm house and its surrounding fields, facilities, and forested areas with technologies to—

(1) improve farm energy production and energy use efficiencies;

(2) provide working examples to farmers; and

(3) serve as an education, demonstration, and research facility that will teach graduate students whose focus of research is related to either renewable energy or energy conservation technologies.

(b) GOALS.—The goals of the program established under subsection (a) shall be to—

(1) advance farm energy use efficiencies and the on-farm production of renewable energies, along with advanced communication and control technologies with the latest in energy capture and conversion techniques, thereby enhancing rural energy independence and creating new revenues for rural economies;

(2) accelerate private sector and university research into the efficient on-farm production of renewable fuels and help educate the farming industry, students, and the general public; and

(3) accelerate energy independence, including the production and the conservation of renewable energies on farms.

(c) COLLABORATION PARTNERS.—The program under this section shall be carried out in partnership with regional land grant institutions, agricultural commodity commissions, biofuels companies, sensor and controls companies, and internet technology companies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 9017. SENSE OF CONGRESS ON RENEWABLE ENERGY.

It is the sense of Congress that—

(1) energy demand in the United States is projected to increase by more than 30 percent over the next two decades;

(2) increased production of renewable energy and growth of its infrastructure would assist the United States in meeting the growing energy demand;

(3) continued, and even accelerated, development of renewable energy inputs and technologies provide numerous benefits to the United States, including improved national security and economic growth;

(4) while it should be a priority of the Federal Government to continue to promote policies and incentives to stimulate growth and development of renewable energy infrastructure, it should be recognized that the marketplace is also an important instrument to determine which renewable energy sources and technologies will provide the most efficient and effective energy production;

(5) renewable energy inputs and technology must be available in abundant quantities and provide energy at competitive prices in a reliable manner for the American consumer; and

(6) it is in the interest of the United States to diversify its energy portfolio and increase the energy independence of the United States by further developing alternative forms of energy.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

Subtitle A—Honey and Bees
Sec. 10001. Annual report on response to honey bee colony collapse disorder.
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Sec. 10101. Tree assistance program.
Sec. 10102. Specialty crop block grants.
Sec. 10103. Additional section 32 funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs.
Sec. 10104. Independent evaluation of Department of Agriculture commodity purchase process.
Sec. 10105. Quality requirements for clementines.
Sec. 10106. Implementation of food safety programs under marketing orders.
Sec. 10107. Inclusion of specialty crops in census of agriculture.
Sec. 10108. Maturity requirements for Hass avocados.
Sec. 10109. Mushroom promotion, research, and consumer information.
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Subtitle C—Pest and Disease Management
Sec. 10201. Pest and disease program.
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Subtitle E—Miscellaneous Provisions
Sec. 10401. Restoration of import and entry agricultural inspection functions to the Department of Agriculture.
Sec. 10402. Grant program to improve movement of specialty crops.
Sec. 10403. Authorization of appropriations for market news activities regarding specialty crops.
Sec. 10404. Farmers' market promotion program.
Sec. 10405. National Clean Plant Network.

Subtitle A—Honey and Bees

SEC. 10001. ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.

The Secretary of Agriculture shall submit to Congress an annual report describing the progress made by the Department of Agriculture in investigating the cause or causes of honey bee colony collapse and in finding appropriate strategies to reduce colony loss.

Subtitle B—Horticulture Provisions

SEC. 10101. TREE ASSISTANCE PROGRAM.

(a) INCLUSION OF NURSERY TREE GROWERS.—

(1) ELIGIBILITY.—Section 10201 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.".

(2) CONFORMING AMENDMENTS.—Subtitle C of title X of the Farm Security and Rural Investment Act of 2002 is amended—

(A) in section 10202 (7 U.S.C. 8202)—

(i) in subsection (a), by inserting "and nursery tree growers" after "eligible orchardists"; and

(ii) in subsection (b), by inserting "or nursery tree grower" after "eligible orchardist"; and

(B) in section 10203 (7 U.S.C. 8203), by inserting "and nursery tree growers" after "eligible orchardists".

(b) ANNUAL PAYMENT LIMITATION.—Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by striking "$75,000" and inserting "$150,000 per year".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any natural disaster occurring after the date of the enactment of this Act for which assistance is provided by the Secretary of Agriculture under the tree assistance program.

SEC. 10102. SPECIALTY CROP BLOCK GRANTS.

(a) EXTENSION OF PROGRAM.—Subsection (a) of section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking "2009" and inserting "2012".

(b) AVAILABILITY OF FUNDS.—Subsection (i) of section 101 of the Specialty Crops Competitiveness Act of 2004 is amended to read as follows:

"(i) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(1) $60,000,000 in fiscal year 2008;

"(2) $65,000,000 in fiscal year 2009;

"(3) $70,000,000 in fiscal year 2010;

"(4) $75,000,000 in fiscal year 2011; and

"(5) $95,000,000 in fiscal year 2012.".

(c) CONFORMING AMENDMENTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is further amended—

(1) in subsection (a), by striking "Subject to the appropriation of funds to carry out this section" and inserting "Using the funds made available under subsection (i)";

(2) in subsection (b), by striking "appropriated pursuant to the authorization of appropriations in" and inserting "made available under"; and

(3) in subsection (c), by striking "Subject to the appropriation of sufficient funds to carry out this subsection, each" and inserting "Each".

(d) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting "horticulture and" before "nursery".

SEC. 10103. ADDITIONAL SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 in fiscal year 2008.

(2) $193,000,000 in fiscal year 2009.

(3) $199,000,000 in fiscal year 2010.

(4) $203,000,000 in fiscal year 2011.

(5) $206,000,000 in fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) VALUE ADDED PRODUCTS.—The Secretary may consider offering value-added products containing fruits, vegetables or nuts under this section, taking into account—

(1) whether demand exists for the value-added product; and

(2) the interests of entities that receive fruits, vegetables, and nuts under this section.

SEC. 10104. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary of Agriculture shall arrange to have performed an independent evaluation of the commodity purchasing processes (and the statutory and regulatory authority underlying such processes) used by the Department of Agriculture to remove surplus commodities from the market and support commodity prices and producer incomes, especially with regard to activities under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and the importance of increasing purchases of specialty crops.

(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the results of the evaluation.

SEC. 10105. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by inserting after "nectarines," the following: "clementines,".

SEC. 10106. IMPLEMENTATION OF FOOD SAFETY PROGRAMS UNDER MARKETING ORDERS.

Section 8c(6) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(K) In the case of an order related to a specialty crop (as such term is defined in section

3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)), authorizing the implementation of quality-related food safety programs designed to enhance the safety of the specialty crop and products derived from specialty crops.''.

SEC. 10107. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a) is amended by adding at the end the following new sentence: ''Beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)).''.

SEC. 10108. MATURITY REQUIREMENTS FOR HASS AVOCADOS.

Subtitle A of the Agricultural Marketing Act of 1946 is amended by adding at the end the following new section:

"SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCADOS.

''(a) MINIMUM PERCENTAGE OF DRY MATTER.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary of Agriculture shall issue final regulations to require that all Hass avocados sold to consumers in the United States meet the minimum maturity standard of not less than 20.8 percent dry matter.

''(b) EXCEPTIONS.—Subsection (a) and the regulations issued pursuant to such subsection shall not apply to Hass avocados—

''(1) intended for consumption by charitable institutions;

''(2) intended for distribution by relief agencies;

''(3) intended for commercial processing into products; or

''(4) that the Secretary determines should not be subject to such subsection or such regulations.

''(c) USE OF EXISTING INSPECTORS.—The Secretary shall, to the greatest extent practicable, use inspectors that inspect avocados for compliance with section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to conduct inspections under this section.

''(d) CIVIL PENALTIES.—The Secretary may require any person who violates this section or the regulations issued pursuant to this section to—

''(1) forfeit to the United States a sum equal to the value of the commodity at the time of violation, which forfeiture shall be recoverable in a civil suit bought in the name of the United States; or

''(2) on conviction, be fined not less than $50 or more than $5,000 for each violation.

''(e) DIVERSION.—In the case of any Hass avocados that do not meet the requirements of this section or the regulations issued pursuant to this section, the Secretary may—

''(1) provide for the reinspection of the Hass avocados; or

''(2) authorized the diversion, export, or repacking of the Hass avocados.

''(f) FEES.—The Secretary may prescribe and collect fees to cover the costs of providing for the inspection of Hass avocados under this section. All fees and penalties collected shall be credited to the accounts that incur such costs and shall remain available until expended without fiscal year limitation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 10109. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (subtitle B of title XIX of Public Law 101-624; 7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ''4 regions'' and inserting ''3 regions'';

(2) in subparagraph (D), by striking ''35,000,000 pounds'' and inserting ''50,000,000 pounds''; and

(3) by striking subparagraph (E), and inserting the following new subparagraph:

''(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the nine-member limit of members on the council provided in such paragraph, the Secretary shall appoint additional members to the council from a region which attains additional pounds of production as follows:

''(i) If a region's annual production is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by one additional member.

''(ii) If a region's annual production is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by two additional members.

''(iii) If a region's annual production is greater than 260,000,000 pounds, the region shall be represented by three additional members.''.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (subtitle B of title XIX of Public Law 101-624; 7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5), the following new paragraph (6):

''(6) to develop a program for good agricultural practices and good handling practices for mushrooms;''.

SEC. 10110. FRESH PRODUCE EDUCATION INITIATIVE.

(a) INITIATIVE AUTHORIZED.—The Secretary of Agriculture may carry out a program to educate persons involved in the fresh produce industry and the public about—

(1) scientifically proven practices for reducing microbiological pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through unsanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the program in cooperation with public or private partners.

(c) FUNDING.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

Subtitle C—Pest and Disease Management

SEC. 10201. PEST AND DISEASE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program to—

(1) conduct early pest detection and surveillance activities in cooperation with state departments of agriculture;

(2) determine and prioritize pest and disease threats to domestic production of specialty crops; and

(3) create an audit-based certification approach to protect against the spread of plant pests and to facilitate the interstate movement of plants and plant products.

(b) EARLY PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

(1) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture shall enter into cooperative agreements with State departments of agriculture to provide grants to such State departments of agriculture for early pest detection and surveillance activities.

(2) APPLICATION.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require. The Secretary shall notify applicants of the following:

(A) The requirements to be imposed on a department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement.

(B) The criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments.

(C) The means of identifying pathways of pest introductions.

(3) USE OF FUNDS.—

(A) PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this section shall use the funds to carry out early pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a pest.

(B) SUBAGREEMENTS.—A State department of agriculture may use funds received under this section to enter into subagreements with political subdivisions in such State that have legal responsibilities relating to agricultural pest and disease surveillance.

(4) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide, subject to the availability of funds under subsection (j), funds to a State department of agriculture that the Secretary determines is in a State that has a high risk of being affected by one or more pest, based on the following factors:

(A) The number of international airports and maritime facilities in that State.

(B) The volume of international passenger and cargo entry into that State.

(C) The geographic location of that State and if such location is conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

(D) The types of agricultural commodities or plants produced in that State and if the commodities or plants produced are conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

(E) Whether the Secretary has declared an emergency in that State pursuant to section 442 of the Plant Protection Act (7 U.S.C. 7772) due to an agricultural pest or disease of Federal concern.

(F) Such other factors as the Secretary considers appropriate.

(5) COST-SHARE.—

(A) FEDERAL COST SHARE; FORM OF NON-FEDERAL COST SHARE.—Except as provided in subparagraph (B), a cooperative agreement entered into under paragraph (1) shall provide that—

(i) the Federal share of carrying out the cooperative agreement shall not exceed 75 percent of the total cost;

(ii) the non-Federal share of the cost of carrying out the agreement may be provided in-kind; and

(iii) in-kind costs may include indirect costs as considered appropriate by the Secretary.

(B) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under paragraph (1) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

(C) SPECIAL FUNDING CONSIDERATIONS.—The non-federal share of carrying out paragraph (4) shall not exceed 40 percent of the total costs of carrying out such paragraph.

(6) REPORTING REQUIREMENT.—Not later than 180 days after the date of completion of an early pest detection and surveillance activity conducted by a State department of agriculture

using funds provided under this section, the department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities, including any activities conducted pursuant to a subagreement referred to in paragraph (3)(B).

(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

(1) IN GENERAL.—In conducting the program established under subsection (a), the Secretary shall—

(A) develop risk assessments of the existing and potential threat to the specialty crop industry in the United States from pests and disease;

(B) prepare a list prioritizing pest and disease threats to the specialty crop industry;

(C) develop action plans, in consultation with State departments of agriculture and other State or regional resource partnerships, that effectively address pest and disease threats to the specialty crop industry, including pathway analysis, domestic and offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers, in addition to strategies to employ if a pest or disease is introduced;

(D) implement such action plans as soon as they are developed to test the effectiveness of such action plans and help prevent new foreign and domestic pest and disease threats from being introduced or widely disseminated in the United States; and

(E) collaborate with the nursery industry, research institutions, and other appropriate entities to develop a nursery pest risk management system to identify nursery pests and diseases, prevent the introduction, establishment, and spread of such pests and diseases, and reduce the risk of, prioritize, mitigate, and eradicate such pests and diseases.

(2) REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in paragraph (1), including an accounting of funds expended on the action plans.

(d) AUDIT-BASED APPROACH TO SPECIALTY CROP PHYTOSANITARY CERTIFICATION.—In conducting the program established under subsection (a), the Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing such growers, and State and local agencies working with such growers and organizations for the development and implementation of certification systems based on audit-based approaches, such as best management practices or nursery pest risk management systems, to address plant pests and to mitigate the risk of plant pests in the movement of plants and plant products.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal departments or agencies, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this section.

(f) CONSULTATION.—The Secretary shall consult with the National Plant Board, State departments of agriculture, and specialty crop grower organizations to establish funding priorities under this section for each fiscal year.

(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided under this section may be used for administrative costs.

(h) DEFINITIONS.—In this section:

(1) EARLY PEST DETECTION AND SURVEILLANCE.—The term "early pest detection and surveillance" means the full range of activities undertaken to find newly introduced pests, whether new to the United States or new to certain areas of the United States, before the pests become established, or before pest infestations become too large and costly to eradicate or control.

(2) PEST.—The term "pest" has the meaning given the term "plant pest" in section 403(14) of the Plant Protection Act (7 U.S.C. 7702(14)).

(3) SPECIALTY CROP.—The term "specialty crop" has the meaning given the term in section 3(1) of the Specialty Crop Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883; 7 U.S.C. 1621 note).

(4) STATE DEPARTMENT OF AGRICULTURE.—The term "State department of agriculture" means an agency of a State that has a legal responsibility to perform early pest detection and surveillance activities.

(i) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking "of longer than 60 days".

(j) FUNDING.—Of the funds fo the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(1) $10,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009;

(3) $40,000,000 for fiscal year 2010;

(4) $55,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

SEC. 10202. MULTI-SPECIES FRUIT FLY RESEARCH AND STERILE FLY PRODUCTION.

(a) CONSTRUCTION.—The Secretary of Agriculture shall construct a warehouse and irradiation containment facility in Waimanalo, Hawaii, to support fruit fly rearing and sterilization activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $15,000,000 for the construction of a warehouse and irradiation containment facility pursuant to subsection (a); and

(2) $1,000,000 for fiscal year 2008 and each subsequent fiscal year for maintenance to the facilities constructed pursuant to this section.

Subtitle D—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking "$5,000,000 for fiscal year 2002" and inserting "$22,000,000 for fiscal year 2008"; and

(2) in subsection (b)(2), by striking "$500" and inserting "$750".

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA.

(a) NEW DATA REQUIREMENTS.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

"SEC. 7407. ORGANIC DATA COLLECTION AND PUBLICATION.

"(a) DATA COLLECTION AND PUBLICATION.—To assist organic farmers in making informed production and marketing decisions, the Secretary of Agriculture shall collect and publish segregated data and survey information about the price, production, and marketing of major organically produced commodities, as determined by the Secretary.

"(b) FUNDING.—The Secretary of Agriculture shall use $3,000,000 of funds of the Commodity Credit Corporation to carry out this section during fiscal year 2008, and such funds shall remain available until expended.".

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the progress made in implementing the amendment made by subsection (a).

SEC. 10303. ORGANIC CONVERSION, TECHNICAL, AND EDUCATIONAL ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program to provide cost share and incentive payments and technical and educational assistance to producers to promote conservation practices and activities for production systems undergoing transition, in whole or in part, to organic production in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) ORGANIC TRANSITION COST SHARE AND INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Secretary shall enter into contracts with eligible producers referred to in paragraph (2) to provide cost-share and incentive payments to assist in the transition to organic production systems.

(2) ELIGIBLE PRODUCERS.—A producer is an eligible producer under this paragraph if such producer agrees to—

(A) develop and carry out environmental and conservation activities consistent with an organic plan that protect soil, water, wildlife, air, and other natural resources as defined by the Secretary;

(B) receive technical and education assistance from the Secretary, or from organizations, institutions, and consultants with cooperative agreements with the Secretary, relating to—

(i) the development and implementation of conservation practices and activities that are part of an organic plan; or

(ii) other aspects of transition to organic production, including marketing, credit, business, and risk management plans;

(C) submit to annual verification by a certifying agent accredited by the Department of Agriculture under section 2115 of the Organic Foods Production Act of 1990 (7 U.S.C. 6514) to determine compliance of the producer with organic certification requirements; and

(D) develop marketing, credit, business, and risk management plans, as appropriate.

(3) CONTRACT.—A contract entered into under paragraph (1) shall provide that—

(A) payments provided to a producer under the contract shall only be used for—

(i) conservation management and vegetative and structural practices and activities during transition to certified organic production that—

(I) are consistent with an organic plan; and

(II) protect soil, water, wildlife, air, and other natural resources, as required under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(ii) animal production measures consistent with an organic plan; and

(iii) such other measures as the Secretary determines are appropriate and consistent with an organic plan;

(B) subject to subparagraph (C), the contract shall terminate after a period of not more than three years;

(C) the Secretary may terminate the contract if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.); and

(D) the Secretary may require repayment in whole of payments already received if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq).

(4) LIMITATIONS ON PAYMENTS.—An eligible producer may not receive payments under paragraph (1)—

(A) for a total period of more than three years;

(B) an amount not to exceed $50 per acre for crop land, or $25 per acre for grazing land; and

(C) in an amount more than $10,000 in a fiscal year.

(c) TECHNICAL AND EDUCATIONAL ASSISTANCE.—The Secretary shall provide producers with technical and educational assistance, including through the use of competitive cooperative agreements with non-profit organizations, *non-governmental organizations, institutes of higher education, or consultants with expertise in advisory services for organic producers on organic production systems, and the planning for and marketing of organic products.*

(d) USE OF FUNDS.—The Secretary shall use 50 percent of the funds made available pursuant to the authorization of appropriations under subsection (f) to provide technical and educational assistance under subsection (c).

(e) DEFINITIONS.—In this section:

(1) ORGANIC PLAN.—The term "organic plan" means an organic plan submitted under section 2114(a) of the Organic Foods Production Act of 1990 (7 U.S.C. 6513(a)) and agreed to by the producer and handler of a product and a certifying agent under such section.

(2) TECHNICAL AND EDUCATIONAL ASSISTANCE.—The term "technical and educational assistance" means the conveyance of information and counsel regarding economic and business planning, marketing, and organic practices, such as entomological practices and pest and weed control and prevention that satisfy organic practices.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $50,000,000, which shall remain available until expended.

Subtitle E—Miscellaneous Provisions

SEC. 10401. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTIONS OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date specified in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before such effective date) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY OF AGRICULTURE.—

(1) OPERATING PROCEDURES AND TRACKING SYSTEM.—The Secretary of Agriculture shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recomnendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary of Agriculture shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(3) FUNDING.—The Secretary of Agriculture shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 10402. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of the following (or a combination thereof):

(1) State and local governments.

(2) Grower cooperatives.

(3) State or regional producer and shipper organizations.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 10403. AUTHORIZATION OF APPROPRIATIONS FOR MARKET NEWS ACTIVITIES REGARDING SPECIALTY CROPS.

There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary for each of the fiscal years 2008 through 2012 to support the market news activities regarding specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)).

SEC. 10404. FARMERS' MARKET PROMOTION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) agricultural direct farmer-to-consumer marketing activities, including farmers' markets, roadside stands, community supported agriculture, internet, mail-order, and other similar direct order marketing activities, significantly enhance the ability of agricultural producers to retain a greater share of their products' retail value;

(2) direct farmer-to-consumer marketing activities are a crucial component of the current and future viability of small and mid-sized farms and ranches and beginning and socially disadvantaged farmers and ranchers; and

(3) agricultural direct marketing activities contribute to the health and well-being of consumers in rural, urban, and tribal communities by providing access to healthy, fresh, and affordable food.

(b) PROGRAM.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a)—

(A) by striking "Farmers' Market Promotion Program" and inserting "Farmer Marketing Assistance Program"; and

(B) by striking "promote farmers' markets" and inserting "direct producer to consumer marketing";

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ", domestic farmers' markets, roadside stands, community-supported agriculture programs, and other"; and

(B) in subparagraph (B), by striking "farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure" and inserting "direct producer-to-consumer marketing and infrastructure opportunities";

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(B) by inserting before paragraph (2) the following new paragraph:

"(1) two or more farmers or farm vendors who sell products through a common channel of distribution;"; and

(C) in paragraph (2) (as so redesignated) by striking "an agricultural cooperative" and inserting "an agricultural cooperative or producer network or association";

(4) by striking subsection (e) and inserting the following new subsections:

"(e) ELIGIBLE ACTIVITIES.—A recipient of a grant under this section may use the funds for the following activities:

"(1) Farmers markets.

"(2) Roadside stands.

"(3) Community supported agriculture operations, through which a farmer agrees to deliver a certain quantity of agricultural products to consumers at a set price.

"(4) The purchase of equipment or other activities supporting the use of electronic benefit transfer systems at farmers markets.

"(5) Agritourism activities facilitating the direct sale of agricultural products, including operations where the consumer picks their own agricultural products.

"(6) Other activities as determined appropriate by the Secretary.

"(f) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture use to carry out this section—

"(A) $5,000,000 in each of fiscals year 2008, 2009, and 2010; and

"(B) $10,000,000 in each of fiscal years 2011 and 2012.

"(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers at farmers' markets.".

SEC. 10405. NATIONAL CLEAN PLANT NETWORK.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture a program to be known as the "National Clean Plant Network".

(b) NETWORK.—The Secretary of Agriculture shall use the network—

(1) to develop a sustainable national funding source for clean planting stock programs for horticultural crops determined by the Secretary to be of priority for the United States; and

(2) to enter into cooperative agreements to entities that have the expertise, facilities, and climate necessary to efficiently produce, maintain, and distribute healthy planting stock for specialty crops.

(c) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $20,000,000 for fiscal years 2008 through 2012.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Crop Insurance

Sec. 11001. Availability of supplemental crop insurance based on area yield and loss plan of insurance or area revenue plan of insurance.
Sec. 11002. Premiums and reinsurance requirements.
Sec. 11003. Catastrophic risk protection administrative fee.
Sec. 11004. Funding for reimbursements, contracting, risk management education, and information technology.
Sec. 11005. Reimbursement of research and development costs related to new crop insurance products.
Sec. 11006. Research and development contracts for organic production coverage improvements.
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Sec. 11010. Noninsured crop assistance program.
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Subtitle B—Livestock and Poultry

Sec. 11101. Sense of Congress regarding pseudorabies eradication program.
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Subtitle C—Socially Disadvantaged Producers and Limited Resource Producers

Sec. 11201. Outreach and technical assistance for socially disadvantaged farmers and ranchers and limited resource farmers and ranchers.
Sec. 11202. Improved program delivery by Department of Agriculture on Indian reservations.
Sec. 11203. Transparency and accountability for socially disadvantaged farmers and ranchers.
Sec. 11204. Beginning farmer and rancher development program.
Sec. 11205. Provision of receipt for service or denial of service.
Sec. 11206. Tracking of socially disadvantaged farmers and ranchers and limited resource farmers and ranchers in Census of Agriculture and certain studies.
Sec. 11207. Farmworker coordinator.
Sec. 11208. Office of Outreach relocation.
Sec. 11209. Minority farmer advisory committee.
Sec. 11210. Coordinator for chronically underserved rural areas.

Subtitle D—Other Miscellaneous Provisions

Sec. 11301. Designation of separate cotton-producing States under Cotton Research and Promotion Act.
Sec. 11302. Cotton classification services.
Sec. 11303. Availability of excess and surplus computers in rural areas.
Sec. 11304. Permanent debarment from participation in Department of Agriculture programs for fraud.
Sec. 11305. No discrimination against use of registered pesticide products or classes of pesticide products.
Sec. 11306. Prohibition on closure or relocation of county offices for the Farm Service Agency, Rural Development Agency, and Natural Resources Conservation Service.
Sec. 11308. Regulation of exports of plants, plant products, biological control organisms, and noxious weeds.
Sec. 11309. Grants to reduce production of methamphetamines from anhydrous ammonia.
Sec. 11310. USDA Graduate School.

Subtitle A—Federal Crop Insurance

SEC. 11001. AVAILABILITY OF SUPPLEMENTAL CROP INSURANCE BASED ON AREA YIELD AND LOSS PLAN OF INSURANCE OR AREA REVENUE PLAN OF INSURANCE.

(a) IN GENERAL.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following new paragraph:

"(11) SUPPLEMENTAL AREA COVERAGE.—

"(A) AVAILABILITY OF COVERAGE.—Notwithstanding paragraph (4), if area coverage is available in an area (as determined by the Corporation under paragraph (3)), the Corporation shall provide eligible producers in that area with the option to purchase supplemental insurance coverage based on—

"(i) an area yield and loss plan of insurance; or

"(ii) an area revenue plan of insurance that includes coverage for a loss in yield.

"(B) ELIGIBLE PRODUCERS.—To be eligible to obtain supplemental coverage under this paragraph, a producer must purchase either an individual yield and loss plan of insurance or a revenue plan of insurance that includes coverage for a loss in yield at an additional coverage level for the same crop to be covered by the supplemental coverage.

"(C) LIMITATION.—In providing supplemental coverage to a producer under this paragraph, the sum of the following shall not exceed 100 percent:

"(i) The coverage level expressed in percentage terms for the individual yield and loss plan of insurance or the revenue plan of insurance that includes coverage for a loss in yield that is purchased by the producer for the same crop covered by the supplemental coverage, as required by subparagraph (B).

"(ii) The share expressed in percentage terms of the area yield and loss plan of insurance or the area revenue plan of insurance (at whatever coverage level is selected) that is used to determine the level of supplemental insurance coverage provided the producer under this paragraph.

"(D) PAYMENT OF PORTION OF PREMIUM.—As provided in subsection (e), the Corporation shall pay a portion of the premium for supplemental coverage under this paragraph and the associated individual area yield and loss plan of insurance or revenue plan of insurance that includes coverage for a loss in yield.

"(E) AMOUNT OF INDEMNITY PAID UNDER SUPPLEMENTAL COVERAGE.—The indemnity payable under supplemental coverage provided under this paragraph shall be calculated as—

"(i) the total indemnity for the area yield and loss plan of insurance or area revenue plan of insurance, at the coverage level chosen by the producer; multiplied by

"(ii) the share of the coverage of the area yield and loss plan of insurance or area revenue plan of insurance selected by the producer.

"(F) SPECIAL RULE RELATING TO QUALIFYING LOSSES.—In the case of a qualifying loss in an area (as determined by the Corporation) under supplemental coverage provided under this paragraph, subject to the applicable coverage limits, the total amount of the indemnity shall be available to the producer regardless of the loss incurred under the individual yield and loss plan of insurance or the revenue plan of insurance that includes coverage for a loss in yield of the producer.

"(G) REINSURANCE YEAR.—Subject to the availability of area yield and loss or revenue coverage for an insurable crop in an area (as determined by the Corporation), the Corporation shall provide supplemental coverage under this paragraph not later than the 2008 reinsurance year.".

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking "additional coverage" in the matter preceding subparagraph (A) and inserting "additional and supplemental coverages"; and

(2) by adding at the end the following new subparagraph:

"(C) In the case of supplemental coverage provided under subsection (c)(11) that, in combination with either the individual yield and loss coverage, or a comparable coverage for a policy *or plan of insurance that is not based on individual yield and does not insure more than 100 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, the amount of the premium shall—*

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.".

(c) OFFSET.—The Federal Crop Insurance Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance to achieve, on and after October 1, 2008, an overall projected loss ratio of not greater than 1.00.

SEC. 11002. PREMIUMS AND REINSURANCE REQUIREMENTS.

(a) PREMIUM ADJUSTMENTS.—Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following new paragraph:

"(9) PREMIUM ADJUSTMENTS.—

"(A) PROHIBITION.—Except as provided in subparagraph (B), the paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement whatsoever not specified in the policy, is strictly prohibited under this title.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to the following:

"(i) A rebate authorized under subsection (b)(5)(B).

"(ii) A performance-based discount authorized under subsection (d)(3).".

(b) PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS.—Section 508(b)(5)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(B)) is amended—

(1) in the subparagraph heading, by inserting "OF CATASTROPHIC RISK PROTECTION FEE" after "PAYMENT";

(2) in clause (i)—

(A) by striking "or other payment"; and

(B) by striking "with catastrophic risk protection or additional coverage"; and inserting "through the payment of all or a portion of catastrophic risk protection administrative fees";

(3) in clause (ii)—

(A) by striking "or other payment made by an insurance provider" and inserting "payment made pursuant to clause (i) by an insurance provider";

(B) by striking "issuance of catastrophic risk protection or additional coverage to" and inserting "payment of catastrophic risk protection administrative fees on behalf of"; and

(C) by striking "or other payment" the second place it appears;

(4) in clause (iv), by striking "A policy or plan of insurance" and inserting "Catastrophic risk protection coverage";

(5) in clause (v)—

(A) by striking "licensing fee or other arrangement under this subparagraph" and inserting "licensing fee arrangement"; and

(B) by striking "levels of additional coverage" and inserting "levels of coverage"; and

(6) by striking clause (vi).

(c) CHANGE IN DUE DATE FOR POLICYHOLDER PREMIUMS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking "the date that premium" and inserting "the same date on which the premium";

(2) in subsection (c)(10)(B)—

(A) by inserting "; TIME FOR PAYMENT" after "WAIVER"; and

(B) by adding at the end the following new sentence: "Subparagraph (C) of such subsection shall apply with respect to the collection date for policy premiums."; and

(3) in subsection (d), by adding at the end the following new paragraph:

"(4) BILLING DATE FOR PREMIUMS.—Beginning with the 2012 reinsurance year, the Corporation shall establish August 1 as the billing date for premiums.".

(d) REINSURANCE.—

(1) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following new clause:

"(ii) for the 2009 and subsequent reinsurance years, 2 percentage points below the rates, in effect as of the date of the enactment of this Act of the Farm, Nutrition, and Bioenergy Act of 2007, for all crop insurance policies used to define loss ratio.".

(2) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following new paragraph:

"(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

"(A) PERIODIC RENEGOTIATION.—Following the reinsurance year ending June 30, 2012, the Corporation may renegotiate the financial terms of the standard reinsurance agreement during the next reinsurance year and once during each period of five reinsurance years thereafter.

"(B) EFFECT OF FEDERAL LAW CHANGES.—If changes in Federal law are enacted that require revisions in the financial terms of the standard reinsurance agreement, and such changes in the agreement are made on a mandatory basis by the Corporation, such changes will not be deemed to be a renegotiation of the agreement for purposes of subparagraph (A).

"(C) CONSULTATION.—Approved insurance providers and their representatives may confer with each other, and collectively with the Corporation, during the renegotiation process under subparagraph (A).".

(3) TREATMENT OF 2008 REINSURANCE YEAR.—Clause (ii) of section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2008 reinsurance year.

(e) CHANGE IN DUE DATE FOR ADMINISTRATIVE AND OPERATING EXPENSE PAYMENT.—Section 516(b) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)) is amended by adding at the end the following new paragraph:

"(3) DUE DATE FOR ADMINISTRATIVE AND OPERATING EXPENSE PAYMENT.—Beginning with the 2012 reinsurance year, the Corporation shall make payments pursuant to paragraph (1)(B) during October 2012, and for subsequent reinsurance years, every October thereafter.".

(f) CONFORMING AMENDMENTS.—

(1) PREMIUM REDUCTION AUTHORITY.—Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(A) in paragraph (2) by striking "paragraph (4)" and inserting "paragraph (3)";

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) PREMIUM RATE REDUCTION PILOT PROGRAM.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) SUBMISSION OF POLICIES AND MATERIALS.—Section 508(h)(1)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)(A)) is amended by striking "; and" and inserting "; or".

SEC. 11003. CATASTROPHIC RISK PROTECTION ADMINISTRATIVE FEE.

Section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) is amended by striking "$100 per crop per county" and inserting in its place "$200 per crop per county".

SEC. 11004. FUNDING FOR REIMBURSEMENTS, CONTRACTING, RISK MANAGEMENT EDUCATION, AND INFORMATION TECHNOLOGY.

(a) FUNDING.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended by adding at the end the following new subsections:

"(d) FUNDING FOR REIMBURSEMENTS, CONTRACTING, RISK MANAGEMENT EDUCATION, AND INFORMATION TECHNOLOGY.—Of the amounts made available from the insurance fund established under subsection (c), the Corporation shall use not more than $30,000,000 in each fiscal year to carry out the following:

"(1) Reimbursement of research and development and maintenance costs described under section 522(b).

"(2) Research and development contracting described under section 522(c).

"(3) Partnerships for risk management and implementation described under section 522(d).

"(4) Education and information programs described in section 524(a)(2).

"(5) Partnerships for risk management education program described in section 524(a)(3).

"(6) Information technology, as determined by the Corporation.

"(e) UNDERSERVED STATES.—Of the amount made available under subsection (d), the Corporation shall use not more than $5,000,000 in each fiscal year to carry out contracting for research and development described in section 522(c)(1)(A)."

(b) CONFORMING AMENDMENTS.—

(1) FORMER FUNDING PROVISION.—Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended by striking subsection (e) and inserting the following new subsection:

"(e) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—

"(1) NEW POLICIES.—Notwithstanding subsection (d), the Corporation shall not conduct research and development for any new policy for an agricultural commodity offered under this title.

"(2) EXISTING POLICIES.—Any policy developed by the Corporation under this title before October 1, 2000, may continue to be offered for sale to producers."

(2) CROSS REFERENCE.—Section 523(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1523(c)(1)) is amended by striking "section 522(e)(4)" and inserting "section 522(e)".

(3) EDUCATION ASSISTANCE FUNDING.—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended as follows:

(A) in paragraph (1), by striking "paragraph (4)" and inserting "section 516(d)"; and

(B) by striking paragraph (4).

SEC. 11005. REIMBURSEMENT OF RESEARCH AND DEVELOPMENT COSTS RELATED TO NEW CROP INSURANCE PRODUCTS.

(a) REIMBURSEMENT AUTHORIZED.—Paragraph (1) of section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended to read as follows:

"(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

"(A) is submitted to the Board pursuant to an FCIC Reimbursement Grant under paragraph (7); or

"(B) is submitted to the Board and approved by the Board under section 508(h) for reinsurance and, if applicable, offered for sale to producers.".

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following new paragraph:

"(7) FCIC REIMBURSEMENT GRANTS.—

"(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC Reimbursement Grants to persons proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), who apply and are approved for such FCIC Reimbursement Grants under the terms and conditions of this paragraph.

"(B) SUBMISSION OF APPLICATION.—The Board shall receive and consider applications for FCIC Reimbursement Grants at least once annually. An application to receive an FCIC Reimbursement Grant from the Corporation shall consist of such materials as the Board may require, including—

"(i) a concept paper that describes the proposal in sufficient detail for the Board to determine whether it satisfies the requirements of subparagraph (C);

"(ii) a summary of —

"(I) the need for the product, including an assessment of marketability and expected demand among affected producers;

"(II) support from producers, producer organizations, lenders, or other interested parties;

"(III) the impact the product would have on producers and on the crop insurance delivery system; and

"(IV) that no products are offered by the private sector providing the same benefits and risk management services as the proposal.

"(iii) a summary of data sources available demonstrating that the product can reasonably be developed and properly rated; and

"(iv) identification of the risks the proposed product will cover and that the risks are insurable under the Act

"(C) APPROVAL CONDITIONS.—Approval of an application for a FCIC Reimbursement Grant shall be by majority vote of the Board. The Board shall approve the application only if the Board finds that—

"(i) the proposal contained in the application—

"(I) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

"(II) provides crop insurance coverage in a significantly improved form;

"(III) addresses a recognized flaw or problem in the program;

"(IV) introduces a significant new concept or innovation to the program; or

"(V) provides coverage, benefits, or risk management services not available from the private sector;

"(ii) the applicant demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

"(iii) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate;

"(iv) the Board determines that the Corporation has sufficient available funding to award the FCIC Reimbursement Grant; and

"(v) the proposed budget and timetable are reasonable.

"(D) PARTICIPATION.—In reviewing proposals under this paragraph, the Board may use the services of persons it deems appropriate for expert review. All proposals submitted under this paragraph will be treated as confidential in accordance with section 508(h)(4).

"(E) ENTERING INTO AGREEMENT.—Upon approval of the application, the Board shall enter into an agreement with the person for the development of a formal submission meeting the requirements for a complete submission established by the Board under section 508(h).

"(F) FEASIBILITY STUDIES.—In appropriate cases, the Corporation may structure the FCIC Reimbursement Grant to require, as an initial step within the overall process, the submitter to complete a feasibility study and report the results of such study to the Corporation prior to proceeding with further development. The Corporation may require such other reports as necessary to monitor the development efforts.

"(G) RATES.—Payment for work performed under this paragraph shall be based on rates determined by the Corporation for products submitted under section 508(h) of the Act or for those contracted by the Corporation under section 522(c) of the Act.

"(H) TERMINATION.—The Corporation or the submitter may terminate any FCIC Reimbursement Grant to reimburse expenses at any time for just cause. If the Corporation or the submitter terminates the FCIC Reimbursement Grant before final approval of the product covered thereby, the submitter shall be entitled to reimbursement of all costs incurred to that point, or, in the case of a fixed rate agreement, to payment of an appropriate percentage. If the submitter terminates development without just cause, the Corporation may deny reimbursement.

"(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product submitted to it developed under this paragraph under the rules it has established for products submitted under section 508(h) of this Act.".

SEC. 11006. RESEARCH AND DEVELOPMENT CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

"(A) CONTRACT REQUIRED.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Corporation shall enter into one or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the National Organic Program.

"(B) REVIEW OF UNDERWRITING, RISK, AND LOSS EXPERIENCE.—

"(i) REVIEW REQUIRED.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same time periods using non-organic methods. The review should be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and non-organic production, and shall include the widest available range of data, including loss history under existing crop insurance policies, collected by the National Agricultural Statistics Service, and other sources of information.

"(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of such significant, consistent, and systemic variations in loss history between organic and non-organic crops, either collectively or on an individual basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops

"(C) ADDITIONAL PRICE ELECTION.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that would reflect the actual retail or wholesale prices, as appropriate, received by organic producers for their crops, as established using data collected and maintained by the Agricultural Marketing Service or other sources. The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2009 crop year, and expand it thereafter as the Agricultural Marketing Service expands its data collection and availability for prices of organic crops.

"(D) REPORTING REQUIREMENTS.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on the progress made in developing and improving Federal crop insurance for organic crops, including the numbers and varieties of organic crops insured, the development of new insurance approaches, and the progress of the initiatives mandated under this paragraph. The report shall also include such recommendations as the Corporation considers appropriate regarding additional opportunities to improve Federal crop insurance coverage for such crops.".

SEC. 11007. TARGETING RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS AND RANCHERS AND CERTAIN OTHER FARMERS AND RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) TARGETING RISK MANAGEMENT EDUCATION FOR CERTAIN FARMERS AND RANCHERS.—

"(A) IN GENERAL.—In carrying out the education and information program established under paragraph (2) and the partnerships for risk management education program under paragraph.(3), the Secretary shall include a special emphasis on risk management strategies and education and outreach specifically targeted at farmers and ranchers described in subparagraph (B).

"(B) COVERED FARMERS AND RANCHERS.—Subparagraph (A) applies with respect to the following:

"(i) Beginning farmers and ranchers.

"(ii) Immigrant farmers and ranchers who are attempting to become established producers in the United States.

"(iii) Socially disadvantaged farmers and ranchers.

"(iv) Farmers and ranchers who are preparing to retire and are using transition strategies to help new farmers and ranchers get started.

"(v) Farmers and ranchers who are converting their current production and marketing systems to pursue new markets.".

SEC. 11008. CROP INSURANCE INELIGIBILITY RELATED TO CROP PRODUCTION ON NONCROPLAND.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following new subsection:

"(e) CROP INSURANCE INELIGIBILITY RELATED TO CROP PRODUCTION ON NONCROPLAND.—

"(1) NONCROPLAND DEFINED.—In this subsection, the term 'noncropland' means native grassland and pasture the Secretary determines has never been used for crop production

"(2) INELIGIBILITY.—Noncropland acreage on which an agricultural commodity for which a policy or plan of insurance is available under this title is planted shall be ineligible for crop insurance under this title for the first 4 years of planting, as determined by the Secretary.

"(3) YIELD DETERMINATION BASED ON COUNTY ACTUAL PRODUCTION HISTORY.—

"(A) IN GENERAL.—If an agricultural commodity ineligible for insurance as described in paragraph (2) is planted for 4 years, beginning with the fifth year in which the commodity is planted, the producer of the commodity may procure crop insurance for the commodity under this title. The yield for such crop insurance shall be determined only—

"(i) by using the actual production history for the farm; and

"(ii) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.

"(B) EXCEPTION.—If an agricultural commodity is planted on noncropland acreage and is eligible for insurance as provided in paragraph (2), then the yield for such crop insurance shall be determined only—

"(i) by using the actual production history for the farm; and

"(ii) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.

"(4) EFFECTIVE DATE.—This subsection shall apply to crop years following the 2007 crop year.".

SEC. 11009. FUNDS FOR DATA MINING.

Section 515(k) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) AVAILABLE FUNDS.—To carry out this section, the Corporation may use, from amounts made available from the insurance fund established under section 516(c)—

"(A) not more that $11,000,000 during fiscal year 2008; and

"(B) not more than $7,000,000 during fiscal year 2009 and each subsequent year thereafter.".

SEC. 11010. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(k)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) $200 per crop per county; or

"(B) $600 per producer per county, but not to exceed a total of $1,800 per producer.".

SEC. 11011. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Effective beginning with the 2011 reinsurance year, the Federal Crop Insurance Corporation shall make payments for underwriting gains under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)—

(1) for the 2011 reinsurance year on October 1, 2012; and

(2) for each reinsurance year thereafter on the October 1 of the next calendar year.

SEC. 11012. SESAME INSURANCE PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Agriculture shall establish and carry out a pilot program under which a producer of non-dehiscent sesame under contract may elect to obtain multi-peril crop insurance, as determined by the Secretary.

(b) TERMS AND CONDITIONS.—The multi-peril crop insurance offered under the sesame insurance pilot program shall—

(1) be offered through reinsurance arrangements with private insurance companies;

(2) be actuarially sound; and

(3) require the payment of premiums and administrative fees by a producer obtaining the insurance.

(c) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

(d) RELATION TO PROHIBITION ON RESEARCH AND DEVELOPMENT BY CORPORATION.—Section 522(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(4)) shall apply with respect to the sesame insurance pilot program.

(e) DURATION.—The Secretary shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this Act and continue the program through the 2012 crop year.

Subtitle B—Livestock and Poultry

SEC. 11101. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary should recognize the threat feral swine pose to the domestic swine population;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11102. ARBITRATION OF LIVESTOCK AND POULTRY CONTRACTS.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(1) by redesignating section 416 as section 417; and

(2) by inserting after section 415 the following new section:

"SEC. 416. ARBITRATION OF LIVESTOCK AND POULTRY CONTRACTS.

"(a) ISSUANCE OF REGULATIONS.—The Secretary of Agriculture shall promulgate regulations to establish standards related to the inclusion of arbitration provisions in livestock and poultry production contracts.

"(b) CONTENT.—Such regulations shall—

"(1) establish permissible agreements with respect to venue of arbitration, allocation of arbitration costs, number and appointment of arbitrators, and any other element of an arbitration agreement that the Secretary determines to be necessary;

"(2) permit a producer to seek relief in a small claims court in lieu of arbitration for disputes or claims within the jurisdiction of a small claims court, despite the existence of an arbitration agreement; and

"(3) require any person appointed or to be appointed as an arbitrator to disclose any circumstance likely to raise doubt as to the arbitrator's impartiality.".

SEC. 11103. STATE-INSPECTED MEAT AND POULTRY.

(a) REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing the results of a review by the Secretary of each State meat and poultry inspection program. Such report shall include—

(A) a determination of the effectiveness of each State meat and poultry inspection program; and

(B) an identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by subsections (b) and (c).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(B) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under subparagraph (A) may be used to carry out this subsection.

(b) STATE MEAT INSPECTION PROGRAMS.—

(1) IN GENERAL.—Title III of the Federal Meat Inspection Act (21 U.S.C. 661 et seq.) is amended to read as follows:

"TITLE III—STATE MEAT INSPECTION PROGRAMS

"SEC. 301. POLICY AND FINDINGS.

"(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

"(b) FINDINGS.—Congress finds that—

"(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

"(2) under such a system, State and Federal meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

"(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

"SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

"(A) implement a State meat inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those titles); and

"(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

"(2) ADDITIONAL REQUIREMENTS.—

"(A) IN GENERAL.—In addition to the requirements described in paragraph (1), a State meat inspection program reviewed in accordance with section 11103(a) of the Farm, Nutrition, and Bioenergy Act of 2007 shall implement, not later than 180 days after the date on which the report is submitted under subsection (b) of such section, all recommendations from the review, in a manner approved by the Secretary.

"(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

"(i) REVIEW REQUIREMENT.—Not later than one year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a review of the new State meat inspection program, which shall include—

"(I) a determination of the effectiveness of the new State meat inspection program; and

"(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

"(ii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements described in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

"(iii) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term 'new State meat inspection program' means a State meat inspection program that is not approved in accordance with subsection (a) between the effective date of the Farm, Nutrition, and Bioenergy Act of 2007 and the date that is one year after the effective date of such Act.

"(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that—

"(1) establishes the terms governing the relationship between the Secretary and the State meat inspection program;

"(2) provides that the State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those titles);

"(3) provides that State-inspected and passed meat and meat food products shall be marked with a mark of State inspection, which shall be deemed to be an official mark, in accordance with requirements issued by the Secretary;

"(4) provides that the State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program;

"(5) provides that the Secretary shall have authority—

"(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

"(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspection program to determine compliance with this Act (including the regulations issued under this Act); and

"(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act); and

"(6) includes such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

"(d) RESTRICTION ON ESTABLISHMENT SIZE.—After the date that is 90 days after the effective date of the Farm, Nutrition, and Bioenergy Act of 2007, establishments with more than 50 employees may not be accepted into a State meat inspection program. Any establishment that is subject to state inspection on such date, may remain subject to State inspection.

"(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse a State for not more than 50 percent of the State's costs of meeting the Federal requirements for the State meat inspection program.

"(f) SAMPLING.—A duly authorized representative of the Secretary shall be afforded access to State inspected establishments to take reasonable samples of the inventory of such establishments upon payment of the fair market value therefor.

"(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

"SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

"(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

"(b) SUSPENSION AND REVOCATION.—

"(1) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c).

"(2) PROCEDURES FOR REINSTATEMENT.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 302(b)(2)(B).

"(c) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish notice of the revocation or temporary suspension under that subsection in the Federal Register.

"(d) INSPECTION OF ESTABLISHMENTS.—Not later than 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

"SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

"Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements) and the cooperative agreement with respect to the establishment.

"SEC. 305. ANNUAL REVIEW.

"(a) IN GENERAL.—The Secretary shall develop and implement a process to annually review each State meat inspection program approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement entered into with the State under section 302(c).

"(b) COMMENT FROM INTERESTED PARTIES.—In developing the review process described in subsection (a), the Secretary shall solicit comment from interested parties.

"SEC. 306. FEDERAL INSPECTION OPTION.

"(a) IN GENERAL.—An establishment that operates in a State with an approved State meat inspection program may apply for inspection under the State meat inspection program or for Federal inspection.

"(b) LIMITATION.—An establishment shall not make an application under subsection (a) more than once every four years.".

(2) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(A) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(B) by inserting after section 410 (21 U.S.C. 680) the following:

"SEC. 411. RESTAURANTS AND RETAIL STORES.

"(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, as determined by the Secretary, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

"(b) CENTRAL KITCHEN FACILITIES.—

"(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducte at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

"(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

"SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

"Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

"The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act.".

(c) STATE POULTRY INSPECTION PROGRAMS.—

(1) IN GENERAL.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by striking section 5 and inserting the following:

"SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

"(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

"(b) FINDINGS.—Congress finds that—

"(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

"(2) under such a system, State and Federal poultry inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

"(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

"(c) APPROVAL OF STATE POULTRY INSPECTION PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State poultry inspection program and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 5A.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

"(i) implement a State poultry inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those sections); and

"(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

"(B) ADDITIONAL REQUIREMENTS.—

"(i) IN GENERAL.—In addition to the requirements described in subparagraph (A), a State poultry inspection program reviewed in accordance with section 11103(a) of the Farm, Nutrition, and Bioenergy Act of 2007 shall implement, not later 180 days after the date on which the report is submitted under subsection (b) of such section, all recommendations from the review, in a manner approved by the Secretary.

"(ii) REVIEW OF NEW STATE POULTRY INSPECTION PROGRAMS.—

"(I) REVIEW REQUIREMENT.—Not later than one year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a review of the new State poultry inspection program, which shall include—

"(aa) a determination of the effectiveness of the new State poultry inspection program; and

"(bb) identification of changes necessary to ensure enforcement of Federal inspection requirements.

"(II) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements described in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accordance with this clause, in a manner approved by the Secretary.

"(III) DEFINITION OF NEW STATE POULTRY INSPECTION PROGRAM.—In this clause, the term 'new State poultry inspection program' means a State poultry inspection program that is not approved in accordance with paragraph (1) between the effective date of the Farm, Nutrition, and Bioenergy Act of 2007 and the date that is one year after the effective date of such Act.

"(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that—

"(A) establishes the terms governing the relationship between the Secretary and the State poultry inspection program;

"(B) provides that the State will adopt (including adoption by reference) provisions identical to sections 1 through 4 and 6 through 33 (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those sections);

"(C) provides that State-inspected and passed poultry products may be marked with the mark of State inspection, which shall be deemed to be an official mark, in accordance with requirements issued by the Secretary;

"(D) provides that the State will comply with all labeling requirements issued by the Secretary governing poultry products inspected under the State poultry inspection program;

"(E) provides that the Secretary shall have authority—

"(i) to detain and seize poultry and poultry products under the State poultry inspection program;

"(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including the regulations issued under this Act); and

"(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act); and

"(F) includes such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

"(4) RESTRICTION ON ESTABLISHMENT SIZE.—After the date that is 90 days after the effective date of the Farm, Nutrition, and Bioenergy Act of 2007, establishments with more than 50 employees may not be accepted into a State meat inspection program. Any establishment that is subject to state inspection on such date may remain subject to state inspection.

"(5) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse a State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

"(6) SAMPLING.—A duly authorized representative of the Secretary shall be afforded access to State inspected establishments to take reasonable samples of their inventory upon payment of the fair market value therefor.

"(7) NONCOMPLIANCE.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

"(d) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary shall develop and implement a process to annually review each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

"(2) COMMENT FROM INTERESTED PARTIES.—In developing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

"(e) FEDERAL INSPECTION OPTION.—

"(1) IN GENERAL.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

"(2) LIMITATION.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

"SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

"(a) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

"(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 5(c)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

"(2) SUSPENSION AND REVOCATION.—

"(A) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement.

"(B) PROCEDURES FOR REINSTATEMENT.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(c)(2)(B)(ii).

"(3) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State poultry inspection program in accordance with paragraph (2), the Secretary shall publish notice of the revocation or temporary suspension under that paragraph in the Federal Register.

"(4) INSPECTION OF ESTABLISHMENTS.—Not later than 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

"(b) EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED OFFICIAL ESTABLISHMENTS.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 5(c)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements) and the cooperative agreement with respect to the official establishment.".

(2) RESTAURANTS AND RETAIL STORES, ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

"SEC. 31. RESTAURANTS AND RETAIL STORES.

"(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in

normal retail quantities or for service of the articles to consumers at such an establishment.

"(b) CENTRAL KITCHEN FACILITIES.—

"(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares poultry products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person that owns or operates the facility.

"(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 11(b) and may be subject to the inspection requirements of this Act for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the poultry products of the facility are rendered adulterated.

"SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.

"Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

"The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act".

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by subsections (b) and (c).

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this Act shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 11104. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v) by striking "and";

(B) in clause (vi), by striking "peanuts." and inserting "peanuts; and"; and

(C) by adding at the end the following new clause:

"(vii) meat produced from goats.";

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, AND GOAT.—

"(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

"(i) exclusively born, raised, and slaughtered in the United States; or

"(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States.

"(B) MULTIPLE COUNTRIES OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is—

"(i) not exclusively born, raised, and slaughtered in the United States,

"(ii) born, raised, or slaughtered in the United States, and

"(iii) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

"(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is imported into the United States for immediate slaughter must designate the origin of such covered commodity as—

"(i) the country from which the animal was imported; and

"(ii) the United States.

"(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is not born, raised, or slaughtered in the United States must designate a country other than the United States as the country of origin of such commodity.

"(E) GROUND BEEF, PORK, AND LAMB.—The notice of country of origin for ground beef, ground pork, or ground lamb shall include—

"(i) a list of all countries of origin of such ground beef, ground pork, or ground lamb; or

"(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, or ground lamb.

"(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

"(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

"(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

"(ii) in the case of wild fish, is—

"(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

"(II) processed in the United States, a territory of the United States, or a State, including the waters thereof.

"(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

"(4) DESIGNATION OF PERISHABLE AGRICULTURAL COMMODITIES AND PEANUTS.—A retailer of a covered commodity that is a perishable agricultural commodity or peanut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States."; and

(B) by striking subsection (d) and inserting the following:

"(d) AUDIT VERIFICATION SYSTEM.—

"(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

"(2) RECORD REQUIREMENTS.—

"(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

"(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.";

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) subsection (a);

(C) in subsection (a) (as so redesignated), by striking "retailer" and inserting "retailer or person engaged in the business of supplying a covered commodity to a retailer"; and

(D) by adding at the end the following new subsection:

"(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

"(1) not made a good faith effort to comply with section 282, and

"(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation."; and

(4) in section 285—

(A) by striking "This subtitle" and inserting "(a) IN GENERAL.—Subject to subsection (b), this subtitle"; and

(B) by adding at the end the following new subsection:

"(b) ANIMALS IN THE UNITED STATES ON JANUARY 1, 2008.—Notwithstanding subsection (a), this subtitle shall not apply to a covered commodity that is derived from an animal that is in the United States on January 1, 2008.".

SEC. 11105. SENSE OF CONGRESS REGARDING STATE INSPECTED MEAT AND POULTRY PRODUCTS.

It is the sense of Congress that—

(1) the food supply in the United States continues to be the safest in the world;

(2) State inspected meat and poultry products are safe and wholesome, and should be available to consumers nationwide to increase the economic viability of small establishments and allow States to broadly market their products; and

(3) the Federal and State meat and poultry inspection systems should function seamlessly to ensure food safety and inspire consumer confidence in the food supply.

SEC. 11106. SENSE OF CONGRESS REGARDING THE VOLUNTARY CONTROL PROGRAM FOR LOW PATHOGENIC AVIAN INFLUENZA.

It is the sense of Congress that—

(1) the voluntary control program for low pathogenic avian influenza is a critical component of the animal health protection system of the United States, as well as a safeguard against highly pathogenic avian influenza; and

(2) the Secretary of Agriculture has appropriately provided for the payment of compensation to owners of poultry and cooperating State agencies of 100 percent of eligible costs, and the Secretary should continue to provide such payments at 100 percent of such costs.

SEC. 11107. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the secretary should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

Subtitle C—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 11201. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND LIMITED RESOURCE FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following new paragraph:

"(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used—

"(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

"(B) to assist the Secretary in—

"(i) reaching socially disadvantaged or limited resource farmers and ranchers and prospective socially disadvantaged or limited resource farmers and ranchers in an appropriate manner; and

"(ii) improving the participation of those farmers and rancher in Department programs, as determined under section 2501A.";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "entity to provide information" and inserting "entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach"; and

(ii) by adding at the end the following new subparagraphs:

"(D) ADDITIONAL CONTRACTING AUTHORITY.—

"(i) IN GENERAL.—Any agency of the Department of Agriculture may make grants and enter into contracts and cooperative agreements with a community-based organization that meets the definition of an eligible entity under subsection (e) in order to utilize the community-based organization to provide outreach and technical assistance.

"(ii) MATCHING FUNDS.- As a condition of any grant made, or any contract or any cooperative agreement entered into under this subparagraph, the Secretary shall require the eligible entity to match not less than 25 percent of the total amount of the funds provided by the grant, contract, or cooperative agreement.

"(E) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available, an annual report that includes a list of the following:

"(i) The recipients of funds made available under the program.

"(ii) The activities undertaken and services provided.

"(iii) The number of producers served and outcomes of such service.

"(iv) The problems and barriers identified by entities in trying to increase participation by socially disadvantaged farmers and ranchers."; and

(C) in paragraph (4)—

(i) by striking subparagraph (A), and inserting the following new subparagraph:

"(A) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.";

(ii) in subparagraph (B), by striking "authorized to be appropriated under subparagraph (A)" and inserting "made available under subparagraph (A)"; and

(iii) by adding at the end the following new subparagraph:

"(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section."; and

(2) in subsection (e)(5)(A)(ii)—

(A) by inserting "and on behalf of" before "socially"; and

(B) by striking "2-year" and inserting "3-year".

(b) COORDINATION WITH OUTREACH.—

(1) IN GENERAL.—Not more than 18 months after the date of enactment of this Act, the Secretary shall develop a plan to join and relocate—

(A) the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(B) the Office of Outreach of the Department of Agriculture.

(2) REPORT.—After the relocation described in this subsection is completed, the Secretary shall submit to Congress a report that include information describing the new location of the program.

SEC. 11202. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence, by striking "where there is a demonstrated demand for service" after "offices"; and

(2) by striking the second sentence.

SEC. 11203. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

"(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

"(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

"(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

"(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

"(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

"(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

"(A) the entire United States;

"(B) each State; and

"(C) each county in each State.

"(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

"(d) LIMITATIONS ON USE OF DATA.—

"(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

"(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

"(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.".

SEC. 11204. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following new subsection:

"(h) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.".

SEC. 11205. PROVISION OF RECEIPT FOR SERVICE OR DENIAL OF SERVICE.

In any case in which a producer or landowner, or prospective producer or landowner, requests from the Department of Agriculture any benefit or service offered by the Department to agricultural producers or landowners, the Secretary of Agriculture shall provide for the issuance, on the date on which the producer or landowner, or prospective producer or landowner, makes the request, a receipt containing—

(1) the date, place, and subject of the request; and

(2) the action taken, not taken, or recommendations made in response to the request.

SEC. 11206. TRACKING OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND LIMITED RESOURCE FARMERS AND RANCHERS IN CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers and ranchers and limited resource farmers and ranchers in agricultural production.

SEC. 11207. FARMWORKER COORDINATOR.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the position of Farmworker Coordinator (in this section referred to as the "Coordinator"), which shall be located in the Office of Outreach of the Department of Agriculture.

(b) DUTIES.—The Secretary may delegate to the Coordinator responsibility for any or all of the following:

(1) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

(2) Serving as a liaison to community-based non-profit organizations that represent, and have demonstrated experience serving, low-income migrant and seasonal farmworkers.

(3) Coordinating with the Department of Agriculture and State and local governments to assure that farmworker needs are assessed and met during declared disasters and other emergencies.

(4) Consulting with the Office of Small Farm Coordination, Office of Outreach, Outreach Coordinators, and other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

(5) Consulting with Hispanic-serving institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

(5) Assuring that farmworkers have access to services and support to enter agriculture as producers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 11208. OFFICE OF OUTREACH RELOCATION.

(a) RELOCATION PROPOSAL.—Not more than 18 months after the date of enactment of the Act, the Secretary shall develop a proposal to relocate the Office of Outreach of the Department of Agriculture.

(b) ADMINISTRATION.—The Office of Outreach shall be responsible for the administration of—

(1) the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(2) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

SEC. 11209. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the "Advisory Committee on Minority Farmers" (in this section referred to as the "Committee"), which shall be overseen by the Office of Outreach of the Department of Agriculture.

(b) DUTIES.—The Committee shall—

(1) review all civil rights cases to ensure that they are processed in a timely manner;

(2) ensure that the processing of civil rights cases complies with applicable laws;

(3) report quarterly to the Secretary of Agriculture on civil rights enforcement and outreach;

(4) monitor and annually report to Congress on compliance with all civil rights and related laws by all agencies and under all programs of the Department;

(5) recommend to the Secretary corrective actions to prevent civil rights violations; and

(6) review the operations of the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).

(c) MEMBERSHIP OF COMMITTEE.—The Committee shall be composed of the following:

(1) Three members appointed by the Secretary.

(2) Two members appointed by the chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of the Committee.

(3) Two members appointed by the chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of the Committee.

(4) A civil rights professional.

(5) A socially disadvantaged farmer or rancher.

(6) Such other persons or professionals as determined by the Secretary to be appropriate.

SEC. 11210. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the "Coordinator"), to be located in the Office of Outreach of the Department of Agriculture.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

Subtitle D—Other Miscellaneous Provisions

SEC. 11301. DESIGNATION OF SEPARATE COTTON-PRODUCING STATES UNDER COTTON RESEARCH AND PROMOTION ACT.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida shall each be deemed to be a separate cotton-producing State for the purposes of this Act.".

SEC. 11302. COTTON CLASSIFICATION SERVICES.

(a) EXTENSION.—The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the Cotton Statistics and Estimates Act; 7 U.S.C. 473a), is amended by striking "2007" and inserting "2012".

(b) ESTABLISHMENT OF OFFICES.—The second sentence of section 3a of the Act of March 3, 1927, is amended in the proviso—

(1) by striking "and" at the end of clause (6);

(2) by striking the period at the end of clause (7) and inserting "; and"; and

(3) by adding at the end the following new clause: "(8) the Secretary may enter into long-term lease agreements that exceed five years or may take title to property, including through purchase agreements, for the purposes of obtaining offices to be used for the classification of cotton in accordance with this Act if the Secretary determines such action would best effectuate the purposes of this Act.".

SEC. 11303. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

The Secretary of Agriculture may make available to any city or town located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act) excess or surplus computers or other technical equipment of the Department of Agriculture.

SEC. 11304. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

The Secretary of Agriculture is hereby granted the authority to permanently debar an individual, organization, corporation, or other entity convicted of knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

SEC. 11305. NO DISCRIMINATION AGAINST USE OF REGISTERED PESTICIDE PRODUCTS OR CLASSES OF PESTICIDE PRODUCTS.

In establishing priorities and evaluation criteria for the approval of plans, contracts, and agreements under title II, the Secretary of Agriculture shall not discriminate against the use of specific registered pesticide products or classes of pesticide products.

SEC. 11306. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY, RURAL DEVELOPMENT AGENCY, AND NATURAL RESOURCES CONSERVATION SERVICE.

Until the date that is one year after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency, Rural Development Agency, or Natural Resources Conservation Service of the Department of Agriculture.

SEC. 11308. REGULATION OF EXPORTS OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, AND NOXIOUS WEEDS.

(a) IN GENERAL.—Subtitle A of title IV of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7701 et seq. is amended by adding at the end the following new section:

"SEC. 420. REGULATION OF EXPORTS OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, AND NOXIOUS WEEDS.

"(a) IN GENERAL.—The Secretary may regulate plants, plant products, biological control organisms, and noxious weeds for export purposes.

"(b) DUTIES.—The Secretary shall—

"(1) coordinate fruit and vegetable market analyses with the private sector and the Administrator of Foreign Agricultural Service; and

"(2) make publicly available on an Internet website—

"(A) the status of all export petitions;

"(B) to the greatest extent possible, an explanation of the sanitary or phytosanitary issues associated with teach pending export petition; and

"(C) to the greatest extent possible, information on the import requirements of foreign countries for fruits and vegetables.

"(c) REGULATIONS.—The Secretary may issue regulations to implement this section.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of such Act (7 U.S.C. 1501 note) is amended by inserting after the item relating to section 419 the following new item:

"Sec. 420. Regulation of exports of plants, plant products, biological control organisms, and noxious weeds.".

SEC. 11309. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) GRANT AUTHORITY.—The Secretary of Agriculture may make a grant to an eligible entity to enable the entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a substance which will reduce the amount of methamphetamine which can be produced from any anhydrous ammonia removed from the tank.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a producer of agricultural commodities;

(B) a cooperative association a majority of the members of which produce or process agricultural commodities, and

(C) a person in the trade or business of—

(i) selling an agricultural product, including an agricultural chemical, at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term "nurse tank" shall have the meaning set forth in section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an entity shall be not less than $40 and not more than $60, multiplied by the number of fertilizer nurse tanks of the entity.

(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Secretary a total of not more than $15,000,000 for fiscal years 2008 through 2012.

SEC. 11310. USDA GRADUATE SCHOOL.

(a) Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended by striking subsections (a) through (k) and inserting the following: "The Department of Agriculture shall not establish, maintain, or otherwise operate a non-appropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, nonprofit organizations, other entities, and members of the general public.".

(b) EFFECTIVE DATE.—The amendment made in subsection (a) apply beginning October 1, 2008.

The text of the adopted amendments is as follows:

AMENDMENT TO H.R. 2419, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

(Consisting of Amendments to Titles IV and IX of the Reported Bill)

[NUTRITION TITLE]

After section 4004 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4005. EXCLUDING COMBAT RELATED PAY FROM COUNTABLE INCOME.

Section (5)(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking "and (18)", and inserting "(18)", and

(2) by inserting before the period at the end the following: "and (19) any additional payment received under Chapter 5 of title 37, United States Code, by (or as an allotment to or transfer from) a member of the United States Armed Forces deployed to a designated combat zone for the duration of the member's deployment to or service in a combat zone if the additional pay was not received immediately prior to serving in that or another combat zone.".

SEC. 4006. INCREASING THE STANDARD DEDUCTION.

Section (5)(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii) by striking "not less than $134" and all that follows through the period at the end, and inserting the following: "not less than $145, $248, $205, and $128, respectively. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30."; and

(2) in subparagraph (B)(ii) by striking "not less than $269." and inserting the following: "not less than $291. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount of the previous fiscal year adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30.".

SEC. 4007. EXCLUDING DEPENDENT CARE EXPENSES.

Section (5)(e)(3)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(3)(A)) is amended by striking ", the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,".

SEC. 4008. ADJUSTING COUNTABLE RESOURCES FOR INFLATION.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking "(g)(1) The Secretary" and inserting the following:

"(g) ALLOWABLE FINANCIAL RESOURCES.—

"(1) TOTAL AMOUNT.—

"(A) IN GENERAL.—The Secretary".

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting "(as adjusted in accordance with subparagraph (B))" after "$2,000"; and

(B) by inserting "(as adjusted in accordance with subparagraph (B))" after "$3,000"; and

(3) by adding at the end the following:

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—Beginning on October 1, 2007, and each October 1 thereafter, the amounts in subparagraph (A) shall be adjusted to the nearest $100 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.".

SEC. 4009. EXCLUDING EDUCATION ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(7) EXCLUSION OF EDUCATION ACCOUNTS FROM COUNTABLE RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

"(B) DISCRETIONARY EXCLUSIONS.—The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.".

SEC. 4010. EXCLUDING RETIREMENT ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)), as amended by section 4009, is amended—

(1) in subsection (g)(2)(B)(v) by striking "or retirement account (including an individual account)" and inserting "account"; and

(2) adding at the end the following:

"(8) EXCLUSION OF RETIREMENT ACCOUNTS FROM COUNTABLE RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a plan, contract, or account as described in section 401(a), 403(a), 403(b), 408, 408A, 457(b), or 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided section 8439 of title 5, United States Code.

"(B) DISCRETIONARY EXCLUSIONS.—

"(i) The Secretary may exclude from financial resources under this subsection any other retirement plans, contracts, or accounts that have been determined to be tax qualified retirement plans, contracts, or accounts, under the Internal Revenue Code of 1986.

"(ii) The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.".

After section 4006 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4014. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking "$10 per month" and inserting "10 percent of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3(o)".

Strike section 4021 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4028. EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended by—

(1) by striking "(a) PURCHASE OF COMMODITIES" and all that follows through 2007' and inserting the following:

"(a) PURCHASE OF COMMODITIES.—

"(1) IN GENERAL.—As provided in paragraph (2), for each of the fiscal years 2008 through 2012";

(2) by striking "$140,000,000 of"; and

(3) by adding at the end the following:

"(2) AMOUNTS.—The following amounts are made available to carry out this subsection:

"(A) for fiscal year 2008, $250,000,000; and

"(B) for each of the fiscal years 2009 through 2012, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(o)(4) between June 30, 2007 and June 30 of the immediately preceding fiscal year.".

[ENERGY TITLE]

Section 9002 of the bill is amended by adding at the end the following new paragraph:

(3) by striking subsection (k)(2)(A) and inserting the following:

"(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $2,000,000 for each of fiscal years 2008 through 2012 for bio-product testing and support ongoing operations of the Designation Program, the Voluntary Labeling Program, procurement program models, procurement research, promotion, education, and awareness of the BioPreferred Program.".

Section 9003(3) of the bill is amended by striking "subsections (d) through (h) as subsections (e) through (i), respectively" and inserting "subsection (h) as subsection (j) and subsections (d) through (g) as subsections (e) through (h), respectively,".

Section 9003 of the bill is amended by striking paragraph (5) and adding at the end the following new paragraphs:

(5) by inserting after subsection (h) the following new subsection:

"(i) CONDITION OF PROVISION OF ASSISTANCE.—As a condition of receiving a grant or loan guarantee under this section, the eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with section 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176; 64 Stat. 1267) and section 3145 of such title.";

(6) in subsection (j) (as so redesignated), by striking "2007" and inserting "2012"; and

(7) by adding at the end the following new subsection:

"(k) ADDITIONAL FUNDING FOR LOAN GUARANTEES.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(1) $75,000,000 for fiscal year 2008;

"(2) $100,000,000 for fiscal year 2009;

"(3) $125,000,000 for fiscal year 2010;

"(4) $200,000,000 for fiscal year 2011; and

"(5) $300,000,000 for fiscal year 2012.".

Section 9005(5) of the bill is amended by striking "redesignating subsections (e) and (f) as subsections (g) and (h), respectively" and inserting "redesignating subsection (e) as subsection (g) and striking subsection (f)".

Section 9005 of the bill is amended by adding at the end the following new paragraph:

(7) by adding at the end the following new subsection:

"(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

"(1) **$50,000,000** for fiscal year 2008;

"(2) **$75,000,000** for fiscal year 2009;

"(3) **$100,000,000** for fiscal year 2010;

"(4) **$125,000,000** for fiscal year 2011; and

"(5) **$150,000,000** for fiscal year 2012.".

Section 9007 of the bill is amended by adding at the end the following new paragraph:

(3) by striking subsection (c) and inserting the following:

"(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section—

"(1) **$225,000,000** for fiscal year 2008;

"(2) **$250,000,000** for fiscal year 2009;

"(3) **$275,000,000** for fiscal year 2010;

"(4) **$300,000,000** for fiscal year 2011; and

"(5) **$350,000,000** for fiscal year 2012.".

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as added by section 9006 of the bill, is amended to read as follows:

"(j) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

"(A) **$35,000,000** for fiscal year 2008;

"(B) **$60,000,000** for fiscal year 2009;

"(C) **$75,000,000** for fiscal year 2010;

"(D) **$100,000,000** for fiscal year 2011; and

"(E) **$150,000,000** for fiscal year 2012.

"(2) ADDITIONAL FUNDING.—In addition to amounts transferred under paragraph (1), there are authorized to be appropriated to carry out this section **$200,000,000** for each of fiscal years 2006 through 2015.".

At the end of title IX of the bill, add the following new sections:

SEC. 9018. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended to read as follows:

"(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section **$2,000,000** for each of fiscal years 2008 through 2012.".

SEC. 9019. BIOMASS ENERGY RESERVE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following new section:

"SEC. 9017. BIOMASS ENERGY RESERVE.

"(a) PURPOSE.—The purpose of this section is to establish a biomass energy reserve—

"(1) to encourage production of dedicated energy crops in a sustainable manner that protects the soil, air, water, and wildlife of the United States; and

"(2) to provide financial and technical assistance to owners and operators of eligible cropland to produce dedicated energy crops and crop mixes of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the crop for—

"(A) bioenergy;

"(B) power or heat generation to supplement or replace nonbiobased energy sources; or

"(C) biobased products to supplement or replace non biobased products;

"(3) to establish biomass energy reserve project areas; and

"(4) to provide financial and technical assistance to owners and operators for harvesting, storing, and transporting cellulosic material.

"(b) DEFINITIONS.— In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) BER.—The term 'BER' means the biomass energy reserve established under this section.

"(3) BER PROJECT AREA.—The term 'BER project area' means an area that—

"(A) has eligible cropland that—

"(i) is owned or operated by eligible participants; and

"(ii) has specified boundaries that are submitted to the Secretary by eligible participants and subsequently approved by the Secretary; and

"(B) is physically located within a 50-mile radius of a bioenergy facility.

"(4) CONSERVATION RESERVE PROGRAM.—The term 'conservation reserve program' means the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(5) CONTRACT ACREAGE.—The term 'contract acreage' means eligible cropland that is covered by a BER contract entered into with the Secretary.

"(6) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a collective group of owners and operators producing or proposing to produce eligible dedicated energy crops;

"(B) an energy or agricultural company or refinery; and

"(C) an Agricultural Innovation Center established pursuant to section 6402 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 426; 7 U.S.C. 1621 note).

"(7) ELIGIBLE CROPLAND.—

"(A) IN GENERAL.—The term 'eligible cropland' means land that the applicable county committee of the Farm Service Agency determines—

"(i) is currently being tilled for the production of a crop for harvest; or

"(ii) is not currently being tilled but has been tilled in a prior crop year and is suitable for production of an eligible dedicated energy crop.

"(B) EXCLUSIONS.—The term 'eligible cropland' does not include—

"(i) Federally-owned land;

"(ii) land enrolled in—

"(I) the conservation reserve program;

"(II) the grassland reserve program; or

"(III) the wetlands reserve program; and

"(iii) land with greater than 50 percent cover of native nonwoody vegetation or forest land, as of the date of enactment of this section.

"(8) ELIGIBLE DEDICATED ENERGY CROP.—

"(A) IN GENERAL.—The term 'eligible dedicated energy crop' means any crop native to the United States, or another crop, as determined by the Secretary, grown specifically to provide raw materials for—

"(i) conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

"(ii) energy generation through combustion, pyrolysis, gasification, cofiring, or other technologies, as determined by the Secretary.

"(B) EXCLUSIONS.—The term 'eligible dedicated energy crop' does not include—

"(i) any crop that is eligible for payments under title I or a successor title; or

"(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

"(9) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means an owner or operator of contract acreage that is physically located within a BER project area .

"(10) FEDERALLY-OWNED LAND.—The term 'Federally-owned land' means land owned by—

"(A) the Federal Government (including any department, instrumentality, bureau, or agency of the Federal Government); or

"(B) any corporation whose stock is wholly owned by the Federal Government.

"(11) FOREST LAND.—The term 'forest land' means an ecosystem that is at least 1 acre in size (including timberland and woodland) and that (as determined by the Secretary)—

"(A) is characterized by dense and extensive tree cover;

"(B) contains, or once contained, at least 10 percent tree crown cover; and

"(C) is not developed and planned for exclusive nonforest resource use.

"(12) GRASSLAND RESERVE PROGRAM.—The term 'grassland reserve program' means the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

"(13) OPERATOR.—The term 'operator' means an individual, entity, or joint operation that is in control of the farming operations on a farm during the applicable crop year.

"(14) OWNER.—

"(A) IN GENERAL.—The term 'owner' means a person that has legal ownership of eligible cropland.

"(B) INCLUSION.—The term 'owner' includes—

"(i) a person that is buying eligible cropland under a contract for deed; and

"(ii) a person that has a life estate in eligible cropland.

"(15) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

"(A) an Agricultural Innovation Center established pursuant to section 6402 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 426; 7 U.S.C. 1621 note) with significant experience in the field of renewable energy, as determined by the Secretary; or

"(B) in a region not served by a center referred to in subparagraph (A)—

"(i) an entity with significant experience in the field of renewable energy that is geographically located in such region, as determined by the Secretary; or

"(ii) an accredited college or university with experience providing technical assistance in the field of renewable energy that is geographically located in such region, as determined by the Secretary.

"(16) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(17) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' means a farmer or rancher who is a member of a socially disadvantaged group (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))).

"(18) WETLANDS RESERVE PROGRAM.—The term 'wetlands reserve program' means the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.).

"(c) ESTABLISHMENT.— Not later than 90 days after the date of enactment of this section, the Secretary shall establish a biomass energy reserve in accordance with this section. The Secretary shall ensure the purposes in subsection (a) are met by including in the reserve projects that include a variety of harvest and post-harvest practices, including stubble height, unharvested strips (including strips for wildlife habitat), and varying harvest dates and a variety of monoculture and polyculture crop mixes, as appropriate, by project area.

"(d) PROPOSALS FOR BER PROJECT AREAS.—

"(1) SELECTION OF QUALIFIED ORGANIZATIONS.—

"(A) IN GENERAL.—The Secretary shall select not more than 10 qualified organizations to assist—

"(i) eligible applicants in submitting proposals under paragraph (2); and

"(ii) the Secretary in selecting BER project areas.

"(B) REGION.—The Secretary shall select not more than 1 qualified organization to assist eligible applicants and the Secretary in any particular region of the United States, as determined by the Secretary.

"(C) FUNDING.—The Secretary shall provide each qualified organization selected under paragraph (1) not more than $300,000 to carry out this paragraph.

"(2) CONSULTATION WITH QUALIFIED ORGANIZATION.—An eligible applicant may consult with and submit to a qualified organization a written proposal that—

"(A) identifies the eligible cropland that will be a part of the proposed BER project area; and

"(B) indicates a strong likelihood that the proposed BER project area will generate a sufficient quantity of biomass from eligible dedicated energy crops and acres or other sources to supply an existing bioenergy facility.

"(3) MINIMUM REQUIREMENTS.—The written proposal for a proposed BER project area shall include—

"(A) a description of the eligible cropland of each eligible participant that will participate in the proposed BER project area, including—

"(i) the quantity of eligible cropland of each eligible participant;

"(ii) the physical location of the eligible cropland;

"(iii) the 1 or more eligible dedicated energy crops that will be produced on the eligible cropland; and

"(iv) the type of land use or crop that will be displaced by the eligible dedicated energy crop;

"(B)(i) the name, if available, and type, location, and description of the bioenergy facility that will use the eligible dedicated energy crops to be produced in the proposed BER project area; and

"(ii) a letter of commitment from a bioenergy facility that the facility will use the eligible dedicated energy crops intended to be produced in the proposed BER project area;

"(C) a general analysis of the anticipated local economic impact of the proposed BER project; and

"(D) any additional information needed to determine the eligibility for, and ranking of, the proposal, as determined by the Secretary.

"(4) INDIVIDUAL OWNERS AND OPERATORS.—A project area proposal may not submit an individual proposal to participate in the BER.

"(5) ELIGIBILITY CRITERIA FOR BER PROJECT AREAS.—The Secretary shall establish a system for ranking BER project areas based on the following criteria:

"(A) The probability that the eligible dedicated energy crops proposed to be produced in the proposed BER project area will be used for the purposes of the BER.

"(B) The inclusion of adequate potential feedstocks and suitable placement with respect to the bioenergy facility.

"(C) The potential for a positive economic impact in the proposed BER project area.

"(D) The availability of the ownership of the bioenergy facility in the proposed BER project area to producers and local investors.

"(E) The participation rate by beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

"(F) The potential to improve soil conservation and water quality, and enhance wildlife habitat, when compared to existing land uses.

"(G) The variety of agronomic conditions the proposed eligible dedicated energy crops will be grown within a project area.

"(H) The variety of harvest and post harvest practices, including stubble height, unharvested strips (including strips for wildlife habitat), and varying harvest dates.

"(I) The variety of monoculture and polyculture crop mixes, as appropriate, by project area.

"(6) SELECTION OF PROJECTS.—

"(A) RANKING; SUBMISSION TO SECRETARY.—Each qualified organization selected by the Secretary under paragraph (1) shall rank proposals submitted to such qualified organization under paragraph (2) using the system for ranking established by the Secretary under paragraph (6) and shall submit to the Secretary up to five of the highest ranked applications.

"(B) SECRETARY SELECTION.—The Secretary shall authorize not less than one proposal submitted to the Secretary from each qualified organization under subparagraph (A).

"(e) FOREST BIOMASS PLANNING GRANTS.—

"(1) IN GENERAL.—The Secretary shall provide forest biomass planning assistance grants to private landowners to develop forest stewardship plans that involve sustainable management of biomass from forest land of the private landowners that will preserve diversity, soil, water, or wildlife values of the land, while ensuring a steady supply of biomass material, through—

"(A) State forestry agencies, in consultation with State wildlife agencies; and

"(B) technical service provider arrangements with third-parties.

"(2) LIMITATION.—The total amount of funds used to carry out this subsection shall not exceed $5,000,000.

"(f) DURATION OF CONTRACT.—

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of carrying out the BER, the Secretary shall enter into contracts of 5 years.

"(2) EARLY TERMINATION.—The Secretary may terminate a contract early if the Secretary determines that—

"(A) contract acreage will not be used to produce an eligible dedicated energy crop;

"(B) a material breach of the contract has occurred;

"(C) the owner or operator has died; or

"(D) continuation of the contract will cause undue economic hardship.

"(g) CONTRACT ACREAGE REQUIREMENTS.—

"(1) IN GENERAL.—On approval of a BER project area by the Secretary, each eligible participant in the BER project area shall enter into a contract with the Secretary that is consistent with the BER.

"(2) ADDITIONAL ELIGIBLE PARTICIPANTS.—The Secretary may add eligible participants to a BER project area after approval of the BER project area.

"(3) CONSERVATION PRACTICES.—To ensure the sustainability of farm operations and the protection of soil, air, water and wildlife, the Secretary shall include such terms and conditions in a contract entered into under paragraph (1) as the Secretary considers necessary.

"(4) PURPOSES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible to participate in the BER, an eligible participant may use eligible dedicated energy crops produced on contract acreage only for the purposes described in subsection (a).

"(B) PERSONAL USE.—During the period before the commercial viability of a bioenergy facility, an eligible participant may use eligible dedicated energy crops produced by the eligible participant on contract acreage for personal use.

"(C) SEED PRODUCTION.—During the period before the commercial viability of a bioenergy facility, an eligible participant may harvest and sell seed produced on contract acreage.

"(5) REQUIREMENTS.—To be eligible to participate in the BER, during the term of the BER contract, an eligible participant shall comply with—

"(A) the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

"(B) the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

"(h) ADDITIONAL ELIGIBLE BIOMASS.—

"(1) IN GENERAL.—The Secretary may allow on land that is enrolled in the conservation reserve program and located within the BER project area the harvesting of biomass—

"(A) in exchange for a reduction of an applicable annual payment in an amount to be determined by the Secretary;

"(B) in accordance with an approved conservation reserve program plan, including mid-contract management and forestry maintenance activities; and

"(C) in a manner that ensures that biomass harvest activities occur outside the official nesting and brood rearing season for those plans.

"(i) DUTIES OF SECRETARY.—The Secretary shall—

"(1) establish and administer the BER;

"(2) authorize establishment of BER project areas for the purposes of the BER described in subsection (a);

"(3) develop procedures—

"(A) to monitor the compliance of eligible participants that have land enrolled in the BER with the requirements of the BER;

"(B) to measure the performance of the BER; and

"(C) to demonstrate whether the long-term eligible dedicated energy crop production goals are being achieved.

"(4) enter into a written contract with each eligible participant that elects to participate in the BER in a BER project area;

"(5) not enter into a contract under the BER with an individual owner or operator unless the land of the eligible participant is physically located in an approved BER project area; and

"(6) provide all payments under the contract directly to the eligible participant.

"(j) CONTRACTS.—A contract entered into between the Secretary and an eligible participant under the BER shall include, at a minimum, terms that cover—

"(1) requirements for the eligible participant in carrying out the contract, including requirements described in subsections (f), (g), and (l);

"(2) termination provisions;

"(3) payment terms and amounts to be provided on an annual basis;

"(4) the sales or transfer of contract acreage;

"(5) the modification of the contract;

"(6) the maximum quantity of contract acreage and an estimated schedule for how much eligible cropland will be enrolled each contract year; and

"(7) any additional terms the Secretary considers appropriate.

"(k) PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall provide payments directly to eligible participants who enter into contracts described in subsection (j) in accordance with such subsection.

"(2) ESTABLISHMENT PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall provide to an eligible participant who enters into a BER contract an establishment payment in an amount equal to the costs of establishing an eligible dedicated energy crop on the contract acreage covered by the contract.

"(B) ELIGIBLE ESTABLISHMENT PAYMENTS.—The costs for which an eligible owner may receive an establishment payment under this paragraph include—

"(i) the cost of seeds and stock; and

"(ii) the cost of planting the crop.

"(3) RENTAL PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall make annual rental payments to an eligible participant who enters into a BER contract.

"(B) PERIOD.—An eligible participant shall receive rental payments for a period of not more than 5 years after entering into a BER contract with the Secretary on contract acreage.

"(C) REDUCTION.—The Secretary shall reduce rental payments under (A) by an amount determined to be appropriate by the Secretary, if an eligible dedicated energy crop is harvested in accordance with subsection (g)(4).

"(l) INFORMATION SHARING.—

"(1) IN GENERAL.—Owners and operators of a farm entering into a contract with the Secretary under this section shall agree to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of bioenergy crops and the development of biorefinery technology; and

"(2) BEST PRACTICES DATABASE.—Subject to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), the Secretary shall make available to the public in a database format the best practices information developed by the Secretary in providing bioenergy assistance under this section.

"(m) PAYMENTS FOR COLLECTING, HARVESTING, STORING, AND TRANSPORTING BIOMASS PRODUCED ON BER CONTRACT ACREAGE, AGRICULTURAL WASTE BIOMASS, AND SUSTAINABLY-HARVESTED AGRICULTURAL AND FOREST RESIDUES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may provide matching payments at a rate of $1 for every $1 per ton provided by the bioenergy facility, in an amount equal to not more than $45 per ton for a period of two years—

"(A) to eligible participants for biomass produced on BER contract acreage in exchange for a reduction of the annual payment issued under subsection (k)(3), as determined by the Secretary;

"(B) to any producer of agricultural waste biomass or sustainably-harvested agricultural and forest residues in the United States for the agricultural waste or residue; and

"(C) for residue collected as a result of the removal of noxious and invasive species, in accordance with methods approved by the Secretary.

"(2) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if such owners are acting pursuant to a forest stewardship plan.

"(n) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 9020. FOREST BIOMASS FOR ENERGY.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

"SEC. 9018. FOREST BIOMASS FOR ENERGY.

"(a) IN GENERAL.—The Secretary of Agriculture, through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

"(b) ELIGIBLE ENTITIES.—Entities eligible to compete under this program include the Forest Service (through Research and Development), other Federal agencies, State and local governments, federally recognized Indian tribes, land grant colleges and universities, and private entities.

"(c) PRIORITY FOR PROJECT SELECTION.—The Secretary shall give priority to projects that—

"(1) develop technology and techniques to use low value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

"(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

"(3) develop new transportation fuels from forest biomass; and

"(4) improve the growth and yield of trees intended for renewable energy production.

"(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.".

At the end of the bill, add the following:

TITLE XII—PREVENTION OF TAX TREATY EXPLOITATION TO EVADE UNITED STATES TAXATION

SEC. 12001. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

"(1) IN GENERAL.—In the case of any deductible related-party payment, the amount of any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment shall not be less than the amount which would be imposed if the payment were made directly to the foreign parent corporation (taking into account any income tax treaty between the United States and the country in which the foreign parent corporation is resident).

"(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

"(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

"(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

"(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

"(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

"(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

"(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

At the end of title XI, add the following new section:

SEC. 1331_. PREVENTION AND INVESTIGATION OF PAYMENT AND FRAUD AND ERROR.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended to read as follows:

"(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—

"(1) DISCLOSURE TO GOVERNMENT AUTHORITIES.—Nothing in this title shall apply to the disclosure by the financial institution of the financial records of any customer to the Department of the Treasury, the Social Security Administration, the Railroad Retirement Board, or any other Government authority that certifies, disburses, or collects payments, when the disclosure of such information is necessary to, and such information is used solely for the purposes of—

"(A) the proper administration of section 1441 of the Internal Revenue Code of 1986 (26 U.S.C. 1441);

"(B) the proper administration of title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(C) the proper administration of the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(D) the verification of the identify of any person in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

"(E) the investigation or recovery of an improper Federal payment or collection of funds, or an improperly negotiated Treasury check.

"(2) LIMITATIONS ON SUBSEQUENT DISCLOSURE.—Notwithstanding any other provision of law, any request authorized by paragraph (1), and the information contained therein, may be used by the financial institution and its agents solely for the purpose of providing the customer's financial records to the Government authority requesting the information and shall be barred from redisclosure by the financial institution or its agents. Any Government authority receiving information pursuant to paragraph (1) may not disclose or use the information except for the purposes set forth in such paragraph.".

[COMMODITY TITLE]

In section 1103(f)(3), strike subparagraph (B) and insert the following new subparagraph:

(B) the final partial payment shall be made the later of the following:

(i) As soon as practicable after the end of the 12-month marketing year for the covered commodity.

(ii) October 1 of the fiscal year starting in the same calendar year as the end of the marketing year.

In section 1104(h)(3), strike subparagraph (B) and insert the following new subparagraph:

(B) the final partial payment shall be made the later of the following:

(i) As soon as practicable after the end of the 12-month marketing year for the covered commodity.

(ii) October 1 of the fiscal year starting in the same calendar year as the end of the marketing year.

At the end of section 1407, add the following new subsection:

(d) REFUND OF ASSESSMENTS ON IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

"(7) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED PRODUCTS.—

"(A) IN GENERAL.—An importer is entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to July 26, 2007.

"(B) EXPIRATION.—Refunds under paragraph (A) shall expire one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007.".

Page 116, line 25, strike "16" and insert "18".

Page 117, line 19, strike "(2)(E)" and insert "(2)(C)".

Page 117, line 24, strike "institution" and "institutions".

Page 150, line 18, strike "2012" and insert "2011".

[CONSERVATION TITLE]

Page 157, beginning line 22, strike subparagraph (C) relating to annual survey funding.

In section 2101, add at the end the following new subsection:

(j) EXCEPTIONS TO EARLY TERMINATION.—Section 1235(e)(2) of the Food Security Act of 1985 (16 U.S.C. 3835(e)(2)) is amended by adding at the end the following new subparagraph:

"(D) Land enrolled under continuous signup.".

In section 2102(e), strike paragraph (3) and insert the following new paragraph:

(3) by striking subsection (f) and inserting the following new subsection:

"(f) COMPENSATION.—Compensation for easements acquired by the Secretary under this subchapter shall be made in cash in such amount as agreed to and specified in the easement agreement. Lands may be enrolled through the submission of bids under a procedure established by the Secretary. Commendation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary based on the following option that results in the lowest amount of compensation to be paid by the Secretary:

"(1) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary or a percentage of the market value determined by an area-wide market survey.

"(2) A geographic cap, prescribed in regulations issued by the Secretary.

"(3) The offer made by the landowner."; and

Page 194, line 10, strike "or".

Page 194, line 11, strike the period and insert "; or".

Page 194, after line 11, insert the following new clause:

"(iv) improve watershed health.".

Page 206, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (e)):

"(d) AIR QUALITY.—Of the funds made available under subsection (e)(1), the Secretary shall use $10,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $40,000,000 for fiscal year 2011, and $55,000,000 for fiscal year 2012 to support air quality improvements to help producers meet State and local regulatory requirements related to air quality. Notwithstanding the requirements under subsections (a) and (b), these funds shall be made available to a State on the basis of air quality concerns facing that producers in that State. The funds made available shall be used to provide cost-share and incentive payments to producers.".

Page 206, beginning line 24, strike paragraph (4).

Page 209, line 17, insert after "the Everglades," the following: "the Sacramento River watershed,".

Page 219, line 23, strike "or organizational purpose".

Page 220, line 2, strike "and technical ability".

Page 220, beginning line 9, strike subparagraph (C).

Page 221, beginning line 1, strike subparagraphs (F) and (G).

Page 221, line 12, insert after "eligible entity," the following: "other than a certified State,".

Page 222, line 19, strike "preserve" and insert "enforce".

Page 238, line 13, strike "$1,500,000,000" and insert "$1,250,000,000".

Page 264, line 20, strike "section 501(c)(2)" and insert "section 501(c)(3)".

At the end of title II (page 272, after line 2), add the following new section:

SEC. 2504. PILOT PROGRAM FOR FOUR-YEAR CROP ROTATION FOR PEANUTS.

(a) CONTRACT AUTHORITY.—The Secretary of Agriculture shall enter into a contract with a peanut producer under which the producer will implement a four-year crop rotation for peanuts.

(b) CONTRACT PAYMENTS.—Under the contract, the Secretary shall pay to the producer a contract implementation payment, in an amount determined to be appropriate by the Secretary.

(c) FUNDING.—For each of fiscal years 2008 through 2012, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the provisions under this section, except that funding of the pilot program may not exceed $10,000,000 in each of such fiscal years.

[TRADE TITLE]

Page 274, strike line 1 and all that follows through line 4 and insert the following:

(e) FOOD AID CONSULTATIVE GROUP.—

(1) REPORT TO CONGRESS.—Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

"(f) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, and annually thereafter until December 31, 2012, the Administrator of the United States Agency for International Development, in close consultation with the Group, shall submit to the appropriate congressional committees a report on efforts taken by the United States Agency for International Development and the Department of Agriculture to develop a strategy under this section to achieve an integrated and effective food assistance program.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

"(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

(2) TERMINATION.—Such section is further amended in subsection (g) (as redesignated by paragraph (1)(A)) by striking "2007" and inserting "2012".

Page 275, line 14, insert "paragraph" before "(1)".

Page 275, after line 14, insert the following new paragraph:

"(3) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under paragraph (2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

"(A) reviews and comments on the report under paragraph (2); and

"(B) provides recommendations regarding any additional actions necessary to improve the monitoring and evaluation of assistance provided under this title.".

Page 275, line 15, strike "(3)" and insert "(4)".

Page 275, line 21, strike "(4)" and insert "(5)".

Page 276, line 3, strike the closing quotation marks and the period at the end.

Page 276, after line 3, insert the following:

"(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

"(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

Page 276, after line 12, insert the following:

(1) by striking "Funds" and inserting "(A) IN GENERAL.—Funds";

Page 276, line 13, strike "(1)" and insert "(2)".

Page 276, line 14, strike "and".

Page 276, line 15, strike "(2)" and insert "(3)".

Page 276, line 16, strike the period at the end and insert "; and".

Page 276, after line 16, insert the following:

(4) by adding at the end the following new subparagraph:

"(B) ADDITIONAL PREPOSITIONING SITES.—

"(i) FEASIBILITY ASSESSMENT.—On or after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Administrator is authorized to carry out assessments for the establishment of not less than two sites to determine the feasibility of and costs associated with using such sites for the purpose of storing and handling agricultural commodities for prepositioning in foreign countries.

"(ii) ESTABLISHMENT OF SITES.—Based on the results of the assessments carried out under clause (i), the Administrator is authorized to establish additional sites for prepositioning in foreign countries.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subparagraph, there are authorized to be appropriated to the Administrator such sums as may be necessary for each of the fiscal years 2008 through 2012.".

Page 277, after line 16, insert the following:

(l) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there are authorized to be appropriated to the President—

"(1) such sums as may be necessary to carry out the concessional credit sales program established under title I,

"(2) $2,500,000,000 to carry out the emergency and non-emergency food assistance programs under title II, and

"(3) such sums as may be necessary to carry out the grant program established under title III,

including such amounts as may be required to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by such Corporation in carrying out such programs.".

Page 277, strike line 17 and all that follows through line 20 and insert the following:

(m) MICRONUTRIENT FORTIFICATION PROGRAMS.—

(1) PURPOSE.—Subsection (a)(2)(C) of section 415 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g-2) is amended—

(A) by striking "using the same mechanism that was used to assess the micronutrient fortification program in" and inserting "utilizing recommendations from"; and

(B) by striking "with funds from the Bureau for Humanitarian Response of the United States Agency for International Development" and inserting "with implementation by an independent entity with proven impartiality and a mechanism that incorporates the range of stakeholders implementing programs under title II of this Act as well as other food assistance industry experts".

(2) TERMINATION OF AUTHORITY.—Subsection (d) of such section is amended by striking "2007" and inserting "2012".

Page 277, line 21, strike "(m)" and insert "(n)".

Page 278, line 19, strike "(n)" and insert "(o)".

Page 279, after line 10, insert the following new clause (and redesignate the subsequent clause as clause (iii)):

(ii) in paragraph (1), by striking "3-year period" and inserting "6-month period".

Page 281, beginning line 9, strike subsection (c).

Page 284, strike line 6 and all that follows through line 10 and insert the following:

SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

(a) FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.—Subsection (c) of section 702 of the Agricultural Trade Act of 1978 (7 U.S.C. 5722) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(b) FUNDING.—Subsection (a) of section 703 of such Act (7 U.S.C. 5723) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

Page 285, line 14, strike "International Relations" and insert "Foreign Affairs".

Page 287, after line 7, insert the following:

SEC. 3015. REPORT ON EFFORTS TO IMPROVE PROCUREMENT PLANNING.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development and the Secretary of Agriculture shall submit to the appropriate congressional committees a report on efforts taker by both the United States Agency for International Development and the Department of Agriculture to improve planning for food and transportation procurement, including efforts to eliminate bunching of food purchases.

(b) CONTENTS.—The report required under subsection (a) should include, among other things, a description of efforts taken to—

(1) improve coordination of food purchases by the United States Agency for International Development and the Department of Agriculture;

(2) increase flexibility in procurement schedules;

(3) increase utilization of historical analyses and forecasting; and

(4) improve and streamline legal claims processes for resolving transportation disputes.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 3016. INTERNATIONAL DISASTER ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

For each of the fiscal years 2008 through 2012, of the amounts made available to carry out section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), not less than $40,000,000 for each such fiscal year is authorized be made available for the purposes of famine prevention and relief under such section.

[NUTRITION TITLE]

Page 301, beginning on line 18, strike "and Nutrition Act" and insert "Stamp".

Page 303, line 14, insert "a" after "in the event of".

Page 306, line 10, insert "(or fails to address)" after "addresses".

Page 310, line 25, strike "after paragraph" and insert "inserting after subsection".

Page 312, line 12, strike "redeem," and insert "redeem".

Page 319, line 17, strike "verification of" and insert "verification or".

Page 323, strike lines 4 and 5, and insert the following:

(ii) by striking "finding of a violation and the" and inserting "finding of a violation,".

Page 323, line 22, strike "years." and insert "years".

Page 324, line 21, strike lines 19 through 21, and insert the following:

"(c) TREATMENT OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—The action".

Page 325, line 24, insert "is" before "not upheld".

Page 330, line 19, strike "low income" and insert "low-income".

Page 332, line 14, insert "and particularly children, as well as the feasibility of replicating these programs in other locations" after " persons".

Page 333, after line 22, insert the following:

"(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

"(v) innovative ways to provide significant improvement to the health and wellness of children;".

Page 333, line 23, strike "(iv)" and insert "(vi)".

Page 336, line 16, strike "paragraph" and insert "subsection".

Page 340, line 16, strike "Action" and insert "Act".

Page 345, line 22, strike "(a) AMENDMENT.—".

[CREDIT TITLE]

In section 304(c)(2)(B) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5001 of the bill, strike "$1,000,000" and insert "$1,000,000,000".

In section 310F(b)(1)(C) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5004 of the bill, strike "be at" and insert "be, at".

At the end of subtitle A of title V, insert the following:

SEC. 5005. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LANDS.

Section 1 of Public Law 91-229 (25 U.S.C. 488) is amended by adding at the end the following: "The Secretary of Agriculture may make and insure loans as provided in section 309 of the Consolidated Farm and Rural Development Act to eligible purchasers of highly fractionated land pursuant to section 204(c) of the Indian Land Consolidation Act. Section 4 of this Act shall not apply to trust or restricted tribal or tribal corporation property mortgaged pursuant to the preceding sentence.".

In section 1.9(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(a)(1)(C) of the bill, strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

In section 2.4(a)(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(b)(3) of the bill, strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

Strike section 5040.

[RURAL DEVELOPMENT TITLE]

In section 6009(a)(3), strike "subparagraphs (D) and (F)" and insert "subparagraph (D)", and strike "and" after the semicolon.

In section 6009(a)(4), strike "adding at the end" and insert "inserting after subparagraph (D) (as so redesignated)", and strike the period after the subparagraph (E) proposed to be added and insert "; and".

In subparagraph (E) of section 310B(e)(5) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6009(a)(4) of the bill, strike the period and insert "; and".

At the end of section 6009(a), insert the following:

(5) in subparagraph (F), by striking "greater than" the 1st place it appears.

In section 310B(i)(2) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6011 of the bill, strike "the" after "help".

In section 601(c)(3)(A)(ii) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(b)(2) of the bill, strike "services" and insert "service".

In section 601(l)(4)(A) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(i) of the bill, strike "(b)" each place it appears and insert "(d)".

[RESEARCH TITLE]

Page 456, line 10, strike "(c)" and insert "(e)".

Page 456, lines 14 and 15, strike "or otherwise administered".

Page 456, lines 17 and 18, strike "except as provided under subsection (a)(14)".

Page 458, line 7, insert "and universities" after "colleges".

Page 459, line 2, insert "AND UNIVERSITY" before the period.

Page 459, line 3, insert "and university" before the quotation marks.

Page 459, line 4, strike "a" and insert "an".

Page 459, line 5, strike "as defined" and all that follows through line 7 and insert "; and".

Page 459, strike lines 8 through 10, and insert the following:

(b) offers associate, bachelor's, or other accredited degree programs in agricultural related fields, as determined by the Secretary.

Page 470, lines 9 and 10, strike "(8) and (12)" and insert "(7) and (11)".

Page 474, line 17, insert "for Research, Education, and Economics" after "Secretary".

Page 477, line 21, insert ", except that section 401(b)(3) of such Act shall not be repealed and shall remain in effect" before the period.

Page 477, line 24, strike "(c)" and insert "(d)".

Page 495, line 10, insert "to" before "acquire".

Page 497, line 10, strike "as defined" and all that follows through line 12, and insert "; and".

Page 497, line 15, insert ", as determined by the Secretary" before the period.

Page 498, line 17, strike "of Agriculture".

Page 499, lines 13 and 14, strike "of the Treasury".

Page 500, line 7, strike "section" and insert "paragraph".

Page 501, line 24, strike "of Agriculture".

Page 502, line 4, strike "of Agriculture".

Page 502, line 12, insert "EXTENSION" after "(b)".

Page 502, line 18, strike "section 4" and insert "subparagraph (D)".

Page 504, line 3, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 7, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 11, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 506, line 1, strike "**RESEARCH FACILITIES**" and insert "**ASSISTANCE PROGRAMS**".

Page 507, after line 6, insert the following new sections:

SEC. 7234. HISPANIC SERVING INSTITUTIONS.

The text of section 1404 of the Research Act of 1977 is amended to read as follows: "The term 'Hispanic Serving Institution' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5).".

SEC. 7235. SPECIALTY CROPS POLICY RESEARCH INSTITUTE.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended by adding at the end the following:

"(e) SPECIALTY CROPS POLICY RESEARCH INSTITUTE.—

"(1) ESTABLISHMENT.—The Food Agricultural Policy Research Institute shall establish a satellite institute, called the Specialty Crops Policy Research Institute, hereinafter referred to as the Institute, at accredited research universities within States with significant specialty crop industries to fulfill the objectives described in subsection (e)(3) of this section.

"(2) MANAGEMENT.—The Institute shall be coordinated and managed by an appointed university and will have the discretion to coordinate and facilitate the Institute's economic and policy research activities and those of additional member universities and institutions.

"(3) INSTITUTE OBJECTIVES.—Consistent with the provisions of subsections (a) and (c) of this section, the Institute shall—

"(A) produce and disseminate analysis of the specialty crop sector, including the impact of changes in domestic and international markets, production, new product technologies, web-based risk management tools, alternative policies and macroeconomic conditions on specialty crop production, use, farm and retail prices, and farm income and financial stability from a national, regional, and farm-level perspective; and

"(B) produce and disseminate an annual review of the economic state of the specialty crop industry nationally, regionally, and by-state.

"(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary in each fiscal year through 2012 to carry out this section.".

Page 521, line 12, insert "section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998" after "with".

Page 522, line 19, insert "note" after "1621".

Page 523, line 13, strike "and".

Page 523, after line 14, insert the following:

(G) policy and marketing; and

(H) specialty crop pollination;

Page 531, line 12, strike "and".

Page 531, line 14, strike the period and insert "; and".

Page 531, after line 14, insert the following:

(3) in subsection (c), by striking "such sums may be used to pay" and all that follows through "work.".

Page 531, strike lines 15 through 25.

Page 533, strike "1444 and".

Page 541, strike lines 11 through 17.

[FORESTRY TITLE]

Page 548, beginning line 4, strike subparagraph (E).

Page 549, beginning line 1, strike clause (viii) and insert the following new clause:

"(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).".

Page 549, line 24, strike "sections 8005 and 8006" and insert "sections 8006 and 8007".

Page 551, line 14, strike "three" and insert "3".

Page 553, line 12, strike "$17,000,000" and insert "$10,000,000".

Page 557, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (d)):

(c) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term "Hispanic-serving institution" has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

[ENERGY TITLE]

Page 564, after line 19 insert the following new paragraph:

(5) in paragraph (2)(B) of subsection (f) (as so redesignated)—

(A) in clause (viii), by striking "and" at the end;

(B) in clause ix, by striking "approaches." and inserting "approaches; and"; and

(C) by adding at the end the following new clause:

"(x) whether the impact the distribution of funds would have on existing manufacturing and other facilities that utilize similar feedstocks would be minimal.".

Page 597, after line 25 insert the following new paragraph:

(E) by adding at the end the following new paragraph:

"(8) RENEWAL OF CONTRACTS.—When considering the renewal of a contract under this section, the Secretary shall review such contract to determine whether the production of bioenergy at the facility under contract is economically viable and reconsider the need for the contract based on that determination.".

In section 9002, strike subsection (d) and insert the following new subsection:

(d) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (1) of section 9002(k) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) FEDERAL PROCUREMENT.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement the provisions of this section other than subsection (h).

"(B) LABELING.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement subsection (h) of this section.".

In section 9002(f), strike paragraph (3).

Page 598, line 4, strike "Section" and insert:

(a) WESTERN INSULAR PACIFIC CENTER.—Section 9011(d) is amended by adding at the end the following new paragraph:

"(6) WESTERN INSULAR PACIFIC CENTER.—A western insular pacific center at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section

Strike section 9014.

[HORTICULTURE TITLE]

Section 10102 is amended by adding at the end the following new subsection:

(e) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note) is amended by striking "and the Commonwealth of Puerto Rico" and inserting "the

Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".

In section 209(e)(2) of the Agricultural Marketing Act of 1946, as proposed to be added by section 10108 of the bill, strike "authorized" and insert "authorize".

In section 10201(j), strike "fo" and insert "of".

In section 7407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(b)), as amended by section 10302 of the bill, strike "of funds of the Commodity" and insert "of the funds of the Commodity".

In the heading of section 10404, strike "**FARMERS' MARKET PROMOTION PROGRAM**" and insert "**FARMER MARKETING ASSISTANCE PROGRAM**".

Section 6(f)(1) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking "Secretary of Agriculture use" and inserting "Secretary of Agriculture shall use".

Section 6(f)(1)(A) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking "fiscals year" and inserting "fiscal years".

At the end of subtitle E of title X add the following new section:

SEC. ___. HEALTHY FOOD URBAN ENTERPRISE DEVELOPMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to support farm and ranch income by significantly enhancing a producer's share of the final retail product price through improved access to competitive processing and distribution systems which deliver affordable, locally and regionally produced foods to consumers, and improve food access in underserved communities.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" includes—

(A) a small or midsized processor, distributor, wholesaler, or retail food outlet;

(B) a group of producers operating as a legally recognized marketing alliance;

(C) a producer-owned cooperative;

(D) a nonprofit organization;

(E) an economic development or community development corporation;

(F) a unit of State or local government; and

(G) an academic institution.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term "socially disadvantaged farmer or rancher" has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(5) UNDERSERVED COMMUNITY.—The term "underserved community" includes any community that may have, as determined by the Secretary—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets;

(B) high incidences of diet-related diseases, including obesity;

(C) high rates of hunger or food insecurity; or

(D) severe or persistent poverty in urban or rural communities, including Indian tribal communities.

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, acting through the head of the market services branch of the Agricultural Marketing Service, shall establish a program under which the Secretary shall provide grants, on a competitive basis, to eligible entities to conduct enterprise feasibility studies (including studies of consumer preference), in accordance with the purpose of this section.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) COORDINATION WITH OTHER AGENCIES.—In carrying out the program under this subsection, the Secretary shall coordinate, with respect to the development of the program and reviews of grant applications, with—

(A) the Cooperative State Research, Education, and Extension Service; and

(B) the Rural Business Cooperative Service.

(4) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to applications with proposed projects that—

(A) include features effectively targeting participation by socially disadvantaged farmers or ranchers or beginning farmers or ranchers;

(B) increase employment opportunities in underserved communities;

(C) support small and mid-sized farm viability and increase farming opportunities; or

(D) establish and maintain satisfactory environmental and labor standards, including worker protection.

(5) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $250,000.

(6) TERM.—A grant provided under this subsection shall have a term of not more than 3 years.

(7) REPORTS.—

(A) IN GENERAL.—Each eligible entity that receives a grant under this subsection shall submit to the Secretary an annual report describing the results and progress of each feasibility study to ensure sufficient progress is achieved with respect to the goals of the projects carried out by the eligible entity.

(B) PUBLIC AVAILABILITY.—The Secretary shall ensure that any information contained in a report under subparagraph (A) relating to consumer preference or producer availability is made available to the public.

(8) FUNDING.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

(d) GRANT PROGRAM REQUIREMENTS.—

(1) TECHNICAL ASSISTANCE AND OUTREACH.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to the public information relating to the grant programs under this section; and

(ii) provide technical assistance to—

(I) socially disadvantaged farmers or ranchers;

(II) Indian tribal organizations;

(III) low-income populations; and

(IV) other underserved communities and producers.

(B) SERVICE PROVIDERS.—In carrying out subparagraph (A), the Secretary may enter into contracts, on a competitive basis, with entities that, as determined by the Secretary—

(i) demonstrate experience in serving socially disadvantaged farmers or ranchers and other underserved communities and producers;

(ii) include, in the governance structure of the entity, 2 or more members representing the targeted communities served by the entity; and

(iii) will share information developed or used by the entity with—

(I) researchers;

(II) practitioners; and

(III) other interested parties.

(2) LIMITATIONS.—For purposes of the programs under this section, the Secretary—

(A) shall not give preference to any entity based on an agricultural commodity produced or supported by the entity; and

(B) shall encourage, to the maximum extent practicable, projects that use infrastructure efficiently for more than 1 agricultural product.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the programs (including the level of participation in each program) under this section, including information relating to—

(A) projects carried out under this section;

(B) characteristics of the agricultural producers and communities served by the projects;

(C) the benefits of the projects;

(D) data necessary to comply with—

(i) section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1); or

(ii) section 8(b)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)); and

(E) outreach and technical assistance activities carried out by the Secretary under paragraph (1).

Strike section 10401.

[MISCELLANEOUS TITLE]

Strike section 11105.

Page 683, line 23, strike "production" and insert "production.".

Page 684, strike line 5 through page 685, line 9 and insert the following:

"(3) YIELD DETERMINATION BASED ON COUNTY ACTUAL PRODUCTION HISTORY.—If an agricultural commodity ineligible for insurance as described in paragraph (2) is planted for 4 years, beginning with the fifth year in which the commodity is planted, the producer of the commodity may procure crop insurance for the commodity under this title. The yield for such crop insurance shall be determined only—

"(A) by using the actual production history for the farm; and

"(B) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.".

Page 685, line 20: strike "that" and insert "than".

At the end of subtitle A of title XI (page 687, after line 19), add the following new sections:

SEC. 11013. NATIONAL DROUGHT COUNCIL AND DROUGHT PREPAREDNESS PLANS.

(a) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the National Drought Council established by this section.

(2) CRITICAL SERVICE PROVIDER.—The term "critical service provider" means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DROUGHT.—The term "drought" means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(4) FUND.—The term "Fund" means the Drought Assistance Fund established by this section.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) INTERSTATE WATERSHED.—The term "interstate watershed" means a watershed that transcends State or Tribal boundaries, or both.

(7) MEMBER.—The term "member", with respect to the National Drought Council, means a member of the Council specified or appointed under this section or, in the absence of the member, the member's designee.

(8) MITIGATION.—The term "mitigation" means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NEIGHBORING COUNTRY.—The term "neighboring country" means Canada and Mexico.

(10) OFFICE.—The term "Office" means the National Office of Drought Preparedness established under this section.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(12) STATE.—The term "State" means the several States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(13) TRIGGER.—The term "trigger" means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

(14) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Natural Resources and Environment.

(15) WATERSHED.—The term "watershed" means a region or area with common hydrology, an area drained by a waterway that drains into a lake or reservoir, the total area above a given point on a stream that contributes water to the flow at that point, or the topographic dividing line from which surface streams flow in two different directions. In no case shall a watershed be larger than a river basin.

(16) WATERSHED GROUP.—The term "watershed group" means a group of individuals, formally recognized by the appropriate State or States, who represent the broad scope of relevant interests within a watershed and who work together in a collaborative manner to jointly plan the management of the natural resources contained within the watershed.

(b) EFFECT OF SECTION.—This section does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

(c) NATIONAL DROUGHT COUNCIL.—

(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Agriculture a council to be known as the "National Drought Council".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of—

(i) the Secretary (or the designee of the Secretary);

(ii) the Secretary of Commerce (or the designee of the Secretary of Commerce);

(iii) the Secretary of the Army (or the designee of the Secretary of the Army);

(iv) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(v) the Director of the Federal Emergency Management Agency (or the designee of the Director);

(vi) the Administrator of the Environmental Protection Agency (or the designee of the Administrator);

(vii) 4 members appointed by the Secretary, in coordination with the National Governors Association, each of whom shall be the Governor of a State (or the designee of the Governor) and who collectively shall represent the geographic diversity of the Nation;

(viii) 1 member appointed by the Secretary, in coordination with the National Association of Counties;

(ix) 1 member appointed by the Secretary, in coordination with the United States Conference of Mayors;

(x) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(xi) 1 member appointed by the Secretary, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(B) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A non-Federal member of the Council appointed under paragraph (2) shall be appointed for a term of two years.

(B) VACANCIES.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(C) TERMS OF MEMBERS FILLING VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) MEETINGS.—

(A) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(B) FREQUENCY.—The Council shall meet at least semiannually.

(5) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(6) COUNCIL LEADERSHIP.—

(A) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(B) APPOINTMENT.—

(i) FEDERAL CO-CHAIR.—The Secretary shall be Federal co-chair.

(ii) NON-FEDERAL CO-CHAIR.—The non-Federal members of the Council shall select, on a biannual basis, a non-Federal co-chair of the Council from among the members appointed under paragraph (2)

(7) DIRECTOR OF THE OFFICE.—

(A) IN GENERAL.—The Director of the Office shall serve as Secretary of the Council.

(B) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

(d) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) not later than one year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(i)(I) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(II) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(ii) is consistent with—

(I) this Act and other applicable Federal laws; and

(II) the laws and policies of the States for water management;

(iii) is integrated with drought management programs of the States, Indian tribes, local governments, watershed groups, and private entities; and

(iv) avoids duplicating Federal, State, tribal, local, watershed, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(B) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(i) discrepancies between the goals of the programs and actual service delivery;

(ii) duplication among programs; and

(iii) any other circumstances that interfere with the effective operation of the programs;

(C) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(i) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(ii) improving the consistency and fairness of assistance among Federal drought relief programs;

(D) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under this section;

(E) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(F) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(i) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(ii) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(iii) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks;

(iv) information on State and local laws applicable to drought; and

(v) opportunities for assistance to resource-dependent businesses and industries in times of drought; and

(G) establish operating procedures for the Council.

(2) CONSULTATION.—In carrying out this subsection, the Council shall consult with groups affected by drought emergencies.

(3) REPORTS TO CONGRESS.—

(A) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than one year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this section.

(ii) INCLUSIONS.—

(I) IN GENERAL.—The annual report shall include a summary of drought preparedness plans.

(II) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council.

(B) FINAL REPORT.—Not later than seven years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(i) amendments to this section; and

(ii) whether the Council should continue.

(e) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (ii), on request of the Secretary or the non-Federal co-chair of the Council, the head of a Federal agency may provide information to the Council.

(ii) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(3) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(f) COUNCIL PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

(g) TERMINATION OF COUNCIL.—The Council shall terminate at the end of the eighth fiscal year beginning on or after the date of the enactment of this Act.

(h) NATIONAL OFFICE OF DROUGHT PREPAREDNESS.—

(1) ESTABLISHMENT.—The Secretary shall establish an office to be known as the "National Office of Drought Preparedness" to provide assistance to the Council.

(2) DIRECTOR OF THE OFFICE.—

(A) APPOINTMENT.—

(i) IN GENERAL.—The Under Secretary shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(ii) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(I) public administration; and

(II) drought mitigation or drought management.

(B) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—Except for the requirements of section 204, an employee of the Federal Government may be detailed to the Office without reimbursement, unless the Secretary, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(B) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

(i) DROUGHT ASSISTANCE FUND.—

(1) ESTABLISHMENT.—There is established within the Department of Agriculture a fund to be known as the "Drought Assistance Fund".

(2) PURPOSE.—The Fund shall be used to pay the costs of—

(A) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, watershed groups, and critical service providers for the development and implementation of drought preparedness plans;

(B) providing to States, Indian tribes, local governments, watershed groups, and critical service providers the Federal share, as determined by the Secretary, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(C) assisting States, Indian tribes, local governments, watershed groups, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought; and

(D) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques.

(3) GUIDELINES.—

(A) IN GENERAL.—The Secretary, in consultation with the non-Federal co-chair of the Council and with the concurrence of the Council, shall develop and promulgate guidelines to implement this subsection.

(B) REQUIREMENTS.—The guidelines shall address the following:

(i) Ensure the distribution of amounts from the Fund within a reasonable period of time.

(ii) Take into consideration regional differences.

(iii) Take into consideration all impacts of drought in a balanced manner.

(iv) Prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(v) Require that distribution of amounts from the Fund granted to States, local governments, watershed groups, and critical service providers to meet the requirements of this subsection be coordinated with and managed by the State in which such local government or critical service provider is located, consistent with the drought preparedness priorities and relevant water management plans within the State.

(vi) Require that distribution of amounts from the Fund granted to Indian tribes to meet the requirements of this subsection be used to implement plans that are, to the extent practicable, in coordination with each State in which lands of the Indian tribe are located and consistent with existing drought preparedness and water management plans of such States.

(vii) Require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) cover not less than 25 percent of the overall cost incurred in carrying out the project for which the Federal funds are provided. This cost sharing requirement may be satisfied using non-Federal grants or cash donations made by non-Federal third parties.

(4) SPECIAL REQUIREMENT FOR INTERSTATE WATERSHEDS.—

(A) DEVELOPMENT OF DROUGHT PREPAREDNESS PLANS.—In order to receive funds under this subsection to develop drought preparedness plans for interstate watersheds, the guidelines shall also require the relevant States, Indian tribes, or both, in which the watershed is located, to coordinate in the development of the drought preparedness plan. The development of such plans shall—

(i) be consistent with the relevant States' and Tribal water laws, policies, and agreements;

(ii) be consistent and coordinated with any existing interstate stream compacts;

(iii) include the participation of any relevant watershed groups located in the relevant States, Indian tribes, or both; and

(iv) recognize that implementation of the interstate drought preparedness plan will involve further coordination among the relevant States, Indian tribes, or both, except that each State and Indian tribe has sole jurisdiction over implementation of that portion of the watershed that exists within their boundaries.

(B) IMPLEMENTATION OF DROUGHT PREPAREDNESS PLANS.—In order to receive funds under this subsection to implement drought preparedness plans for interstate watersheds, the guidelines shall also require, to the extent practicable, the relevant States, Indian tribes, or both, in which the watershed is located, to coordinate in the implementation of the drought preparedness plan, recognizing the sovereignty of the States and Indian tribes. Implementation of interstate drought preparedness plans shall—

(i) be contingent upon the existence of a drought preparedness plan, but not require the distribution of funds to all States and Indian tribes in which the watershed is located;

(ii) consider the level of impact within the watershed on each of the relevant States, Indian tribes, or both; and

(iii) not impede on State water rights established as of the date of enactment of this Act.

(j) DROUGHT PREPAREDNESS PLANS.—

(1) IN GENERAL.—The Secretary shall—

(A) with the concurrence of the Council, jointly develop guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, watershed groups, and critical service providers for the development, maintenance, and implementation of drought preparedness plans; and

(B) promulgate the guidelines developed under subparagraph (A).

(2) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

(3) FEDERAL PLANS.—

(A) IN GENERAL.—The Secretary and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(B) REQUIREMENTS.—The Federal plans—

(i) shall be integrated with each other;

(ii) may be included as components of other Federal planning requirements;

(iii) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(iv) shall be completed not later than two years after the date of the enactment of this Act.

(4) STATE AND TRIBAL PLANS.—States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(A) address monitoring of resource conditions that are related to drought;

(B) identify areas that are at a high risk for drought;

(C) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(D) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

(5) REGIONAL AND LOCAL PLANS.—Local governments, watershed groups, and regional water providers may develop and implement drought preparedness plans that—

(A) address monitoring of resource conditions that are related to drought;

(B) identify areas that are at a high risk for drought;

(C) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(D) are integrated with corresponding State plans.

(6) PLAN ELEMENTS.—A drought preparedness plan—

(A) shall be consistent with Federal and State laws, contracts, and policies;

(B) shall allow each State to continue to manage water and wildlife in the State;

(C) shall address the health, safety, and economic interests of those persons directly affected by drought;

(D) shall address the economic impact on resource-dependent businesses and industries, including regional tourism;

(E) may include—

(i) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(ii) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(iii) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(iv) provisions for periodic drought exercises, revisions, and updates;

(v) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(vi) drought triggers;

(vii) specific implementation actions for droughts;

(viii) a water shortage allocation plan, consistent with State water law; and

(ix) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(F) shall take into consideration—

(i) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(ii) economic impacts from water shortages.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) COUNCIL.—There is authorized to be appropriated to carry out the activities of the Council $2,000,000 for fiscal year 2008 and for each of the subsequent seven fiscal years.

(2) FUND.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out subsection (i).

SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (6), and (7)"; and

(2) by adding at the end the following:

"(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.".

Page 715, strike lines 13 through 25 and insert the following:

"(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

"(i) exclusively born, raised, and slaughtered in the United States;

"(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

"(iii) present in the United States on or before January 1, 2008.".

Page 718, strike lines 16 through 22 and insert the following:

"(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES AND PEANUTS.—

"(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity or peanut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

"(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin."; and

Page 720, line 22 strike "; and" and insert ".".

Page 720, strike line 23 and all that follows through page 721, line 9.

Page 724, line 11, strike "farmers and rancher" and insert "farmers and ranchers".

Page 725, beginning line 8, strike clause (ii) regarding matching funds.

Page 727, beginning line 8, strike subsection (b).

Page 733, line 22, strike "and".

Page 734, line 2, strike the period and insert "; and".

Page 734, after line 2, insert the following:

(3) the coordination of the outreach activities among the various agencies within the Department.

(c) REPORT.—After the relocation described in this section is completed, the Secretary shall submit to Congress a report that includes information describing the new location of the program.

Page 734, line 23, strike "and".

Page 735, line 2, strike the period and insert "; and".

Page 735, beginning line 2, insert the following new paragraph:

(7) review ongoing efforts toward outreach in the agencies and programs of the Department.

Redesignate sections 11308, 11309, and 11310 as sections 11307, 11308, and 11309, respectively.

Page 739, line 24, strike "teach" and insert "each".

At the end of title XI, add the following new sections:

SEC. 11310. SENSE OF CONGRESS REGARDING FOOD DESERTS, GEOGRAPHICALLY ISOLATED NEIGHBORHOODS AND COMMUNITIES WITH LIMITED OR NO ACCESS TO MAJOR CHAIN GROCERY STORES.

It is the sense of Congress that the Secretary of Agriculture, in conjunction with the National Institutes of Health, the Centers for Disease Control, the Institute of Medicine and faith-based organizations, should—

(1) conduct a national assessment of food deserts in the United States, namely those geographically isolated neighborhoods and communities with limited or no access to major-chain grocery stores; and

(2) develop recommendations for eliminating food deserts.

SEC. 11311. PIGFORD CLAIMS.

(a) IN GENERAL.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action, obtain that determination.

(b) LIMITATION.—Notwithstanding any other provision of law—

(1) All payments or debt relief (including any limitation on foreclosure under subsection (f)) made pursuant to an action commenced under subsection (a) shall be made exclusively from funds made available pursuant to subsection (h), Provided that the total amount of payments and debt relief pursuant to an action commenced under subsection (a) shall not exceed $100,000,000; and,

(2) In no event may such payments or debt relief be made from the Judgement Fund established by 31 U.S.C. 1304.

(c) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(d) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—Not later than 60 days after the Secretary of Agriculture receives notice of a complaint filed by a claimant under subsection (a), the Secretary shall provide to the claimant a report on farm credit loans made within the claimant's county or adjacent county by the Department during the period beginning on January 1 of the year preceding the year or years covered by the complaint and ending on December 31 of year following such year or years. Such report shall contain information on all persons whose application for a loan was accepted, including—

(A) the race of the applicant;

(B) the date of application;

(C) the date of the loan decision;

(D) the location of the office making the loan decision; and

(E) all data relevant to the process of deciding on the loan.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person that applied for a loan from the Department of Agriculture.

(e) EXPEDITED RESOLUTIONS AUTHORIZED.—Any person filing a complaint under this Act for discrimination in the application for, or making or servicing of, a farm loan, at his or her discretion, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the discrimination that is the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(1) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove his or her case by substantial evidence; and

(2) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(f) LIMITATION ON FORECLOSURES.—The Secretary of Agriculture may not begin acceleration on or foreclosure of a loan if a borrower is a Pigford claimant and, in an appropriate administrative proceeding, makes a prima facie case that the foreclosure is related to a Pigford claim.

(g) DEFINITIONS.—In this Act—

(1) the term "Pigford claimant" means an individual who previously submitted a late-filing request under section 5(g) of the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(2) the term "Pigford claim" means a discrimination complaint, as defined by section 1(h) of that consent decree and documented under section 5(b) of that consent decree.

(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $100,000,000 for fiscal year 2008, to remain available until expended, for payments and debt relief in satisfaction of claims against the United States under subsection (a), and for any actions made pursuant to subsection (f).

SEC. 11312. COMPTROLLER GENERAL STUDY OF WASTEWATER INFRASTRUCTURE NEAR UNITED STATES-MEXICO BORDER.

The Comptroller General shall conduct a study of the state of wastewater infrastructure in rural communities within 150 miles of the United States-Mexico border to determine what the Federal Government can do to assist border rural communities in bringing wastewater infrastructure up to date.

Page 189, line 8, strike "1,000,000" and insert "1,340,000".

Strike section 3005 (relating to McGovern-Dole International Food for Education and Child Nutrition Program) and insert the following:

SEC. 3005. REAUTHORIZATION OF MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) ADMINISTRATION OF PROGRAM.—Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking "The President shall designate 1 or more Federal agencies to" and inserting "The Secretary shall";

(2) in subsection (f)(2), in the matter preceding subparagraph (A), by striking "implementing agency" and inserting "Secretary"; and

(3) in subsections (c)(2)(B), (f)(1), (h)(1) and (2), and (i), by striking "President" each place it appears and inserting "Secretary".

(b) FUNDING.—Section 3107(l) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(l)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $0 for fiscal year 2008;

"(B) $140,000,000 for fiscal year 2009;

"(C) $170,000,000 for fiscal year 2010;

"(D) $230,000,000 for fiscal year 2011;

"(E) $300,000,000 for fiscal year 2012; and

"(F) $0 for fiscal year 2013.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as redesignated by paragraph (2)), by striking "any Federal agency implementing or assisting" and inserting "the Department of Agriculture or any other Federal agency assisting".

Strike section 11001.

At the end of subtitle A of title XI add the following new section:

SEC. 1101_. SHARE OF RISK.

(a) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(1) by striking "require the" and inserting "require—

"(A) the";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

"(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the approved insurance provider's book of business that is described in clause (i).".

(b) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7

U.S.C. 1516(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).".

(c) EFFECTIVE DATE.—This section shall take effect on the first June 30th after the date of the enactment of this Act.

At the end of title XI add the following new section:

SEC. 113___. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

"(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

At the end of the bill add the following new title:

TITLE XII—ADDITIONAL OFFSETS

Subtitle A—Conservation of Resources Fees and Repeal of Royalty Relief

SEC. 12001. CONSERVATION OF RESOURCES FEES.

(a) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico.

(2) FEE TERMS.—The fee under paragraph (1)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(b) COVERED LEASE DEFINED.—In this section the term "covered lease" means a lease for oil or gas production in the Gulf of Mexico that is—

(1) in existence on the date of enactment of this Act;

(2) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(3) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

SEC. 12002. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109-58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(3) Subsection (i) of section 365 (42 U.S.C. 15924; relating to the prohibition on drilling-related permit application cost recovery fees).

(b) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking "and in the Planning Areas offshore Alaska" after "West longitude".

(c) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

SEC. 12003. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "115.75 percent".

Subtitle B—Allocation of Offsets

SEC. 12011. REPORT ON FUNDS; RATE OF FEDERAL CROP INSURANCE.

(a) REPORT.—Not later than the September 15 preceding each fiscal year, the Secretary of the Interior shall report to the Secretary of Agriculture the total amount expected to be received in the fiscal year as a result of the changes in subtitle A.

(b) RATE.— Notwithstanding section 508(k)(4)(A)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)(ii)), the reimbursement rate established for each of the reinsurance years 2012 through 2017 shall be the lesser of—

(1) the rate established in such section; and

(2) the product of—

(A) the rate established in such section; and

(B) the factor calculated in subsection (c).

(c) CALCULATION.—In carrying out subsection (b), the Secretary of the Interior shall calculate the appropriate factor by dividing the amount calculated under subsection (a) for the fiscal year by the amount calculated under subsection (a) for fiscal year 2012.

Page 667, line 16, strike "2" and insert "2.9".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Mr. HOYER) for today.

Mr. MCNULTY (at the request of Mr. HOYER) for today and until 2:00 p.m. July 31 on account of travel delays related to weather.

Mr. HAYES (at the request of Mr. BOEHNER) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRIJALVA) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. COURTNEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today, July 31, August 1, and 2.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 31, 2007, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2723. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs-Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2724. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Paperwork Waiver Demonstration Program (RIN: 1820-ZA42) received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2725. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (RIN: 1820-ZA41) received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2726. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection-Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2727. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection-General Supervision Enhancement Grants — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2728. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research-Disability and Rehabilitation Research Projects and Centers Program-Rehabilitation Research and Training Centers (RRTCs) — received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2729. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection—General Supervision Enhancement Grants — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2730. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices; Reclassification of the Intervertebral Body Fusion Device [Docket No. 2006N-0019) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2731. A letter from the Principal Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey [Docket No. EPA-R02-OAR-2006-0162, FRL-8444-9] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clarification of Visible Emission Exceptions [EPA-R03-OAR-2005-MD-0002; FRL-8447-6] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; States of Arizona and Nevada; Interstate Transport of Pollution [EPA-R09-OAR-2007-0295 FRL-8443-5] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of New Jersey's Title V Operating Permit Program Revision [Docket No. EPA-R02-OAR-2006-0963, FRL-8446-4] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-0236; FRL-8444-3] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2736. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma) [MB Docket No. 06-65 RM-11320 RM-11335] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2737. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Broken Bow and Millerton, Oklahoma) [MB Docket No. 05-328 RM-10577 RM-11343 RM-11344] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2738. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission's Rules [MB Docket No. 03-151] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2739. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Akron, Colorado) Reclassification of License of Station KRFX(FM), Denver, Colorado [MB Docket No. 05-102 RM-10630] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2740. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fredericksburg, Converse, Flatonia, Georgetown, Ingram, Lake way, Lagos Vista, Llano, McQueen, Nolensville, San Antonio, and Waco, Texas) Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Llano, Junction and Goldthwaite, Texas) [MB Docket No. 05-112 RM-11185 RM-11374 MB Docket No. 05-151 RM-11222 RM-11258] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2741. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Redding, Cottonwood, and Shasta Lake, California) [MB Docket No. 05-131 RM-11208 RM-11209 RM-11367 RM-11368 RM-11369] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2742. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Wireless Operations in the 3650-3700 MHz Band Rules for Wireless Broadband Services in the 3650-3700 MHz Band Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3GHz Band [ET Docket No. 04-151 WT Docket No. 05-96 ET Docket No. 02-380] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2743. A letter from the Acting Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters [RM No. 11355] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2744. A letter from the Director, Office of Civil Rights, Broadcasting Board of Governors, transmitting the Board's FY 2006 report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

2745. A letter from the Acting White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2746. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2747. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2748. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2006 Inventory of Inherently Governmental and Commercial Activities, as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

2749. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2750. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2751. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2752. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

(No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2753. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2754. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2768. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2769. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2770. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2771. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

2772. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Veterans' Preference (RIN: 3206-AL33) received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2773. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2774. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2007 through June 30, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–52); to the Committee on House Administration and ordered to be printed.

2775. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements [Docket No. 061016268-7080-02; I.D. 100506E] (RIN: 0648-AU80) received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2776. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA75) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2777. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 13 [Docket No. 070322065-7114-02; I.D. 030607C] (RIN: 0648-AV39) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2778. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Marine Aquatic Life Water Quality Criteria For Toxic Pollutants Applicable to Washington State [EPA-HQ-OW-2007-0467; FRL-8337-2] (RIN: NA2040) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2779. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System-Suspension of Regulations Establishing Requirements for Cooling Water Intake Structures at Phase II Existing Facilities [EPA-HQ-OW-2002-0049; FRL-8336-9] (RIN: 2040-AD62) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2780. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTION: VOLUNTARY RELIQUIDATION OF DEEMED LIQUIDATED ENTRIES [CBP Dec. 07-62] received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2781. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Tacking Rule Requirements of Life-Nonlife Consolidated Regulations [TD 9342] (RIN: 1545-BE85) received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2782. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-50) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2783. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Excess Loss Accounts [TD 9341] (RIN: 1545-BE87) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2784. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures [CMS-6146-F] [CMS-6019-F] (RIN: 0938-AM98; 0938-AN48) received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 27, 2007]

Mr. FILNER: Committee on Veterans' Affairs. H.R. 23. A bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; with amendments (Rept. 110–269 Pt. 1). Ordered to be printed.

[Filed on July 30, 2007]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2722. A bill to restructure the Coast Guard Integrated Deepwater Program, and for other purposes; with an amendment (Rept. 110–270). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 673. A bill to direct the Secretary of the Interior to take lands in Yuma

County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes; with amendments (Rept. 110-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1696. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe (Rept. 110-272). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2120. A bill to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; with an amendment (Rept. 110-273). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2863. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; with an amendment (Rept. 110-274). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2952. A bill to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe; with an amendment (Rept. 110-275). Referred to the Committee of the whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes (Rept. 110-276). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 2347. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; with an amendment. (Rept. 110-277, Pt. 1). Ordered to be printed.

Mr. FRANK: Committee on Financial Services. House Concurrent Resolution 140. Resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; with an amendment (Rept. 110-278, Pt. 1). Ordered to be printed. .

Mr. MURTHA: Committee on Appropriations. H.R. 3222. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-279). Referred to the committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of July 27, 2007]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 23 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following actions occurred on July 30, 2007]

Pursuant to clause 2 of rule XII the Committees on Education and Labor and Oversight and Government Reform discharged from further consideration. H.R. 2347 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Education and Labor discharged from further consideration. H. Con. Res. 140 referred to the Committee of the Whole House on the Status of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PELOSI (for herself, Mr. HOYER, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. VAN HOLLEN, Mr. BECERRA, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. OBERSTAR, Mr. RAHALL, Mr. LANTOS, Mr. GORDON, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mr. MARKEY):

H.R. 3220. A bill moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Foreign Affairs, Small Business, Science and Technology, Agriculture, Oversight and Government Reform, Natural Resources, Transportation and Infrastructure, Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. HOYER, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. VAN HOLLEN, Mr. BECERRA, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. OBERSTAR, Mr. RAHALL, Mr. LANTOS, Mr. GORDON, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mr. MARKEY):

H.R. 3221. A bill moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Foreign Affairs, Small Business, Science and Technology, Agriculture, Oversight and Government Reform, Natural Resources, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself and Mrs. CAPPS):

H.R. 3223. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Mr. KUHL of New York):

H.R. 3224. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself and Mr. MOORE of Kansas):

H.R. 3225. A bill to require the Securities and Exchange Commission to improve the disclosure of fees and expenses of open-end investment companies registered under the Investment Company Act of 1940; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. MCDERMOTT, Mr. HINCHEY, and Mr. SHAYS):

H.R. 3226. A bill to enable States to acquire hybrid motor vehicles to satisfy certain fleet acquisition requirements; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Washington (for himself, Mr. LARSEN of Washington, Mrs. MCMORRIS RODGERS, and Mr. DICKS):

H.R. 3227. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mr. HALL of New York, Mr. ENGEL, and Mr. HINCHEY):

H.R. 3228. A bill to require the Nuclear Regulatory Commission to retain and redistribute certain amounts collected as fines; to the Committee on Energy and Commerce.

By Mr. WESTMORELAND (for himself and Mr. BISHOP of Georgia):

H.R. 3229. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California:

H.J. Res. 47. A joint resolution disapproving the rule submitted to the Congress by U.S. Citizenship and Immigration Services on June 6, 2007, relating to adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself, Mr. KANJORSKI, Mr. BACHUS, and Mr. HINOJOSA):

H. Res. 584. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Mr. POE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. GONZALEZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. REYES, Mr. ORTIZ, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. HALL of Texas, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. GOHMERT, Mr. HENSARLING, Mr. PAUL, Mr. CULBERSON, Mr. BURGESS, and Mr. LEWIS of Georgia):

H. Res. 585. A resolution honoring the extraordinary life of legendary reporter, television personality, international humanitarian, and Houston icon Marvin Harold Zindler, who championed the cause of the economically powerless, politically underrepresented, and physically ill and disabled in Houston, across the nation, and around the world; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE:

H. Res. 586. A resolution congratulating East High School of Denver, Colorado, on winning the 2007 "We the People: The Citizen and the Constitution" national competition; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Ms. SUTTON, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. ALLEN, Mr. GRIJALVA, Mr. HARE, Mr. ELLISON, Ms. SOLIS, Mr. GOODE, Mr. VISCLOSKY, Mr. BRALEY of Iowa, Mr. OBERSTAR, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. MOLLOHAN, Mr. KUCINICH, Mr. LIPINSKI, Mr. DEFAZIO, Ms. LEE, Ms. SLAUGHTER, Mr. RYAN of Ohio, Mr. FILNER, Mr. PALLONE, and Mr. COHEN):

H. Res. 587. A resolution expressing the sense of the House of the Representatives that legislation to renew or grant fast track trade negotiating authority should not be considered by the House of Representatives in the 110th Congress; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

146. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 129 urging members of the Pennsylvania Congressional delegation to support legislation to repeal Section 1221 of the Energy Policy Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

147. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 126 urging the Pennsylvania Congressional delegation to support measures that repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of citizens of this country; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

148. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 248 opposing the implemenation of the REAL ID Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 3230. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 3231. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Ms. NORTON.

H.R. 180: Mr. BRADY of Pennsylvania, Ms. ROS-LEHTINEN, Mr. PASCRELL, Mr. MCNERNEY, Mr. LIPINSKI, Mr. DAVIS of Alabama, Mr. TOWNS, Mr. CLYBURN, Mr. HARE, Ms. ZOE LOFGREN of California, Mr. MEEKS of New York, Mr. WELCH of Vermont, Ms. DEGETTE, Mr. HINOJOSA, Mr. SMITH of Washington, Ms. BORDALLO, Mr. INGLIS of South Carolina, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. HOYER, and Mr. BILIRAKIS.

H.R. 346: Mr. ROGERS of Alabama.

H.R. 471: Mr. MCCAUL of Texas.

H.R. 550: Mr. ROTHMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WYNN, and Mr. HALL of New York.

H.R. 551: Mr. ROYCE, Mr. BECERRA, and Mr. FRANK of Massachusetts.

H.R. 585: Mr. FRANK of Massachusetts.

H.R. 784: Mr. FRANK of Massachusetts.

H.R. 840: Ms. SUTTON.

H.R. 871: Ms. MATSUI.

H.R. 957: Mrs. BLACKBURN, and Ms. ZOE LOFGREN of California.

H.R. 1000: Mrs. CAPPS, Mr. BARROW, Mr. COOPER, Mr. OBEY, Ms. DELAURO, Mr. HOLT, Mr. MCDERMOTT, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 1030: Mr. BOUCHER.

H.R. 1032: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1076: Mr. SPACE, and Mr. GORDON.

H.R. 1125: Mr. BOUSTANY, Mr. BILBRAY, Mr. DANIEL E. LUNGREN of California, Mr. LEWIS of California, Mr. BACA, Mr. GILCHREST, and Mr. ALEXANDER.

H.R. 1174: Mr. DUNCAN.

H.R. 1228: Mr. SHIMKUS.

H.R. 1237: Ms. WOOLSEY, Mr. DONNELLY, Mr. KILDEE, and Mr. HALL of Texas.

H.R. 1275: Ms. HIRONO and Mr. ABERCROMBIE.

H.R. 1302: Ms. KILPATRICK and Mr. WU.

H.R. 1306: Mr. KELLER.

H.R. 1350: Mr. WALSH of New York.

H.R. 1363: Mr. KLEIN of Florida, Ms. KILPATRICK, and Mr. DEFAZIO.

H.R. 1422: Mrs. MCCARTHY of New York and Mr. STARK.

H.R. 1464: Mr. SESTAK.

H.R. 1537: Mr. SESTAK.

H.R. 1539: Mr. MILLER of Florida and Mrs. DRAKE.

H.R. 1553: Ms. HIRONO and Mr. HALL of Texas.

H.R. 1567: Mr. ACKERMAN, Mr. WU, Ms. DELAURO , Mr. COHEN, Mr. TOWNS, Ms. KILPATRICK, Mr. CAPUANO, and Mr. FATTAH.

H.R. 1609: Mr. PALLONE and Ms. ZOE LOFGREN of California.

H.R. 1653: Mr. CLAY.

H.R. 1671: Mr. HOLT.

H.R. 1687: Ms. MATSUI.

H.R. 1691: Mr. WAXMAN and Ms. DELAURO.

H.R. 1713: Ms. DELAURO.

H.R. 1721: Mr. KENNEDY.

H.R. 1767: Mr. JORDAN, Mr. BISHOP of Georgia, and Mr. HALL of Texas.

H.R. 1772: Mr. STUPAK.

H.R. 1783: Mr. COURTNEY, Mr. HASTINGS of Florida, Mr. KUHL of New York, Mr. ROTHMAN, and Mr. GORDON.

H.R. 1818: Mr. GORDON.

H.R. 1843: Mr. MCHUGH.

H.R. 1884: Mr. ELLISON.

H.R. 1927: Mr. FRANK of Massachusetts.

H.R. 1971: Mr. WEINER.

H.R. 2015: Ms. DELAURO, Mr. BAIRD, and Mr. COOPER.

H.R. 2060: Mr. YOUNG of Alaska.

H.R. 2095: Mr. PERLMUTTER, Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. STARK.

H.R. 2112: Mr. INSLEE.

H.R. 2131: Mr. DONNELLY and Mr. PAYNE.

H.R. 2188: Mr. BOSWELL.

H.R. 2274: Mr. SARBANES, and Mr. GORDON.

H.R. 2295: Mr. BACHUS.

H.R. 2343: Mr. EHLERS.

H.R. 2373: Mr. WEINER.

H.R. 2385: Mr. GORDON.

H.R. 2449: Ms. MCCOLLUM of Minnesota.

H.R. 2464: Mr. PRICE of North Carolina, Mr. HINOJOSA, and Mr. THOMPSON of California.

H.R. 2511: Mr. GERLACH, Mr. ABERCROMBIE, Mr. PAYNE, Ms. HERSETH SANDLIN,

Mr. HINOJOSA, Mr. CASTLE, and Mr. SPACE.

H.R. 2550: Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. YOUNG of Alaska, Mr. ALEXANDER, Ms. CORRINE BROWN of Florida, and Mr. DEFAZIO.

H.R. 2576: Mr. WYNN and Mr. DAVIS of Illinois.

H.R. 2583: Ms. HIRONO and Mr. SNYDER.

H.R. 2584: Mr. SNYDER.

H.R. 2634: Mr. FATTAH and Mr. KUCINICH.

H.R. 2677: Mr. KIND.

H.R. 2715: Ms. HIRONO.

H.R. 2790: Mr. HOLDEN and Ms. BERKLEY.

H.R. 2821: Mr. DAVIS of Illinois.

H.R. 2885: Mr. FEENEY.

H.R. 2894: Mr. COHEN, Mr. DAVIS of Illinois, and Mrs. JONES of Ohio.

H.R. 2924: Ms. CARSON and Ms. HOOLEY.

H.R. 2926: Mr. BISHOP of Georgia.

H.R. 2927: Mr. COBLE, Mr. MCHENRY, Mr. KLINE of Minnesota, and Mr. PRICE of Georgia.

H.R. 2934: Mr. LOBIONDO.

H.R. 2943: Mr. FRANK of Massachusetts, Ms. CARSON, and Ms. MATSUI.

H.R. 2966: Ms. HIRONO.

H.R. 3008: Mr. SPACE.

H.R. 3010: Ms. SUTTON, Mr. KUCINICH, and Mr. DAVIS of Illinois.

H.R. 3026: Mr. LAMBORN, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. ROGERS of Alabama, Mr. EDWARDS, Mrs. GILLIBRAND, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. DANIEL E. LUNGREN of California, Mr. BROWN of Georgia, Mr. CARTER, Mr. CONAWAY, Mr. FEENEY, Mr. TIAHRT, Mrs. CAPITO, Mr. COLE of Oklahoma, Mr. BLUNT, Mr. KIRK, Mr. LEWIS of California, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. MANZULLO, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Mr. CANTOR, Mr. GOHMERT, Mr. TOM DAVIS of Virginia, Mrs. MILLER of Michigan, and Mr. DREIER.

H.R. 3029: Mr. WAXMAN.

H.R. 3035: Ms. DELAURO, Mr. GINGREY, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. WOLF, Mr. SOUDER, Mr. OBEY, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mrs. NAPOLITANO, Mr. STEARNS, Mr. KIRK, Mr. SNYDER, Mr. HARE, Mr. HENSARLING, Mr. PASCRELL, Mr. PALLONE, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. MORAN of Virginia.

H.R. 3046: Ms. BORDALLO and Mr. DEFAZIO.

H.R. 3062: Ms. BORDALLO, Mr. MEEKS of New York, Mr. ENGEL, Mr. SIRES, Mrs. CHRISTENSEN, Mr. CROWLEY, and Mr. HONDA.

H.R. 3077: Mr. MICA, Mr. DEFAZIO, Mr. ROHRABACHER, and Ms. SHEA-PORTER.

H.R. 3087: Ms. HIRONO and Mr. SHAYS.

H.R. 3089: Mr. BURTON of Indiana and Mr. YOUNG of Alaska.

H.R. 3090: Mr. ENGLISH of Pennsylvania.

H.R. 3099: Ms. BERKLEY.

H.R. 3109: Mr. SIMPSON and Mr. BRADY of Pennsylvania.

H.R. 3114: Mr. LARSON of Connecticut, Mr. ALLEN, Mr. DELAHUNT, Mr. PAYNE, Mr. HINCHEY, Mr. HALL of New York, Mr. PALLONE, and Mr. MCGOVERN.

H.R. 3123: Mr. PAYNE.

H.R. 3132: Mr. CLEAVER, Mr. SIRES, and Ms. KILPATRICK.

H.R. 3140: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BOSWELL.

H.R. 3167: Ms. NORTON, Ms. CARSON, Mr. WELCH of Vermont, and Mr. SMITH of Washington.

H.R. 3175: Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Ms. DELAURO.

H.R. 3195: Mr. BONNER, Mr. SESTAK, Mr. BRADY of Pennsylvania, Mr. HARE, Mr. MOLLOHAN, Mr. KAGEN, Mr. HINCHEY, Mr. EDWARDS, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 138: Mr. BOREN and Mr. KILDEE.

H. Con. Res. 162: Ms. SCHAKOWSKY.

H. Con. Res. 163: Mrs. LOWEY.

H. Con. Res. 181: Mr. REYES, Ms. LORETTA SANCHEZ of California, Ms. SHEA-PORTER, and Mr. JONES of North Carolina.

H. Con. Res. 188: Mr. NADLER, Mr. WEINER, and Ms. CASTOR.

H. Con. Res. 193: Mr. ROSS, Mr. COURTNEY, Mr. MICHAUD, Mr. ARCURI, and Mr. TANNER.

H. Res. 32: Ms. WATSON, Mr. WEXLER, Mr. SCOTT of Georgia, Mr. PAYNE, and Mr. MILLER of North Carolina.

H. Res. 34: Mr. SCOTT of Georgia and Mr. MILLER of North Carolina.

H. Res. 101: Mr. MCGOVERN.

H. Res. 197: Ms. SUTTON.

H. Res. 238: Mr. SMITH of Washington and Ms. LEE.

H. Res. 241: Mr. VAN HOLLEN.

H. Res. 389: Mr. GRIJALVA, Ms. WOOLSEY, Mr. MORAN of Virginia, and Ms. CARSON.

H. Res. 433: Ms. BORDALLO and Mr. BRADY of Pennsylvania.

H. Res. 457: Mr. TERRY.

H. Res. 508: Mr. SCOTT of Georgia.

H. Res. 548: Mr. HASTINGS of Florida, Mr. DENT, Ms. SCHAKOWSKY, and Mr. HENSARLING.

H. Res. 550: Mr. CROWLEY, Mr. DANIEL E. LUNGREN of California, Mr. PERLMUTTER, Mr. SHAYS, Mr. LEWIS of California, Mr. YOUNG of Alaska, and Ms. ZOE LOFGREN of California.

H. Res. 557: Mr. BACHUS and Mr. LOBIONDO.

H. Res. 575: Ms. ROS-LEHTINEN, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.

H. Res. 583: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. SMITH of New Jersey.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3161

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 1: At the end of the bill (before the short title) insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—OTHER GENERAL PROVISIONS

SEC. 801. None of the funds appropriated, or otherwise made available, in this Act may be used to carry out any amendment to section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)) made by H.R. 2419 as enacted by the 110th Congress.

H.R. 3161

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. ___. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 3: Page 2, line 9, after the dollar amount, insert "(reduced by $50,050)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 4: Page 2, line 20, after the dollar amount, insert "(reduced by $108,470)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 5: Page 3, line 6, after the dollar amount, insert "(reduced by $167,230)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 6: Page 3, line 9, after the dollar amount, insert "(reduced by $60,760)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 7: Page 4, line 4, after the dollar amount, insert "(reduced by $7,090)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 8: Page 5, line 20, after the dollar amount, insert "(reduced by $239,130)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 9: Page 6, line 12, after the dollar amount, insert "(reduced by $39,360)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 10: Page 7, line 6, after the dollar amount, insert "(reduced by $97,200)".

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to close the office of the Farm Service Agency located in Calhoun, Georgia.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading "DOMESTIC FOOD PROGRAMS—Food and Nutrition Service—food stamp program" may be used in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a).

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" may be used in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a).

H.R. 3161

OFFERED BY: MR. JORDAN

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.5 percent.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 15: Strike section 726.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 16: Strike section 738.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture who would require contracts to construct renewable energy systems to be carried out in compliance with the provisions of the Davis-Bacon Act.

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Appropriations made in this Act are hereby reduced in the amount of $188,170,000.

H.R. 3161

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 19: Page 3, line 9, strike ": *Provided*" and all that follows through "budgets for contracting out".

H.R. 3161

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 20: Strike section 727.

H.R. 3161

OFFERED BY: MR. UPTON

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

H.R. 3161

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 22: Page 11, line 8, after the dollar amount, insert "(reduced by $600,000)".

Page 12, line 15, after the semicolon, insert the following: "for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $800,000;".

Page 12, line 18, after the dollar amount, insert "(reduced by $200,000)".

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 23: Page 33, line 16, after the dollar amount, insert "(increased by $32,000,000)".

Page 56, line 19, after the dollar amount, insert "(reduced by $32,000,000)".

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 24: Page 48, line 12, after the dollar amount, insert "(increased by $17,820,000)".

Page 56, line 19, after the dollar amount, insert "(reduced by $17,820,000)".

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated in this Act under the heading "DOMESTIC

FOOD PROGRAMS—Food and Nutrition Service—food stamp program" may be used in contravention of the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

H.R. 3161

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 26: Page 48, line 3, after the first dollar amount, insert "(reduced by $5,300,000)".

H.R. 3161

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 27: Page 48, line 12, after the first dollar amount, insert "(reduced by $8,910,000)".

H.R. 3161

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 28: Page 33, line 16, after the first dollar amount, insert "(reduced by $6,287,000)".

Page 33, line 17, after the first dollar amount, insert "(reduced by $6,287,000)".

EXTENSIONS OF REMARKS

STATEMENT ON THE BASEBALL HALL OF FAME'S INDUCTION OF CAL RIPKEN, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. PELOSI. Madam Speaker, I rise to congratulate an outstanding athlete and role model, Cal Ripken, Jr., on his induction into the Baseball Hall of Fame. As a native Baltimorean, I am honored to have this chance to pay tribute to a man who has given so much of himself to the people of Baltimore, to their beloved Orioles, and to the game of baseball itself.

The outpouring of love and affection we witnessed at Cal's induction ceremony this Sunday in Cooperstown was a fitting tribute to a man whose love for the game and dedication to his craft knew no bounds. Greeted by a record crowd for a Hall of Fame induction ceremony estimated at 75,000—so many of whom traveled north from the Baltimore area—Cal again showed why he is held in the highest esteem by fans across America and by his fellow Hall of Fame members.

Cal Ripken's accomplishments on the field made him a certain first ballot Hall of Fame member. Cal exploded onto the baseball scene in 1982 and was named American League Rookie of the Year. He would twice win the League's Most Valuable Player award, his first honor coming in only his second full season, in which he also helped lead the Orioles to a World Series title. Over his 21-year Oriole career, Ripken compiled 3,184 hits—including 431 home runs—was selected to represent the American League in the All-Star Game 19 times, and won two Gold Gloves.

Of course, Cal is best remembered for breaking one of baseball's most cherished records when he surpassed Lou Gehrig's mark of 2,130 consecutive games played. A time when some thought interest in baseball was waning, Cal Ripken's "Iron Man" streak renewed America's love affair with our national pastime and helped create a new generation of baseball fans. The Streak was more than just a personal record; it was Cal's daily lesson to us all about how the game should be played.

Cal's dedication and respect to the game was engrained in him by his father, the late Cal Ripken, Sr., who spent 36 years in the Orioles organization and piloted the Orioles through the 1987 season. In a loving tribute during his induction speech, Cal said of his father, "He was for me and many others an example of how to play and prepare for the game the right way—the Cal Sr. way."

For Oriole fans, this past Sunday was a special moment as we watched Cal unveil his Hall of Fame plaque surrounded by so many Oriole stars of the past, including Brooks Robinson, Frank Robinson, Eddie Murray, Jim Palmer, and former Oriole manager Earl Weaver. It brought back so many wonderful memories of summers past at Memorial Stadium and Camden Yards. It also made me proud remembering the role my father, Thomas D' Alesandro, played in bringing the franchise to Baltimore in 1954 when he was the city's mayor.

For many, Cal's Hall of Fame induction was a mere formality because we already knew his play on the field and his positive demeanor off it had earned him a place among baseball's immortals. I congratulate him on this tremendous honor and look forward to his continuing contributions to the greater Baltimore community.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. PELOSI. Madam Speaker, 50 years ago next month, a group of courageous champions of civil rights united to form the Southern Christian Leadership Conference (SCLC), which became a driving force behind the fight for equality and economic opportunity for African Americans. Led by the Rev. Dr. Martin Luther King, the SCLC's commitment to non-violent civil disobedience exposed the evils of segregation and the violence and intimidation necessary to enforce this immoral policy.

The heroic efforts of the SCLC and the great faith and courage of its members were indispensable to the epic and defining struggle of our history: to secure rights for all and to live up to the purpose for which this nation was founded—equality and justice for all.

At the March on Washington for Freedom and Jobs, where Dr. King delivered his famous "I Have a Dream" speech, the SCLC created a turning point in the national debate over civil rights, helping propel passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These twin victories shattered the policy of segregation and reaffirmed our nation's commitment to equality for all of our citizens. The SCLC changed the nation with a vision of justice, equality, and opportunity for all.

Today, the SCLC continues its commitment to improving the lives of African Americans, focusing on issues of economic empowerment, access to health care, and opportunity through education. On the occasion of its 50th anniversary, I honor the SCLC for its commitment to positive social change through direct action and non-violence, and I look forward to the victories we will achieve together in the name of equal justice and equality for all Americans.

CONGRATULATING LEE McGILVRAY ON RETIREMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Lee McGilvray of Denton, Texas on his retirement from the City of Denton Solid Waste Department.

Mr. McGilvray held employment in the City of Denton for 39 years and 33 days. For nearly 4 decades, Mr. McGilvray has provided the service that makes our everyday lives easier. He worked both in the Commercial Division as well as the Landfill Operations Division.

Mr. McGilvray is also a valued member of the Solid Waste Road-e-o Team. A vehicle obstacle course, Road-e-o gives drivers the opportunity to demonstrate their skills that are highly developed but often unnoticed by the general public. He placed 1st place in the state dozer competition in 2005, 3rd place in the national dozer competition in 2005 and 3rd place in the state dozer competition in 2006. The Road-e-o Team represents the department at statewide and national Road-e-o events aimed at promoting the safe operation of heavy equipment through competitions.

I extend my sincere congratulations to Mr. Lee McGilvray on his retirement. His dedication and commitment to serving the citizens of Denton made us all lead better lives. Thank you.

COMMENDING DICK ARMEY'S OP-ED ON THE MEK

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. TANCREDO. Madam Speaker, I rise today to commend the following op-ed about the MEK to the body. This is an important topic and I hope Members will have an opportunity to review it.

Thank you, Madam Speaker.

[July 24, 2007]

EMPOWERING THE DEMOCRATIC OPPOSITION IN IRAN

(By Dick Armey)

During the Cold War, the free world was threatened by a nuclear-armed state based on a radical, all-encompassing and discredited ideology, a regime that projected an aggressive agenda of global domination even as it struggled to keep its own dissatisfied citizens in line back home. While America and her allies maintained a resolute posture of military strength to keep Soviet expansionism in check, ultimately it was our example of freedom that inspired the restive peoples living under the Evil Empire to tear down the wall.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Taking a leaf out of history's notebook, there are striking similarities between the dangers now emanating from tehran and those fueled by Moscow during the Soviet era. Iran's regime is also based on a radical, all-encompassing and discredited ideology, and projects an aggressive, destabilizing international posture while suppressing the will of its own citizens. The good news may be that, like the totalitarian ideology before it, the extremist fundamentalism of the Iranian mullahs could best be attacked by the power of an idea called freedom.

There is currently no shortage of high-level American attention to Iran. My former colleagues in Congress are working to impose tougher economic pressure and bans on investment in iran, while the Bush administration is working to marshal stronger international will to enforce the sanctions.

But the other part of the Iran equation must be to encourage the kind of peaceful revolution inside Iran that not only Americans desire, but that a majority of the iranian people themselves want.

Military intervention is not a viable option. "Engagement" may seem like an appealing alternative. But the diplomatic history of the past 30 years provides a chronicle of successive setbacks suffered by the West while the regime continued its relentless march toward nuclearization while bankrolling terrorists and expanding its power and reach.

Current efforts at "engagement" have done nothing to advance the cause of freedom inside Iran. The regime has recently resorted to a crackdown on internal dissent and personal freedom, targeting everything from community organizations to the nation's burgeoning private banking system—pillars of civil society and a free market economy. Visiting Iranian-American scholars are detained on absurd, trumped-up charges and made to "confess" their "crimes" on television.

Like the captive peoples of the Soviet empire a generation ago, today's Iranians are receptive to ideas that challenge the ruling orthodoxy. Indeed, the popularity of America in Iran seems to rise the more the regime demonizes us.

One of the best assets working for reform is demographics—nearly 70 percent of Iran's 68 million citizens are under the age of 30. They are impatient for change, and they are the future.

America and our partners should work with and empower freedom-loving elements within Iran and among the Iranian Diaspora, broadcasting messages of democracy and providing support, moral and otherwise, to the brave dissidents. While we must avoid doing this with a heavy hand, lest our efforts backfire, there are ways we can help level the playing field and give the opposition a fighting chance.

Supporting the democratic opposition holds great promise for promoting the cause of freedom and democracy in iran, particularly the group feared most by the regime: the Mujahedin-e Khalq (MEK), for decades demonized by the regime for its efforts to encourage "soft" revolution.

Never has the old adage, "the enemy of my enemy is my friend," been more true than in the case of the MEK, whose members residing in Ashraf City, Iraq, are protected persons under the Geneva Convention. But, in a stark example of failed "engagement," the organization was placed on the list of foreign terrorist organizations by the Clinton administration as a way of placating the so-called "moderates" in Iran.

Attracting world attention in 2002, the MEK first revealed the existence of Iran's secret nuclear facility at Natanz. Today it is providing useful intelligence that is saving the lives of Coalition soldiers in Iraq. Thus, it comes as no surprise that the regime is eager to use the next round of "engagement" with American officials to further isolate the MEK, as part of iran's certain-to-be-unfulfilled pledge to reduce its influence in Iraq.

Two of my former congressional colleagues, Reps. Tom Tancredo (R-Colo.) and Bob Filner (D-Calif.), are leading a bipartisan effort to urge the State Department to remove the MEK from the terrorist list, where it was wrongly included in the first place.

Removing the MEK from the list represents one concrete step we could take to help the Iranian people forward on the long road to achieving freedom and real democracy in their country.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. CARSON. Madam Speaker, on Wednesday, July 25, 2007, I was unable to vote on Roll #716, 717, 718 and 719. Had I been present, I would have voted YES on each of these measures.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 748, I was unavoidably absent. Had I been present, I would have voted "yea"; on rollcall No. 749, I would have voted "yea"; on rollcall No. 750, I would have voted "nay"; on rollcall No. 751, I would have voted "nay"; on rollcall No. 752, I would have voted "yea"; on rollcall No. 753, I would have voted "nay"; on rollcall No. 754, I would have voted "yea"; on rollcall No. 755, I would have voted "nay"; on rollcall No. 756, I would have voted "yea"; on rollcall No. 757, I would have voted "yea."

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. CARTER. Madam Speaker, on July 26, 2007, I was unable to be present for all rollcall votes due to an unexpected delay.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 734—"aye."
Roll No. 735—"no."
Roll No. 736—"no."
Roll No. 737—"aye."
Roll No. 738—"aye."
Roll No. 739—"aye."
Roll No. 740—"aye."
Roll No. 741—"aye."
Roll No. 742—"aye."

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. COLE of Oklahoma. Madam Speaker, I was unavoidably absent for rollcall vote No. 691, on agreeing to the Mica amendment to H.R. 3074. Had I been present, I would have voted "aye."

TRIBUTE TO COLONEL ROBERT SWENSON

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor COL Robert Swenson, who is retiring from his post as Commander at the Letterkenny Army Depot in Chambersburg, Pennsylvania in August. Colonel Swenson has spent two years at Letterkenny, managing the multi-million dollar facility and overseeing the maintenance and base operation missions of the depot.

Prior to acting as Commander of Letterkenny Army Depot, Colonel Swenson served in the Army as a platoon leader in Germany, a COSCOM Ammunition Officer during Operations Desert Shield and Desert Storm and commanded the 498th Corps Support Battalion in Seoul, South Korea. He was later assigned to be Army Secretary for Joint and Defense Affairs in the Office of the Chief of Staff of the Army. He then worked as the Special Assistant to the Commanding General Army Materiel Command prior to taking the post of Commander at Letterkenny. Colonel Swenson has earned numerous awards throughout his career, including the Bronze Star Medal, the Legion of Merit, and the Defense Meritorious Service Medal, just to name a few.

During his tenure at Letterkenny, Colonel Swenson demonstrated his leadership through the undertaking of numerous projects, by which he made important improvements to depot operations and efficiency. Colonel Swenson restructured the LEAN team and implemented his LEAN Manufacturing program, which was instrumental in Letterkenny's receipt of Army Environmental Award.

Colonel Swenson's accomplishments identify him as an Army officer of the highest caliber and reflect great credit upon himself, the Letterkenny Army Depot, and the U.S. Army. I, along with the employees at Letterkenny, would like to thank COL Robert Swenson for all of his leadership and dedication as Commander.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise with my colleagues in recognizing the founding of the Southern Christian Leadership Conference's 50th anniversary. I commend Congressman RUSH in reserving this time to pay homage to this great American institution.

When this organization held its first annual convention in Montgomery, AL, five decades ago this August, I was just a young boy understanding the strategy of the nonviolent approach to hate, segregation, and inequality that was and still is prevalent today in America's society.

As a former prosecutor and County Executive, I have worked very hard to ensure the organization's commitment to nonviolent action to achieve social, economic, and political justice currently are focused on issues such as racial profiling, police brutality, hate crimes, and discrimination.

Today, the Southern Christian Leadership is a nationwide organization that is made up of chapters and affiliates with programs that affect the lives of all Americans.

Its sphere of influence and interests has become international in scope because the battle for human rights is one that transcends national boundaries.

Madam Speaker, I believe by recognizing organizations that have given so much to this country is sending a clear message to the American people that the legacy of its past and future presidents will never be forgotten.

IN CELEBRATION OF THE OREGON STATE UNIVERSITY MEN'S BASEBALL TEAM, NCAA COLLEGE WORLD SERIES CHAMPIONS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. WU. Madam Speaker, I rise today to recognize the Oregon State University baseball team on winning their second-straight NCAA College World Series championship. OSU is the first team since 1997 to win back-to-back College World Series championships.

The Beavers capped off their 49–18 winning season with a "no-nonsense" approach to the championship games in Omaha, Nebraska. The Beavers solidly won the first two games in the final series against the University of North Carolina Tar Heels, wasting no time to claim their consecutive championship trophy.

Congratulations to Head Coach Pat Casey and the Oregon State Beavers on this historic achievement.

HONORING JOANN DIGENNARO, PRESIDENT, CENTER FOR EXCELLENCE IN EDUCATION FOR HER PHILANTHROPIC WORK WITH THE GOVERNMENT OF BULGARIA AND THE STS. CYRIL AND METHODIUS FOUNDATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mrs. TAUSCHER. Madam Speaker, I rise today to honor Joann DiGennaro, president of the Center for Excellence in Education, for her hard work and dedication.

As an honorary member of the Board of Trustees for the Center for Excellence in Education, I have witnessed firsthand the important work that Joann has undertook in her role as President of the Center, and I could not be more impressed by her years of effort and accomplishment.

Recognizing a need to make an essential investment in our national and global future, Joann founded the Center for Excellence in Education 1983 along with the late ADM H.G. Rickover, the father of the nuclear navy and discoverer of many civilian uses of nuclear power. Since its establishment the Center has a successful history of contributing to the scientific leadership of this country. The Center's commendable mission is to nurture young scholars to careers of excellence in science and technology through providing cost-free programs, such as the Research Science Institute (RSI) and the USA Biology Olympiad (USABO), to its student scholars.

Joann is one of the special few in our world who are willing to take dramatic steps to address the current and future needs of our Nation, and she has striven to provide countless opportunities for thousands of students from around the globe in order to promote the development of scientific and technological leaders.

Her global approach makes it no surprise that she was honored by the Bulgarian Government and the Sts. Cyril and Methodius Foundation. As a co-chair of the Bulgarian Caucus, I applaud Joann's efforts in creating strong business relationships between the U.S. and Bulgaria. I know that she is just as likely to be honored by any number of our Nation's partners for her work in developing partnerships around the world.

Madam Speaker, I ask you and all of my colleagues to rise and honor Joann DiGennaro for her dedicated spirit and the important work she continues to perform today as president of the Center for Excellence in Education.

HONORING WALNUT HILL PRESBYTERIAN CHURCH ON ITS 75TH ANNIVERSARY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to dedication of the congregation of Walnut Hill Presbyterian Church on the occasion of the celebration of their 75th Anniversary.

In the First District of Tennessee, there is a long tradition of worship that has brought a great sense of heritage and values to our community.

In 1932 a dedicated group of believers sacrificed to start a church in the area between Blountville and Bristol, TN. During this time they have been a shining light on a hill for all in the Walnut Hill community.

Madam Speaker, I ask that the House join me in honoring the congregation of Walnut Hill Presbyterian Church for their tireless efforts through the past 75 years in sharing the gospel and encouraging people to pursue better lives.

COMMEMORATING THE ACHIEVEMENTS OF GAY BRASHER

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. HONDA. Madam Speaker, I rise today to honor Gay Brasher, an extraordinary person who has dedicated her career and life to educating our youth in public speaking through speech and debate. Her excellence in teaching is reflected in the numerous accolades she has received for developing one of the most successful and renowned speech and debate programs in the nation.

Ms. Gay Brasher was raised in Lafayette, Louisiana. When she was young, she was certain she wanted to eventually coach public speaking and debate. Gay went on to the University of Southwestern Louisiana, now the University of Louisiana at Lafayette, where she successfully debated in multiple state tournaments. After obtaining her Bachelor's and Master's Degrees from the university, she stayed in the Louisiana area to begin her teaching career.

At the beginning of her career, Gay loudly voiced her belief in the importance of public speaking courses. She served on the Louisiana State Committee for textbook adoption, focusing on the need for speech education. At her first teaching assignment, she was named the Louisiana Speech Coach of the Year, and shortly after, she moved to the San Francisco Bay Area to continue her teaching.

In the Silicon Valley, Gay bolstered San Jose High School's award-winning speech and debate program. Gay was a great influence on the community and was frequently recognized for her commitment to improving high school debate programs. In March of 1996, she was honored by the Tech Museum of Innovation as an Inspirational Teacher, and in 1999, she was awarded the Dr. Martin Luther King Jr. Good Neighbor Award for her contributions and voluntary service to the community. At one point in her career, she coached speech and debate at all 6 San Jose High Schools at the same time. She eventually settled at Leland High School, where she developed one of the best speech and debate programs in the nation.

The Leland team consistently wins the sweepstakes award at several league and invitational tournaments; dozens of individual team members qualify yearly for the state and national championship tournament. Gay has now mentored several California State Champions, 2 Catholic Forensic League National Champions, and 1 National Forensic League National Champion. In 2007, Leland High School was chosen as one of only 3 schools from the hundreds of participants to be honored with the Excellence in Speech and Debate Award.

Aside from coaching the Leland High School Speech and Debate Team, Gay also provides learning opportunities for other members of the Leland community. She hosts an annual speech tournament for English as a Second Language Students to help with their speaking skills. Gay also teaches public speaking at Burnett Junior High School and donates her earnings to the Leland Speech and Debate Program. In addition, she was the Area Chairperson for the California High School Speech Association (CHSSA) and was elected to the CHSSA Hall of Fame.

Gay has been widely recognized by the community for her excellence. Besides being named as the Teacher of the Year for Leland High School in 1998, Gay was also chosen as the San Jose Unified School District's Teacher of the Year. In 2001, the National Forensics League (NFL) named Gay as the Speech Coach of the Year, and in 2006 she was inducted into the NFL Hall of Fame. Now in 2007, Gay received her Fifth Diamond from the NFL and continues to inspire the speech and debate community.

The impact that Gay has made on her students is immeasurable. Gay regularly receives letters from former students and universities noting her influence and praising her support. Her passion for speech is inspiring to educators and students alike as we are reminded of the enormous importance of public speaking programs in our educational system. Her guidance has been vital in the lives of so many as she shaped not only an immensely successful speech and debate program but also the students within it.

I offer my congratulations to Gay Brasher on her distinguished career as the coach of the Leland High School Speech and Debate Program. She has touched a generation of students, and her legacy will live on for many years to come.

HONORING THE 90TH BIRTHDAY OF ADA MANUEL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to honor and congratulate Ada Manuel who will be celebrating her 90th birthday at the J. Charles Griswell Senior Citizens Center in Georgia.

She was born on August 10, 1917 to Frank and Hettie Drake Spence. Ada was married to the late Booker T. Manuel with whom she had 2 daughters Juanita Manuel Rhodes Mond and Elaine Manuel Symonette. She is the grandmother of Reginald E. Symonette, Dr. Yulanda Rhodes, Edward R. Rhodes and Wanda D. Rhodes Price; and the great grandmother of Chandler Price, Chad Price, Chelsea Price, Chania Price, Aaron Rhodes and Xenia Rhodes who sadly preceded her great grandmother in death.

After graduating from Mitchell County Elementary High School, she felt the need for spiritual growth so she became a member of Friendship Missionary Baptist Church under the leadership of the late Reverend J. I. Ross. Eager to serve, she became a doorkeeper at the Church. She also served as an assistant chief to the usher board. She later formed the now Jordan Grove Missionary Baptist Church under the leadership of the late Reverend Charlie E. Smith.

Ada also enjoys singing and praying; especially praying because she will pray for anyone. During her 40 years at Jordan Grove Missionary Baptist Church, she was a member of the Willing Workers where she served as president for one term and then vice-president. As also a member of the Prayer Band, she worked one several committees including Women's Days.

Currently she is a member of the First Baptist Church of Brownsville. She is an exemplary figure for both the young and the old of her parish.

Madam Speaker, and colleagues, I ask that you join me in honoring Ada Manuel today. I hope we all have the good fortune to live such a full life as she has; she is truly a great lady. Her family and friends must be very proud, and I thank her for continuing to serve the community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 31, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 1

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the United States Africa Command, focusing on a new strategic relationship with Africa.

SD–419

Banking, Housing, and Urban Affairs

Business meeting to consider S. 1677, to amend the Exchange Rates and International Economic Coordination Act of 1988, and original bills entitled, "Housing Assistance Authorization Act", "Private Student Loan Transparency and Improvement Act", and "Commission on Natural Catastrophe Risk Management and Insurance Act".

SD–538

Energy and Natural Resources

To hold an oversight hearing to examine recent advances in clean coal technology, focusing on the prospects for deploying these technologies at a commercial scale in the near future.

SD–366

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and S. 1858, to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act.

Room to be announced

Homeland Security and Governmental Affairs

Business meeting to consider S. 680, to ensure proper oversight and accountability in Federal contracting, H.R. 1254, to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations, S. 1000, to enhance the Federal Telework Program, S. 1446, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, S. 547, to establish a Deputy Secretary of Homeland Security for Management, S. 1245, to reform mutual aid agreements for the National Capitol Region, S. 597, to extend the special postage stamp for breast cancer research for 2 years, H.R. 2570, to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building", S. 1732, to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building", S. 1772, to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office", S. 1781, to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office", H.R. 2127, to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building", H.R. 2563, to designate the facility of the

United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office", S. 1539, to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office", S. 1596, to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building", H.R. 1722, to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office", H.R. 1425, to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post Office Building", H.R. 2078, to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office", H.R. 2077, to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building", H.R. 1617, to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building", H.R. 2025, to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building", and H.R. 1335, to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S Sgt Lewis G. Watkins Post Office Building".

SD–342

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Department of Commerce.

SR–253

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the underrepresentation of Americans at the United Nations and its organizations; focusing on ways to build a stronger American diplomatic presence.

SD–342

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1054 and H.R. 122, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project, S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration, S. 1475 and H.R. 1526, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

SD–366

Intelligence

To hold hearings to examine the nomination of Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

SH–219

AUGUST 2

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Randall S. Kroszner, of New Jersey, Larry Allan Klane, of the District of Columbia, and Elizabeth A. Duke, of Virginia, all to be Members of the Board of Governors of the Federal Reserve System.

SD–538

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the Postal Accountability and Enhancement Act (Public Law 109-435), focusing on the services that are provided to customers.

SD–342

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence.

SD–226

11:30 a.m.

Armed Services

To receive a closed briefing on drawdown planning for the United States forces in Iraq.

S–407, Capitol

Judiciary

Business meeting to consider S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated, S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 453, to prohibit deceptive practices in Federal elections, S. 1845, to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, a bill entitled, "School Safety and Law Enforcement Act", and the nomination of Rosa Emilia Rodriguez-Velez, to be United States Attorney for the District of Puerto Rico.

SD–226

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine freedom of the media in the Organization for Security and Cooperation in Europe region.

B–318RHOB

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1253, to establish a fund for the National Park Centennial Challenge.

SD–366

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine reforming key international financial institutions for the 21st century.

SD–538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

AUGUST 3

8 a.m.

Armed Services

To receive a closed briefing regarding the treatment of detainees.

SR–222